

## CONDITIONS

- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved architectural and subdivision plans (as amended in red) detailed as follows except where modified by any of the following conditions:

### Architectural Plans:

Title / Plan No.: GROUND FLOOR PLAN / DA-102  
Drawn by: i2C  
Issue / Dated: G / 05.02.19

Title / Plan No.: LEVEL 1 PLAN / DA-103  
Drawn by: i2C  
Issue / Dated: G / 05.02.19

Title / Plan No.: LEVEL 2 PLAN / DA-104  
Drawn by: i2C  
Issue / Dated: G / 05.02.19

Title / Plan No.: LEVEL 3 PLAN COMMERCIAL / DA-105  
Drawn by: i2C  
Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 4 PLAN COMMERCIAL / DA-106  
Drawn by: i2C  
Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 5 PLAN – SERVICED APARTMENTS / DA-107  
Drawn by: i2C  
Issue / Dated: F / 05.02.19

Title / Plan No.: LEVEL 6 PLAN – SERVICED APARTMENTS / DA-108  
Drawn by: i2C  
Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 7 PLAN – SERVICED APARTMENTS / DA-109  
Drawn by: i2C  
Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 8 PLAN – SERVICED APARTMENTS / DA-110  
Drawn by: i2C  
Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 9 PLAN – SERVICED APARTMENTS & ROOF PLAN / DA-111  
Drawn by: i2C

Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 10 PLAN – ROOF PLAN / DA-112

Drawn by: i2C

Issue / Dated: E / 05.02.19

Title / Plan No.: GROUND FLOOR – OLD BANK / DA-117

Drawn by: i2C

Issue / Dated: E / 05.02.19

Title / Plan No.: LEVEL 1 – OLD BANK / DA-118

Drawn by: i2C

Issue / Dated: F / 05.02.19

Title / Plan No.: OLD BANK - ELEVATIONS / DA-119

Drawn by: i2C

Issue / Dated: E / 05.02.19

Title / Plan No.: WEST ELEVATION / DA-201

Drawn by: i2C

Issue / Dated: F / 05.02.19

Title / Plan No.: NORTH ELEVATION / DA-202

Drawn by: i2C

Issue / Dated: E / 05.02.19

Title / Plan No.: SOUTH ELEVATION / DA-203

Drawn by: i2C

Issue / Dated: E / 05.02.19

Title / Plan No.: EAST ELEVATION / DA-204

Drawn by: i2C

Issue / Dated: E / 05.02.19

#### Subdivision Plans:

Title / Plan No.: PLAN OF SUBDIVISION / Sheet 1-13 of 13 sheets

Surveyor: Warren R. Saunders

Reference / Dated: 118136.01C.SP01 / 24/01/2019

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The demolition of the existing building is required to be undertaken in conformity with AS 2601-1991. A requirement of clause 1.7.1 of such standard is that the applicant and/or its contractor must prepare a Work Plan and submit such plan to Council prior to any demolition work commencing.

In particular, such Work Plan must include proposed measures to address:

- dust generation;
- protection of the public;
- assessment, removal and disposal of hazardous materials and conditions (especially asbestos sheeting, lead-based paint and any organochlorine contaminated soil);
- noise control; and
- protection of Council's services.

{Reason: Council requirement to prevent environmental contamination and creation of public nuisances arising from demolition works}

- (3) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

- (4) Demolition and construction work shall only be carried out within the following times:

Monday to Friday: 7.00 am to 6.00 pm

Saturday: 8.00 am to 1.00 pm

Sunday and public holidays: No construction or demolition work permitted.

{Reason: Council requirement to reduce likelihood of noise nuisance}

- (5) **Prior to any Construction Certificate** relating to the demolition area being issued by any Principal Certifying Authority, a Validation Report shall be submitted to Council for approval. Such assessment, remediation and validation shall be undertaken in accordance with SEPP No.55 Remediation of Land, and any applicable NSW Department of Environment and Conservation Guidelines. The Validation Report shall outline the results of the investigation and status of the land with a clear statement from the assessor that the site is suitable for its intended use.

{Reason: Council requirement for protection of the environment}

- (6) **Prior to any Construction Certificate** the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to Council for assessment and approval. The CEMP shall detail acceptable methods for the adequate control and management of the following:

- Noise impacts – detailing the implementation of noise mitigation measures to minimise noise and to limit the impact on adjoining development.
- Dust Suppression and Mitigation – detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site.
- Erosion and Sedimentation Control Plan – detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with construction site activities.
- Waste Management Plan – detailing the reuse or disposal of spoil and disposal of solid and liquid wastes as well as the retention of all weighbridge or receival

dockets from the licensed waste disposal depot, relating to the demolition works and the construction phase.

The CEMP shall be approved by Council prior to any works being commenced and shall be implemented at all times during the operation of this consent.

{Reason: Council requirement to ensure the amenity of the locality is protected during the operation of this development}

- (7) Suitable erosion and sedimentation controls shall be installed and implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site stabilisation works are completed.

{Reason: Implementation of Council policy to reduce sediment pollution}

- (8) **Prior to any Construction Certificate** being issued by any Principal Certifying Authority, a detailed acoustic assessment Report shall be submitted to Council for approval. Such assessment shall be carried out in accordance with the recommendations of the submitted acoustic report titled 'DA Acoustic Report, The Liberal, 232 Macquarie St Dubbo' prepared by PKA Acoustic Consulting and shall include but not limited to:

- Acoustic survey of the existing ambient (background) noise levels during day/evening/night to determine the site specific noise criteria.
- Assess the noise from amplified music and patrons to existing and proposed residential receivers.
- Recommendation of acoustic treatment to achieve the noise criteria, that may involve limits on operating hours, patron numbers, amplification systems etc.
- Whether facades in close proximity to plantrooms, common outdoor spaces, swimming pool, and restaurant areas require additional acoustic upgrades to satisfy criteria for noise intrusion from the development itself.
- Demonstrate that sound insulation ratings of the various external facades satisfy relevant noise criteria.
- Ensure that the re-radiated structure-borne noise impacts comply with AS2107 internal design sound levels for the relevant areas.

{Reason: Council requirement to prevent the generation of a noise nuisance}

- (9) **Prior to any Construction Certificate** being issued by any Principal Certifying Authority, details showing the construction of the proposed garbage bin wash bay in the Ground Floor Bin rooms shall be submitted to and approved by Council's Environmental Control Branch. Such details shall include the construction and sealing of the perimeter so that occupiers and contractors can hose out and clean the bins within the Ground Floor Bins room.

{Reason: Council requirement to require compliance with the POEO Act}

- (10) All solid waste from demolition, construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.

Garbage bins used to store garbage in the Bin Rooms shall be collected as needed to prevent any nuisances or threats to public health.

{Reason: Council requirement to require compliance with the POEO Act, 1997}

- (11) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure that the appropriate regulatory authority (eg. EPA, WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (12) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (13) **Prior to the issue of any Construction Certificate**, the applicant must obtain and have submitted to the principal certifying authority and Council, a certificate from a practising mechanical ventilation engineer certifying that the building's mechanical ventilation or air-conditioning system will comply with AS 1668.2 or with performance requirement FP4.3, FP4.4 and FP 4.5 of the Building Code of Australia (BCA).

{Reason: To demonstrate that adequate air changes will be achieved and discharges will not cause unreasonable impacts}

- (14) A Schedule of Conservation Works for the heritage item, prepared by a suitably qualified conservation architect, is to be provided to the satisfaction of Council's Manager Building and Development Services before the issue of a relevant Construction Certificate, and is to be implemented to the satisfaction of Council's Manager Building and Development Services before the issue of an Occupation Certificate for the works directly associated with the heritage item.

The Schedule, supplemented by detailed drawings as necessary, is to include:

- the removal of paint from the stone on the western wall of the item;
- removal of plywood panels from windows;
- details of the treatment of new and blocked openings;
- replacement of the reflective glass balustrade behind the iron lace on the first floor veranda with a less obtrusive means of complying with the BCA;
- an internal and external colour scheme for the item, and a schedule of external colours and materials for the extension and new buildings; and
- identification of demolished components reasonably capable of being re-used in the works or disposed of for re-use elsewhere.

{Reason: To ensure the proposed works do not detrimentally impact upon the significance of the heritage item}

- (15) A photographic archival record prepared by a suitably qualified heritage consultant in accordance with Heritage Council guidelines, including one hard copy for the Local Studies Section of the Macquarie Regional Library, is to be provided to the satisfaction of Council's Manager Building and Development Services before the commencement of any work on site and before the issue of a Construction Certificate.

{Reason: To ensure a record of the existing heritage item is undertaken for prosperity}

- (16) A maintenance plan prepared by a suitably qualified conservation architect is to be provided to the satisfaction of Council's Manager Building and Development Services before the issue of an Occupation Certificate for the works directly associated with the heritage item.

Note: The plan is to be structured so that its implementation into the future is enforceable, for example by incorporation into strata by-laws.

{Reason: To ensure the significance of the heritage item is maintained}

- (17) An 'Interpretation Strategy' prepared by a suitably qualified heritage consultant is to be provided to the satisfaction of Council's Manager Building and Development Services and is to be implemented to the Manager's satisfaction before the issue of an Occupation Certificate for the works directly associated with the heritage item.

{Reason: To ensure the significance of the heritage item is maintained}

- (18) A hoarding, barricade or fence shall be erected between the demolition/construction site and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works. If necessary, an awning sufficient to prevent any material from, or in connection with the work falling onto the public place is also to be erected.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

{Reason: Council requirement for the protection of the public}

- (19) Separate approval is required to be obtained from Council (as the relevant Roads Authority) if it is proposed to erect a hoarding upon Council's footpath. Enquiries in this regard should be directed to Council's Infrastructure and Operations Division.

{Reason: Statutory requirement of s138 Roads Act 1993}

- (20) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.

{Reason: Statutory and Council requirement}

- (21) The marking and signage to the disabled car park spaces shall be maintained in a trafficable and legible condition to the requirements of AS/NZS 2890.6. Such parking spaces shall have a continuous accessible path of travel provided between them and the passenger lifts servicing each floor of the building.

{Reason: Council requirement in consideration of section 79C of the EP&A Act and the DDA 1992}

- (22) The Applicant must forward to the Certifying Authority with the Construction Certificate application, specifications, drawings and hydraulic design calculations of the proposed fire hydrant and hose reel system, prepared by a practicing hydraulics engineer. Such details shall form part of the building's Construction Certificate.

The submitted design information must include relevant details relating to:

- (a) Pipe sizes, materials, bedding and cover requirements, thrust blocks;
- (b) Positions of any valves, hydrants, hose reels, pumps, booster valves, branch off-takes, storage tanks, meter and backflow devices;
- (c) Location and size of any connection to Council's water mains and proposed draw-off rate;
- (d) Diagrammatic design and elevation view of the meter stand assembly and fire brigade booster assemblies, ensuring the direction of flow from the Council water main is clearly indicated;
- (e) Design calculations indicating:
  - (i) Residual outlet pressure achieved at the most disadvantaged fire hose reel as stipulated under AS 2441;
  - (ii) Residual outlet pressure achieved during the simultaneous operation of the required number of most disadvantaged hydrants as stipulated under AS 2419.1;
  - (iii) Written advice of the water supply authority as to the minimum and maximum static pressures expected from its supply, as well as the pressures expected at fire flow rates of at least 10, 20 and 30 l/s; and
- (f) Specifications/diagrams indicating design and installation information appropriate for:
  - (i) Type of hydrants and valves, provision of hydrant blanking caps, etc; and
  - (ii) In relation to the fire brigade booster assemblies, the required notices, markings and system block plan stipulated by AS 2419.1. In particular, a diagrammatic representation of the proposed system block plan is to be provided, together with the system's stated designed working pressure.

{Reason: Council requirement to ensure compliance with the BCA is demonstrated}

- (23) The applicant must forward to the Certifying Authority with the Construction Certificate application, a detailed design of the development's and building's proposed stormwater drainage system, which shall include hydraulic design calculations, surface and invert levels, pipe sizes and grades. Such details shall form part of the building's Construction Certificate.

{Reason: Council requirement to ensure compliance with the BCA is demonstrated for the satisfactory disposal of the development's stormwater}

(24) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.

{Reason: Council requirement to preserve public hygiene}

(25) The Applicant must comply with the following:

(a) The Applicant/proponent must at its own expense:

(i) Prior to work commencing, engage suitably experienced contractor/s to carry out an inspection of the adjoining premises and prepare and submit to Council a 'dilapidation report' documenting the current condition of all buildings on each parcel adjoining the development site; and

(ii) Preserve and protect the adjoining buildings from damage during the excavation and construction work; and

(iii) If necessary, underpin and support the building(s) in an approved engineered manner in accordance with industry standards; and

(b) The applicant must give the owners of the 'adjoining premises, at least fourteen (14) days written notice of the need for his representative/contractor to inspect the premises in order to prepare the 'dilapidation report' required above, before demolition or excavation work begins; and

(c) Should an owner of an adjoining premises refuse access or fail to respond within the aforementioned timeframe, the contractor may proceed with the excavation works without further notice; and

(d) The applicant and contractor must, at least seven (7) days before excavating below the level of the base of the footings of any building on the adjoining allotment(s), give notice of intention to do so to the owner of such adjoining allotment and furnish particulars to the owner of the proposed work; and

(e) Within twenty-one (21) days of the completion of the excavation and any retaining wall construction work, the contractor who carried out the initial inspection and prepared the 'dilapidation report' shall carry out a re-inspection of each adjoining premises (if a report was prepared) to determine any changes in the condition of the premises that may be attributed to the demolition and excavation/retaining wall construction work.

{Reason: To ensure support is maintained to neighbouring buildings and any detrimental effects of the approved works are able to be identified by comparison to a pre-development report}

(26) The sanitary, water plumbing and drainage associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

To facilitate Council's inspection of the water plumbing and sanitary plumbing and drainage work associated with the proposed development, a copy of such building's final hydraulic and fire service drawing(s) and/or floor plan must be submitted to Council's Planning and Environment Division prior to such works commencing.

{Reason: Statutory requirement of Local Government Act 1993}

- (27) All sanitary plumbing and drainage and water plumbing work shall be carried out by a licensed plumber and drainer.

{Reason: Statutory requirement of Section 634 Local Government Act 1993}

- (28) The top of the building's overflow (relief) gully shall be a minimum 150 mm below the building's lowest sanitary fixture.

The building's overflow (relief) gully shall also:

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
- (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area; and
- (c) A minimum 150mm above the 1% AEP flood event level of RL 262.7 m AHD.

If the top of the required overflow (relief) gully cannot achieve the statutory minimum 150 mm clearance below the lowest sanitary fitting in the building, a reflux valve shall be provided on the building's sanitary drainage line immediately downstream of the boundary shaft. Such installation shall be undertaken in accordance with the requirements of AS/NZS 3500.2 and be inspected and passed by Council prior to covering.

{Reason: Statutory requirement}

- (29) A survey certificate indicating the position of the building's external walls and balconies in relation to the allotment boundaries and adjoining roads, shall be submitted to the Principal Certifying Authority (PCA) and Council prior to issue of the building's occupation certificate for each staged construction certificate. Such survey certificate shall also provide the finished floor levels of the ground retail/car park floor, relative to Australian Height Datum.

{Reason: To ensure setbacks/clearances have been achieved as approved in the development consent}

- (30) Council's footpath and adjoining car park and pedestrian access ways shall be kept free of all refuse, building materials and unnecessary traffic and disturbance. Any unauthorised material found upon Council's footpath or land may be impounded or removed without notice. Any proposed occupation of footpath and adjoining Council land must be approved by Council and/or be the subject of a Section 138 approval under the Roads Act.

{Reason: Council requirement as the relevant road authority and land owner}

- (31) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for the inspection of such works. When requesting an inspection, please quote Council's reference number **D2018-179**.

Advanced notification for an inspection can be made by emailing [enviroadmin@dubbo.nsw.gov.au](mailto:enviroadmin@dubbo.nsw.gov.au) or by telephoning Council's Planning & Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- Water plumbing under hydraulic test.
- Fire services water plumbing under hydraulic test.
- Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.

{Reason: Statutory provision and Council requirement being the water and sewerage authority}

- (32) The hot water delivered to the outlets of all hand-basins, baths and showers shall not exceed 50°C, whilst similar ambulant and disabled fixtures shall not exceed 45°C.

{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

- (33) All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard the licensee is required to submit to Council a Certificate of Compliance for the subject stormwater work within two days of completion.

{Reason: Statutory and Council requirement}

- (34) The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the building have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.

{Reason: To demonstrate the provision of an adequate moisture proofing system}

- (35) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

- (36) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under EP&A Act}

- (37) If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation; and
- (b) Where necessary underpin the adjoining premises to prevent any such damage.

For the purposes of this condition, *allotment of land* includes a public road and any other public place. This condition does not apply if the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land has given consent in writing to this condition not applying.

{Reason: Prescribed condition pursuant to clause 98E of the EP&A Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places}

- (38) Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:
- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
  - (b) The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
  - (c) Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

- (39) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractors submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the staged Construction Certificate. Such documentation must be provided prior to issue of the building's Occupation Certificate applicable to its staged construction certificate.

{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}

- (40) A Flood Management Plan shall be developed for the subject development prior to any Occupation Certificate being issued for the ground floor retail/car park/office levels of the development, a copy of which shall be submitted to Council.

Prior to any Occupation Certificate being issued for any of the residential accommodation floor levels, a comprehensive Flood Management Plan (incorporating any initial plan provisions for the car park and retail/office levels) shall have been prepared and submitted to Council.

The subject Flood Management Plan must include, but is not limited to, the following aspects as relevant to the development:

#### Preparedness

*Activation* – detail the circumstances (river heights, level of flooding etc.) upon which the Plan is activated, the authority to activate it and the organizations/persons (internal and external) that must be notified. The maximum height and level to which the building can

be safely occupied before evacuation of the building must be made, is to be identified;

*Warning* – describe the warning arrangements to be provided to tenants, residents and relevant external agencies/persons;

*Education* – outline flood preparedness information to be provided to tenants and residents operating in the car park levels;

*Responsibilities* – list responsibilities for various actions;

*Preliminary Actions/Deployments* – detail actions required to be implemented, resources to be notified, placed on stand-by, marshaled and deployed in advance of flooding.

### Response

*Control* – detail who is in charge/in control of the development's flood response;

*Operations Centre* – nominate the location for the co-ordination of the development's response operations;

*Liaison* – detail person or persons responsible for maintaining contact with external agencies i.e., SES, Police, Council, media etc. Outline arrangements for recording tenant and resident evacuations and off-site/forwarding contact details;

*Communications* – detail any special requirements and any dedicated communication channels for internal and external use;

*Information* – detail arrangements for the passing of information to and from tenants/residents;

*Actions/Deployments* – list/detail critical flood heights/levels and required responses. Identify where, when and how infrastructure and services must be removed or shut-down and areas evacuated, including resources and likely time required to implement. Identify the critical level/point at which the development must be evacuated and closed down. Outline resources required to effect evacuations, having regard to the likely unavailability of significant resources from the emergency services; and list alternative accommodation locations. Note: it is preferable that critical levels be correlated to gauge heights at the Dubbo Pump Station gauge site, being the principal flood warning gauge for Dubbo;

*Resupply Logistics* – detail arrangements required to be implemented to facilitate loading and unloading of supplies to the development upon ground floor road access being unavailable;

*Road Arrangements* – detail arrangements with the local Roads Authority for alternative loading/unloading areas, vehicle parking, refuse collection etc., upon ground floor road access becoming unavailable.

## Recovery

*Co-ordination* – outline who is to co-ordinate the inspection, repairs and reinstatement of the development's services and infrastructure;

*Cleaning* – outline arrangements for removal of flood debris, damaged furnishings etc., and cleaning/hosing down; list of recommended and specialist contractors;

*Reinstatement of services* – outline arrangements for inspection of services to determine damage, repairs and reinstatement; list of recommended and specialist contractors;

*Repairs* – outline arrangements for repairs, list of recommended and specialist contractors;

*All-clear* – outline arrangements for authorizing reoccupation/use of flood affected areas.  
{Reason: Council requirement to ensure that the subject facility can effectively operate and maintain occupant health and safety during flood events by undertaking appropriate flood management planning}

- (41) All electrical and mechanical equipment such as main power supply, heating/air conditioning units and the like, where practicable, shall be located above the Flood Planning Level, which for this site is RL 263.2 m AHD. All fittings below such level shall be designed to be flood compatible and of flood compatible materials having an order of preference of 'suitable' in accordance with Appendix A 'Dubbo Flood Proofing Guidelines' of Council's Flood Prone-land Policy (refer to Table 10 of Appendix F in the Floodplain Development Manual 1986).

{Reason: Council requirement having regard to Council's Flood-prone Land Policy to minimise property damage}

- (42) All utilities, services and infrastructure necessary to maintain and permit the continued safe and healthy occupation and operation of the development's retail/commercial and residential storey levels, shall be located above and/or flood-proofed to at least the Flood Planning Level, which for this site is RL 263.2 m AHD, unless otherwise permitted under this condition. Services associated with the ground floor car park level whilst having to be flood compatible, must also be designed to be shut-down/disconnected/isolated in advance of inundation without detrimentally affecting the rest of the building's services.

If the occupation of the subject building cannot be maintained above the Flood Planning Level of 263.2m AHD due to an inability to sustain appropriate building services and safe and healthy conditions at that height, then the lower height to which they can be maintained must be specified in the Flood Management Plan as specified by separate condition on this consent. Under these circumstances, the subject services must be flood-proofed to a height of 500mm above the level at which the building is required to have been evacuated and cleared of all occupants.

Prior to any Occupation Certificate being issued for the building's ground floor level, each relevant service design engineer (i.e., electrical, hydraulic, mechanical, fire safety etc.) shall provide a design statement to the effect that their respective service designs will in

their opinion achieve compliance with the requirements of this condition.

{Reason: Council requirement to ensure the building is designed to be able to continue to function after flood inundation}

- (43) For the purposes of upgrading the existing 'Old Bank' building's fire safety, one or both of the following options shall be undertaken as the required fire safety upgrading for such building, the details of which are to be submitted with the Construction Certificate application as part of the proposed building works:

Provide and install the following measures to the exit stair serving the first floor of the subject building:

**Option 1**

- (a) The stair to be brought into conformity with D2.8, D2.13(a)(v) and D2.17 of the BCA; and  
(b) The stair to be brought into conformity with D3.3(a) of the BCA and Access Code;

or:

**Option 2**

- (a) In lieu of the above requirements, a Performance Solution Report prepared by an appropriate building/fire safety consultant addressing the following performance requirements of the BCA and Access Code in terms of upgrading the existing building's exit stair:

- DP2, DP3 DP4, DP6; and

- (b) The aforementioned Performance Solution Report addresses and substantiates that the building when its upgrading is completed, will achieve conformity with the aforementioned performance provisions as are applicable to the subject stair's use and a required exit from the proposed new building work.

{Reason: Council requirement for provision of adequate fire safety upgrading of the building in consideration of clause 94 of the EP&A Regulation 2000}

- (44) Prior to the issue of any Occupation Certificate for the proposed staged building work, the development's site works, which includes landscaping, car park and hardstand areas, traffic signage and line marking, vehicular cross-overs, and any conditioned road/footpath upgrading must have been completed in conformity with this development consent, unless the deferment of such works in part or in stages, has been agreed to in writing by the Consent Authority.

{Reason: To ensure the development is completed prior to its occupation and use}

- (45) Should the existing town water supply service connection(s) not be suitably located and/or of a suitable size to accommodate the proposed development, then a separate application will be required to be made to Council, with the appropriate fee(s) being paid.

Note: As Council is the local water authority, separate metered connections will be required in respect to the provision of a suitably size domestic water meter and separate fire service meter to the development site.

{Reason: Council policy in respect of commercial developments}

- (46) The existing vehicular accesses off Holls Avenue and Serisier Street shall be upgraded to commercial standard concrete vehicular cross-overs, and kerb and gutter vehicle entrances, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer to the satisfaction of the Council.

However, prior to any construction works being undertaken on the access driveways a detailed (fully dimensioned) site plan is to be lodged with and approved by Council.

The accesses driveways are to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that a service vehicle (8.8m in length) can (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access/exit the subject land in a forward motion from the through travel lane(s) of Holls Avenue/Serisier Street without the need to cross over onto the wrong side of the road at any time.

Such works shall also include reconstruction of the footpath for the full frontage of the development and the reinstatement of the redundant kerb and gutter vehicle crossing back to 'upright' kerb and gutter at full cost to the developer, this work is to also include restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

Should Council's Compliance Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of commercial developments}

- (47) No vehicles larger than a 'Service Vehicle' 8.8m in length, (utilising the Austroads design templates), are permitted to access the proposed development off Holls Avenue / Serisier Street.

{Reason: The internal manoeuvrability and access to this area will only facilitate service vehicles 8.8m in length or vehicles of lesser dimensions at this location}

- (48) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that all stormwater drainage discharge from the proposed development shall be discharged at the Macquarie Street stormwater pits without impact on adjacent private property including following:

- Stormwater discharge will be to two existing pits in Macquarie Street, one north of the existing pedestrian crossing and one south of the crossing as shown on Drainage Layout Ground Level, DA401, Revision B, dated 08.03.18, drawn by van der Meer

Consulting;

- The northern connection is to be limited to 75 litres/second or a 225mm diameter outlet. This limit will require onsite detention; and
- The southern connection is to be limited to a 375mm diameter pipe.

Note: Stormwater discharge to the gutter is limited to an amount that can be safely conveyed within the gutter, and that overall gutter flows within the street are within Auspec guidelines for gutter flow width and depth.

In this respect the Developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system.

Prior to the discharge into Council's system, the Developer will be required to install at their own expense a "pollution control device(s)" which will collect all oil, sediment and litter from the development proposal.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (49) The provision by the Developer of all sewerage junctions, main extensions and alterations, necessary to provide sewerage connection to service proposed development including redirect the existing sewer flows from the sewer main that presently runs through development without disruption to the current users to the satisfaction of Council.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with detailed engineering plans being submitted to, and approved by Council prior to any construction works commencing.

Note: In accordance with Council's adopted policy requirements, any construction works required to be undertaken on 'live' sewerage main(s) must be undertaken by Council at full cost to the Developer.

{Reason: Implementation of Council Policy}

- (50) Construction by the Developer of the following traffic facilities, signage and line marking to the satisfaction of Council at full cost to the Developer:

- The ground floor car parked marked pedestrian access is to be extended through the eastern boundary of the car park and connect at grade with an appropriate treatment to Councils Holls Avenue Public Car Park;
- Access to the development from the Holls Avenue is to be an 'Entry Only' with a requirement to realign the kerb and relocate the sewer inspection point and adjacent light pole including the provision of signage at the entry and within the ground floor car park to satisfactorily guide and advise motorists of the one way restriction;
- Holls Avenue is to be designated as a '10km/h - Shared Zone' in accordance with the Roads and Maritime Services guidelines with the installation of a textured pavement threshold at the intersection with Brisbane Street and a S1 separation

line;

- In the ground floor car park an additional sensor and 'Stop on red light' holding area is to be installed for exiting south bound car park traffic to manage the opposing vehicle conflict with the occurrence of large service vehicles entering from Serisier Street;
- An on street traffic and parking management plan is to be prepared incorporating the following traffic facilities:
  - A 10km/h shared Zone in Serisier Street and Bank Street in accordance with the Roads and Maritime Services guidelines with a textured pavement threshold at the western end of Serisier Street on entry to the development including textured pavement thresholds and carriageway narrowing (kerb islands) at the Brisbane Street and Bultje Street intersections;
  - Definition of the parking and one way travel lane incorporating edge lines along each side of the parking lanes in Serisier Street and on the eastern side parking lane in Bank Street including the remarking of the pavement arrows.
- An on-street parking management plan at the intersection of Serisier Street and Bank Street to accommodate the expected traffic movements to and from the development; and
- An internal Traffic and Parking Management Plan (i.e. signs and linemarking).

Note: The proposed ground floor sensor for the level 1 ramp appears to close to the base of the ramp as such a vehicle may be already traversing the down ramp. The sensor for the flashing lights awareness warning must be located so as to ensure the warning is activated at the top of the ramp prior to the service vehicle entering the lower ramp area.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with detailed engineering plans being submitted to, and approved by Council prior to any construction works commencing.

{Reason: Implementation of Council policy}

- (51) A minimum of eleven (11) motorcycle spaces shall be provided with a portion located on the ground floor level and some distributed to both the serviced apartments and the offices. Additionally, a minimum of thirty-four (34) bicycle spaces shall be provided throughout the development.

{Reason: To ensure appropriate parking facilities are provided}

- (52) Three (3) carspaces allocated to Lots 8 & 9 (offices) shall be amended to create two (2) accessible carspaces.

{Reason: To ensure that appropriate parking is provided for people with disabilities}

- (53) A Construction Traffic Management Plan shall be submitted to Council's Senior Traffic Engineer for approval prior to any construction showing that all the construction traffic along a preferred route to and from the site to minimise public and private access conflict.

{Reason: Implementation of Council's policy}

- (54) The proposed works encroach onto the road reserve area (which includes the footpath area) and therefore, prior to any works commencing on the site, the Applicant/Developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) with Council's Infrastructure and Operations Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Senior Traffic Engineer, demonstrating that the proposed demolition works can be undertaken in a safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (55) Any damage incurred to the footpath, kerbing and guttering, road or road shoulder or any other utility services shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards. Should the developer not complete repairs as necessary and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the contractor taking possession of the site).

{Reason: Implementation of Council policy}

- (56) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

{Reason: To provide safety for the travelling public utilising the public roadways}

- (57) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (58) A separate application for any proposed on-site advertising / signage shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes), 2008.

{Requirement of the Environmental Planning and Assessment Act 1979}

- (59) No advertising, advertising sign(s) or structure(s) of any standard will be permitted to be displayed within (or overhang onto) the road reserve area(s).

Note: This area also includes the footpath reserve area.

{Reason: To protect the amenity of the travelling public utilising the surrounding roadways}

- (60) Prior to any works commencing on the site, site fencing shall be erected as necessary to fully enclose the work site on all sides to prevent access by members of the public. The work site shall remain secure at all times during both the demolition phase and prior to, and in conjunction with, any proposed 'future' re-development on the site.

{Reason: To provide safety for the public during the construction phases}

- (61) The proposed works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant is to ensure that any sub-contractor(s) working on the site have current public liability insurance policy(ies) to cover Council to an amount of not less than \$20m in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council which ensures that Council is indemnified against any possible action.

{Reason: Implementation of Council's policy}

- (62) The conveyance of effluent from the proposed development to Council's sewer constitutes a trade waste discharge therefore a Trade Waste Application must be completed. The completed application, along with the appropriate application fee, all required details covering drainage, discharge and capacity, pre-treatment devices and installation must be submitted to Council's Water Supply and Sewerage Client Services Coordinator and approved by Council prior to issuing the building's Construction Certificate. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.

{Reason: Statutory requirement of the Local Government (General) Regulation, 2005}

- (63) Noise from the development ( $L_{Aeq}$ ) shall not exceed the background ( $L_{A90}$ ) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics when measured at the most affected residence.

{Reason: Council requirement to prevent the generation of a noise nuisance}

- (64) Mechanical ventilation or an air conditioning system conforming to the Building Code of Australia (BCA) is to be provided to the building to permit it to be occupied and utilised without relying on natural ventilation from openable external windows.

Details demonstrating compliance with this requirement are to be submitted to Council prior to the relevant Construction Certificate being issued by the Certifying Authority.

{Reason: Council requirement to limit noise intrusion and ensure adequate ventilation and to demonstrate compliance with statutory provisions has been achieved}

- (65) The proposed development shall make provision for future tenants to install their own exhaust system as approved by Council or in compliance *AS 1668.2 – The Use of Mechanical Ventilation and air-conditioning in buildings - Part 2: Mechanical Ventilation for Acceptable Indoor Air Quality*. Details of these provisions shall be submitted to and approved by Council's Environmental Control Branch prior to the relevant Construction Certificate being issued.

{Reason: Council requirement to require compliance with the POEO Act}

- (66) Prior to the issue of the Occupation Certificate, the applicant must obtain and have submitted to the principal certifying authority, a certificate from a practising mechanical ventilation engineer, certifying that the building's air-handling system installation is in compliance with AS/NZS 3666.1:2011 and Clause 6 of the Public Health Regulation 2012.  
{Reason: To demonstrate compliance with statutory provisions has been achieved}
- (67) Any proposed air-handling system, hot-water system (>60oC), warm-water system (20C - 60C), or water-cooling system proposed to be installed in the subject building, shall be installed, operated and maintained in accordance with the requirements of the Public Health Regulation 2012.  
{Reason: Statutory requirement of Public Health Act and Regulations}
- (68) Swimming pools used by the public shall be continuously disinfected in accordance with the NSW Health Department's guidelines for disinfecting public swimming pools and spa pools. Water in all pools shall be tested daily when the pools are in use and all results recorded in a log book kept onsite.  
{Reason: To preserve and protect human health and comply with Public Health Regulations, 1991}
- (69) The Sewerage Services headworks contribution of \$1,029,940.30 (180.241 ETs), calculated on an ET basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate whichever occurs first.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.24 per ET. As the contribution rate is reviewed annually (new rate effective 1 July each year), the 'current contribution rate' is to be confirmed prior to payment.

Note 2: Credits were apportioned noting the previous buildings uses and floor area, equating to 29.525 ETs.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (70) The Water Supply headworks contribution of \$777,550.51 (136.071 ETs), calculated on an ET basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002 shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate whichever occurs first.

Note 1: Council's adopted 2018/2019 financial year rate is \$5,714.24 per ET. As the contribution rate is reviewed annually (new rate effective 1 July each year), the 'current contribution rate' is to be confirmed prior to payment.

Note 2: Credits were apportioned noting the previous buildings uses and floor area, equating to 29.525 ETs.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (71) The Urban Roads headworks contribution of \$956,684.71 (2,383.37 trips), calculated on a trip basis, in accordance with Council's adopted amended Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate whichever occurs first.

Note 1: Council's adopted 2018/2019 financial year rate is \$401.40 per trip. As the contribution rate is reviewed annually (new rate effective 1 July each year), the 'current contribution rate' is to be confirmed prior to payment.

Note 2: Credits were apportioned noting the previous buildings uses and floor area, equating to 899.23 trips.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Occupation Certificate or Subdivision Certificate whichever occurs first.

{Reason: Implementation of Council's Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}

- (72) The Open Space Recreation contribution of \$337,583.20 (242.2 persons), calculated on a per person basis, pursuant Council's Section 94 Contributions Plan - Open Space and Recreation Facilities, December 1998 (amended June 2008). Such contribution shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate whichever occurs first.

Note 1: Council's adopted 2018/2019 financial year rate is \$1,393.82 per person. As the contribution rate is reviewed annually (new rate effective 1 July each year), the 'current contribution rate' is to be confirmed prior to payment.

Note 2: Credits were apportioned noting the limited residential occupancy upon the site, being the existing 7 lots, equating to 7 ETs.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (73) The Urban Roads headworks contribution of \$449,140.00 (17 spaces), calculated on the amount of carparking spaces not provided with the development, in accordance with Council's adopted amended Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first.

Note 1: Council's adopted 2018/2019 financial year rate is \$26,420.00 (per carparking space). As the contribution rate is reviewed annually (new rate effective 1 July each year), the 'current contribution rate' is to be confirmed prior to payment.

Note 2: Credits were apportioned noting the previous buildings uses and floor area.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}

- (74) Landscaping for the site shall be generally in accordance with the submitted Landscape Concept Plan prepared by habitat8. The landscaping as approved shall be established and maintained to at least the standard specified on the approved plans, as follows:

Title: GROUND LEVEL  
Drawn by: habitat8  
Issue / Dated: F / 12/02/2019

Title: LEVEL 5  
Drawn by: habitat8  
Issue / Dated: F / 12/02/2019

Title: LEVEL 6  
Drawn by: habitat8  
Issue / Dated: F / 12/02/2019

{Reason: To maintain and improve the aesthetic quality of the development}

- (75) Evidence shall be provided to Council prior to the issue of the relevant Occupation Certificate that the Royal Australian Air Force has been informed of the proposed development, being a structure that is more than 30 metres above ground level—within 30 km of an aerodrome.

{Reason: Compliance with Civil Aviation Safety Authority circular 'Reporting tall structures and hazardous plume sources' dated March 2018}

- (76) Prior to release of the relevant Subdivision Certificate, 'Pit and Conduit' construction is to be installed to carry the National Broadband Network (NBN) and it is required to be installed in accordance with the NBN Standards 'Guide to Installing Pit and Conduit Infrastructure - Guidelines for Developers' dated 21 December 2010.

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.

{Reason: Implementation of Council policy}

- (77) Prior to release of the relevant Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of Notice of Arrangement as issued by the electricity supply authority (Essential Energy).

{Reason: To ensure the orderly provision of infrastructure}

## NOTES

- (1) A separate application/s is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed building and associated works.
- (2) Fees and contributions in respect of this application will be those applicable at the date of release of the Occupation Certificate or Subdivision Certificate.
- (3) Following compliance with all relevant conditions of this Development Consent the applicant should apply to Council, with lodgement of the Subdivision Certificate Application and payment of the prescribed fee, for release of the Linen Plan(s) of subdivision, which will be duly released.
- (4) The Council Section 64/7.11 (formerly 94) Contribution Plans referred to in the conditions of this consent, may be reviewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9:00am and 5:00pm, Monday to Friday. Copies are also available online [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au).
- (5) The house numbering for the strata lots will be issued at the Subdivision Certificate stage, please contact Council's LIS & E-Services Coordinator, 6801 4000 prior to lodging the application.
- (6) The development shall be carried out in accordance with Essential Energy's correspondence dated 1 May 2018 (copy attached).
- (7) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:

- A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
- A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

- (8) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (9) On completion of the erection of the subject building, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

- (10) The owner of the building is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of the Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being: [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)

- (11) The proposed fire service comprising sprinklers, hydrants, hose reels and fire brigade booster assembly, must be connected to a separately dedicated metered water service. Council Policy requires all new fire services to be connected to a separately dedicated metered water service. No domestic water services are permitted to be branched off from the fire service pipeline and vice versa.

Enquiries concerning specific requirements of the policy, and the provision of a new fire service connection to the subject property, should be referred to Council's Water Supply and Sewerage Services Branch.

- (12) The sanitary, water plumbing and stormwater drainage associated with the proposed

building work requires the issue of a separate approval from Council prior to being installed, and includes plumbing work associated with the building's fire services. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

This approval does not negate the statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and domestic water plumbing works. It should be noted that the NoW does not include plumbing work associated with fire services and work of stormwater.

- (13) Depending on the outcome of the Council's Water and Sewer Branch for water pressure at Macquarie Street, the applicant may be required to upgrade water main at no cost to Council to comply with the water pressure for the proposed development.
- (14) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

- (15) Those portions of the building used by future tenancies for the manufacturing, preparing, storing or handling of food are required to be constructed and operated in accordance with the requirements of Food Act 2003, Food Regulations 2015 and the relevant Standards.
- (16) Mechanical exhaust ventilation conforming to the Building Code of Australia (BCA) is to be provided to the future tenancies. Such exhaust ventilation systems shall be installed as approved by Council and relevant performance requirements of the BCA.

Details demonstrating compliance will need to be submitted to Council with the first occupancy development application for the fitout of the food preparation areas.

- (17) Future tenancies may need to install precipitators, Carbon filters, Smoke Hogs or similar air quality control devices to ensure that these tenancies do not cause air pollution.
- (18) The Public Health Regulation 2012 requires all cooling water systems to be managed according to Australian/New Zealand Standard (AS/NZS) 3666 Part 3 (2011 edition). A Legionella Control fact sheet is attached for your information and is also available at <https://www.health.nsw.gov.au/environment/factsheets/Pages/legionella-control-new-reqs.aspx>.

- (19) Any external light fittings for the subject development shall be shielded. The shielded outside light fittings should also be automatic light fittings, where appropriate.



**automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.

**horizontal plane**, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

**outside light fitting** means a light fitting that is attached or fixed outside, including on the exterior of a building.

**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.

{Reason: To limit light pollution and sky glow and to protect observation conditions at the Siding Spring Observatory}

- (20) The subject property has been identified by the draft Cardno-Willing Flood Study 2012 as being affected by the 1% Annual Exceedance Probability at 263.0m AHD, being approximately 200mm above the proposed ground floor level. You are advised however that the subject flood study is a draft document with no legal standing or guarantee of future adoption as Council Policy.

## RIGHT OF REVIEW

Section 8.2 and 8.3 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six (6) months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

## RIGHT OF APPEAL

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.