

## CONSENT CONDITIONS

### WESTERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSWES-188 – D23-213
<b>PROPOSAL</b>	Public Administration Building and consolidation/boundary adjustment
<b>ADDRESS</b>	Lot 2 DP 1073902, 30L Boothenba Road, Dubbo
<b>APPLICANT</b>	Figgis & Jefferson Tapa Pty Ltd
<b>APPLICATION TYPE (DA, Concept DA, MOD, Integrated, Designated)</b>	Development Application

#### **PART A: GENERAL**

##### **A1 Approved Plans and Supporting Documentation**

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Reference No	Revision	Prepared by	Date
Existing and Demolition Plan	DA000	A	Figgis + Jefferson TPA	11/05/2023
Site & Analysis Plan	DA040	B	Figgis + Jefferson TPA	13/06/2023
Ground Flood Plan – Stage 1	DA110	B	Figgis + Jefferson TPA	13/06/2023
Ground Flood Plan – Stage 2	DA111	B	Figgis + Jefferson TPA	13/06/2023
Elevations	DA200	B	Figgis + Jefferson TPA	13/06/2023
Landscape Plan	DA160	B	Figgis + Jefferson TPA	13/06/2023
Erosion and Sediment Control Plan	ES01	B	Calare Civil	09/05/23
Civil Works Plan	C01	B	Calare Civil	09/05/23

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

## **A2 Lapsing of consent**

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

## **A3 Compliance with Plumbing Code of Australia (Plumbing and Sanitary Drainage)**

The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2021 and the requirements of Council as the water and sewerage network utility operator.

Reason: Ensure plumbing/drainage installation compliance

## **A4 Compliance with Building Code of Australia**

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

Reason: Prescribed statutory condition

## **A5 Discovery of Contamination**

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 (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW) 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: To ensure all hazardous waste is disposed of in an environmentally safe manner

## **A6 Aboriginal Archaeology Protection**

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

Reason: To protect Aboriginal heritage

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## **PART B: BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

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### **B1 Obtain a Construction Certificate**

A separate application must be submitted to either Council or a private Registered Certifier to obtain a Construction Certificate to permit the erection of the proposed building.

No building work is permitted to be commenced on the erection of the subject building until a Construction Certificate to authorise such work has been issued.

Reason: Statutory requirement of the EP&A Act

## **B2 Stormwater Drainage Design**

The applicant must submit to and have approved by Council, 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 must demonstrate the development's roof and surface water is able to be adequately drained to the onsite stormwater detention basin without causing erosion.

Reason: Council requirement to ensure the development is adequately drained

## **PART C: BEFORE BUILDING WORK COMMENCES**

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### **C1 Toilet Facilities During Construction**

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

Reason: To preserve public hygiene

### **C2 Plumbing and Drainage Approval**

The sanitary, water plumbing and drainage associated with the proposed building requires the issue of a separate approval from Council. In this regard a Drainage and Plumbing Approval Application form is available from Council and must be completed by the owner or owner's authorised agent and returned to Council with the appropriate fees. Drainage and/or plumbing works must not be commenced and the applicable approval to authorise such building works has been issued.

Reason: To protect public health & safety

### **C3 Site Rubbish Container**

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: Prevent pollution of the environment by wind-blown litter

### **C4 Principal Certifier Signage**

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 Certifier 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) 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.

Note: In respect of (a) above, where Council is engaged as the Principal Certifier, the applicant can either prepare their own sign or alternatively, affix onsite the sticker that will be forwarded by mail following Council's issue of the Construction Certificate.

Reason: Permit contact by the public

#### **C5 Inspection Notification**

The person having the benefit of this development consent, if not carrying out the work as an owner-builder, must, unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifier to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

Reason: To facilitate the required inspections to be performed

#### **C6 Erosion and Sediment Control**

Erosion and sedimentation control measures shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.

Reason: Implementation of Council policy to reduce sediment pollution

### **PART D: DURING BUILDING WORK**

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#### **D1 Construction Work Hours**

Construction work shall only be carried out within the following times:

Monday to Friday: 7 am to 6 pm

Saturday: 8 am to 1 pm

Sunday or Public Holidays: No work permitted

Reason: To reduce the likelihood of noise nuisance

#### **D2 Plumbing and Drainage Inspections**

The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by a registered 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 **D2023-213**.

Advanced notification for an inspection can be made by emailing [de.admin@dubbo.nsw.gov.au](mailto:de.admin@dubbo.nsw.gov.au) or by telephoning Council's Development & Environment Division on 6801 4000.

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

Reason: Regulatory requirement for preservation of public health

### **D3 Protection of Public Areas**

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: For protection of persons and the public

### **D4 Overflow Relief Gully Location**

The top of the dwelling's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture in the dwelling, and

- (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.

Reason: Statutory and sewerage authority requirement

### **D5 Hot Water Outlets**

The hot water delivered to the outlets of the hand-basins and shower shall not exceed 50°C, whilst disabled and ambulant fixtures shall not exceed 45°C.

Reason: To prevent scalding by hot water

### **D6 Construction Waste Disposal**

Waste construction materials arising from the development must be disposed of at an appropriately licensed waste facility.

Reason: To prevent possible environmental pollution

## **PART E: BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

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### **E1 Section J Documentation**

If Council is engaged to act as the Principal Certifier, the applicant shall ensure that the responsible builder and/or applicable contractor submits 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 Construction Certificate. Such documentation must be provided prior to issue of the building's Occupation Certificate.

Reason: To demonstrate conformity with BCA

## **E2 Completion of Plumbing and Drainage Works**

All roof and stormwater drainage 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 (2) days of completion.

Reason: To confirm installation compliance

## **E3 Water Proofing Certification**

If Council is engaged to act as the Principal Certifier, the person benefitted by the development consent shall ensure that the responsible builder or contractor submits to Council, 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 areas*'. Such Certificate must be provided prior to occupation or use of the building.

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

## **E4 Plumbing and Drainage Inspections**

Prior to the Occupation Certificate being issued, Council is to be given at least 24 hours notice for Council to carry out an inspection of the completed stormwater drainage, sanitary drainage and water plumbing installations.

Reason: To permit required inspection to be undertaken

## **E5 Completion of External Works**

Prior to the issue of any Occupation Certificate for the proposed building work, the development's external 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

## **E6 Entry/Exit and Parking Delineation**

Entry and exit points to and from the proposed development and off-street car parking shall be delineated and signposted in accordance with the approved plans, and to at least the standard outlined in Chapter 3.5 of the Dubbo Development Control Plan 2013.

Reason: To ensure appropriate vehicle access and parking provisions

## **E7 Completion of Landscaping**

The landscaping shown on the approved Landscape Plan (Drawing Number DA160 dated 13/6/2023 – Revision B) shall be established and maintained to at least the standard specified on the approved development plans. Such landscaping shall be established prior to the issue of the Occupation Certificate.

Reason: To maintain the aesthetic quality of the development

## **E8 External Lighting**

All external light fittings must be installed to ensure light does not spill above the horizontal plane.



**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.

Reason: For the preservation of the region surrounding the Siding Spring Observatory

#### E9 Sec 7.11/Sec 94 Development Contributions

Prior to the issue of an Occupation Certificate, payment is required in accordance with the following contributions plans:

Sec 94 Development Contributions Plan - Roads, Traffic Management and car parking 2016	Contribution Rate: Commercial trip = \$443.80 Plan Administration = \$6.35  Calculation based on 31.2 trips.	
	Urban Roads contributions Plan Administration	\$13,846.56 \$198.12
	<b>Total</b>	<b>\$14,044.68</b>
	Total Section 7.11/94 Contributions Payable for this application	<b>\$14,044.68</b>
	Note: this amount includes all applicable contributions payable under Councils Sec 94/7.11 Development Contributions Plans.	

Note 1: Contribution rates are subject to CPI and adjusted annually from 1 July each year in accordance with Councils adopted fees and charges. The current rates are to be confirmed with Council prior to payment being made.

Reason: Implementation of Council's respective Section 7.11/94 Contributions Plan

#### E10 Sec 64 Contribution – Water and Sewerage Supply Headworks

Prior to the issue of an Occupation Certificate, payment is required in accordance with the following contributions plans:

PLAN	CALCULATION	TOTAL
Dubbo Regional Councils Water and Sewerage	Per ET basis based on 1.05 ET's - pursuant to Sec 64 of the Local Government Act 1993 (Division 5 of Part 2 of Chapter 6 of the Water	

Contribution Plan 2002	Management Act 2000).  Current rate for water supply is \$6,696.75 per ET	
	<b>Contribution Payable WATER</b>	<b>\$7,031.59</b>
Dubbo Regional Councils Water and Sewerage Contribution Plan 2002	Per ET basis based on 1.62 ET's - pursuant to Sec 64 of the Local Government Act 1993 (Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000).  Current rate for sewerage supply is \$6,696.75 per ET	
	<b>Contribution payable SEWER</b>	<b>\$10,848.74</b>
	Total Section 64 Contributions Payable for this application  Note: this amount includes all applicable contributions payable under Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003.	<b>\$17,880.33</b>

Note 1: Contribution rates are subject to CPI and adjusted annually from 1 July each year in accordance with Councils adopted fees and charges. The current rates are to be confirmed with Council prior to payment being made.

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

## **PART F: OCCUPATION AND ONGOING USE**

### **F1 Hours of Operation**

The approved core hours of operation for this development are 7:00am – 6:00pm seven (7) days per week (including Public Holidays).

Outside the approved hours, the animal shelter is permitted to be accessed by staff for emergency purposes only.

Reason: To protect and preserve the amenity of the surrounding locality

### **F2 Vehicle Manoeuvrability**

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

### **F3 Loading and Unloading of Goods**



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

Reason: To not create adverse traffic conditions

**F4 Large Vehicle Access**

No vehicles larger than a "B-double" 26 metres in length, (utilising the Austroads design templates), are permitted to access the subject land and development. B-double vehicles should enter the subject site with a left turn from the correct side of Bootherba Road and exiting the site with a right turn onto the correct side of Bootherba Road.

Reason: To restrict access to appropriately sized vehicles

**F5 Gates Setback**

The access gateway(s) associated with any perimeter security fencing are to be 'set-back' at the proposed entry and exit location(s), such that at a bare minimum a B-double is able to 'stand clear' and be totally contained within the subject lands allotment boundaries and not at any stage overhang onto the road reserve area whilst the operator of such vehicle may be required to lock and/or unlock the access gateway(s).

Reason: To provide safety for the travelling public

**F6 Signage Standards**

The approved business identification sign shall not flash, be animated, be excessively luminous or glow.

Reason: To prevent distraction and/or nuisance

**F7 Separate Approval for Additional Signage**

A separate application for any proposed onsite advertising/signage not approved with this development consent 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.

Reason: To ensure onsite advertising/signage is appropriate for the site and the locality

**F8 Storage of Contaminated Wastes**

Contaminated wastes shall be stored and transported in containers approved for that purpose by the NSW Department of Health and shall be collected, transported and disposed of in accordance with regulatory requirements.

Reason: To protect public health and ensure environmentally sound disposal of wastes

**F9 Waste Disposal**

All solid waste from the 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. This includes animal waste, deceased animals and used needles.

Whilst recycling and reuse are preferable to landfill disposal, all disposal options must be undertaken as required under the Protection of the Environment Operations (Waste) Regulation 2014.

Reason: To ensure waste is disposed of in an appropriate manner

## **PART G: NOTES**

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**G1** A list of fire safety measures must be submitted with the Construction Certificate application pursuant to Section 7 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. 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.

**G2** Prior to occupation or use of the subject building(s), an Occupation Certificate must be obtained from the Principal Certifier appointed for the subject development.

**G3** 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 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 to their dedicated email address, being [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)

**G4** Should the Geotechnical Site Investigation show a highly or extremely reactive site, then where the sanitary drainage pipework passes out from under the proposed building, flexible pipework fittings must be fitted to permit articulation of the pipework equivalent with the expected soil movement. In this regard, reference should be made to AS 2870-2011.

**G5** If Council is engaged to act as the Principal Certifier for the Construction Certificate application the following shall be included with such application:

- (a) Location of any proposed exit signs, directional exit signs, emergency lighting and any portable fire extinguishers;
- (b) Details of the manner in which compliance with E1.9 of the BCA will be achieved;
- (c) Specifications detailing the proposed building's compliance with the relevant provisions of Section J *Energy Efficiency* of the BCA;
- (d) Specification for the building's exit door hardware (i.e. door handle and latch);
- (e) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the proposed disabled accessible toilet and ambulant toilet compartments. Submitted plans should detail the specific set-out

- dimensions of all proposed fixtures, not only for the benefit of the Principal Certifier, but also the subsequent installation tradesmen;
- (f) Details demonstrating that a continuous accessible path of travel for disabled persons is provided from the allotment boundary to the doorway at the entrance floor and through the principle pedestrian entrance of the building. The design for such access must be in accordance with the BCA and the *Disability (Access to Premises — Buildings) Standards 2010* under the DDA. Otherwise a performance solution prepared under Part A2 of the BCA to address the applicable Performance Requirements under the BCA and Access Code would need to be submitted;
  - (g) Details demonstrating the provision of disabled access to and within the subject building is required by the BCA and Access Code; including any exemption relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or a performance solution prepared under Part A2 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
  - (h) A drawing of the required disabled car parking space and its shared area should be clearly detailed to indicate the design criteria specified under AS/NZS 2890.6:2009. Otherwise, the application would need to be accompanied by any exemption relied upon under clause D3.4, or a performance solution prepared under Part A2 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
  - (i) Location of required fire hose reels together with design calculations for the proposed building;
  - (j) Details of the required exit door demonstrating compliance with D2.20 and D2.21 of the BCA;
  - (k) Design calculations and drawing demonstrating the proposed building can be serviced by the existing street hydrants with respect to the flow rate, pressure and distance requirements of AS 2419.1-2005. If the existing street hydrants are unable to provide required hydrant protection, then details of the location of required onsite pillar hydrant(s) together with design calculations demonstrating compliance with AS 2419.1-2005 with respect to flow rate, pressure and distance limitations;
  - (l) All relevant stormwater design and disposal details as indicated in the conditions of consent;
  - (m) Specifications/details of the proposed glazed window and door panels, particularly with respect to human impact considerations and visions strips (clause 6.6, AS 1428.1);
  - (n) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian Standards that the design complies with, including its design wind load parameters; and
  - (o) Submission of a list of all existing and proposed essential fire safety measures applicable to the building.

**G6** Any hose reel fire service required to serve the proposed building must be connected to a separately metered water service. No domestic water services are permitted to be branched off from the fire service pipeline and vice versa. Council Policy requires all new fire services to be connected to a separately dedicated metered water service.

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 Branch.

- G7** For the purposes of Section 85, 89 and 91 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the required fire safety certificate(s), and schedule shall be displayed in a prominent position within the building.
- G8** As the sewer main passing through the allotment maybe relatively shallow and the long distance to such sewer main from the furthest sanitary fixture, it is recommended that prior to works commencing, the applicant engages the services of a licenced plumber to determine if gravity fall can be achieved to such sewer main. If the required fall cannot be achieved, the applicant will need to investigate other alternatives for effluent disposal into Council's sewer main.
- G9** The Council Section 7.11/64 Contribution Plans referred to in the conditions of this consent may be viewed without charge at Council's Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au)
- G10** The development shall be carried out in accordance with Essential Energy's correspondence dated 5 July 2023 (copy attached).
- G11** 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.

- G12** Insufficient details were provided to Council with the Development Application to fully assess the operation of the proposed business to ascertain the need or otherwise of a potential trade waste discharge. Thus the conveyance of effluent from the proposed development into Council's sewerage system may constitute a trade waste discharge. Should this be the case, a Trade Waste application would need to be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), and submitted to Council. Before the issue of the building's Construction Certificate, the developer (or operator of the proposed business) is to consult with Council's Water Supply and Sewerage Client Services Coordinator to ascertain the need or otherwise for a trade waste discharge. 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.