# **GENERAL CONDITIONS**

Condition

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

Drawing Title: Precinct + Demolition Plan

Drawing Number: DA 100 Issue: 2

Dated: 4/12/23

Drawing Title: Site Plan
Drawing Number: DA 101

Issue: 2

Dated: 4/12/23

Drawing Title: Level 0 YCB Plan

Drawing Number: DA 102

Issue: 2

Dated: 4/12/23

Drawing Title: Level 1 YCB Plan

Drawing Number: DA 103

Issue: 2

Dated: 4/12/23

Drawing Title: Level 2 YCB Plan

Drawing Number: DA 104

Issue: 2

Dated: 4/12/23

Drawing Title: Level 0 + HP Plan

Drawing Number: DA 106

Issue: 2

Dated: 4/12/23

Drawing Title: North + South Elevation

Drawing Number: DA 200

Issue: 1

Dated: 10/02/23

Drawing Title: East + West Elevation

Drawing Number: DA 201

Issue: 1

Dated: 10/02/23

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

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

{Reason: To ensure the work is undertaken by an appropriately qualified person}

- (3) The top of the building's overflow (relief) gully shall be a minimum 150mm below the lowest sanitary fixture in the building, and
  - (a) Be a minimum 75mm 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: To protect the building from sewerage surcharges}

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

Note: Thermostatic mixing valve(s) are required to be installed to achieve the maximum temperature setting of 45°C. Access must be readily available to any installed thermostatic mixing valve to permit regular maintenance and testing.

{Reason: To prevent scalding by hot water}

(5) 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}

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

{Reason: Prescribed statutory condition}

(7) The development shall be constructed and operated in accordance with the conclusions and recommendations of the Site Contamination Investigation prepared by Barnson dated 21/12/2023 (report Reference 42857 ER01 A).

{Reason: To ensure the land is suitable for its proposed use from a contamination perspective}

# BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

(1) A separate application must be submitted to a private Registered Certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.

No building work is permitted to be commenced on the erection of the subject buildings until a Construction Certificate to authorise such work has been issued. {Reason: Statutory requirement of the EP&A Act} (2) The applicant must submit with the development's Construction Certificate application, a detailed design of the development's and building's proposed stormwater drainage system, designed by a hydraulics engineer, 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 Council's stormwater system.

{Reason: To ensure the development is adequately drained}

- (3) Prior to the issue of the Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system shall be submitted to and approved by Council's Infrastructure Strategy Branch. All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, and shall include the following design requirements:
  - The discharge point shall be the corner of Birch Avenue and Windsor Parade;
  - Flows for the 10% AEP to be limited to equivalent peak flows from the 100% pervious pre-developed site;
  - The major storm system must demonstrate that surface flows, above the capacity of the pipes, up to the 1% AEP, can be safely conveyed to the road drainage system without negative impact on adjacent private property; and
  - Upstream flows must be accepted and managed through the development site.

Additionally, 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.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and Construction, and completed prior to the issue of the Occupation Certificate.

{Reason: To achieve satisfactory stormwater disposal}

(4) Prior to issue of the Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of a suitably sized metered water service to the development.

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: To ensure that the development is suitably serviced with water}

(5) Prior to the issue of the Construction Certificate a detailed (fully dimensioned) site plan is to be lodged with and approved by Council's Infrastructure Strategy Branch, for the construction of a commercial standard concrete vehicular driveway crossover off Birch Avenue in accordance with Council's standard STD 5211 and STD 5235 to Council's satisfaction at full cost to the developer, to service the proposed "Wiradjuri Tourism Centre".

The access driveway is to be sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that a delivery vehicle and a passenger vehicle is able to enter/exit the subject site simultaneously (utilising the Austroads design templates, and a turning speed of 5 to 15 km/hr) in a forward motion from the through travel lane(s) of Birch Avenue without the need to cross over onto the wrong side of the road at any time.

In addition, Entry/Exit signage shall be installed to Council's satisfaction at full cost to the Developer, including pavement hatching for 3 metres each side of the driveway to restrict on-street parking in close vicinity to the driveway.

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.

All works shall be completed in accordance with the requirements of this condition prior to the issue of the Occupation Certificate.

Note: Should Council's Senior Development 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: To provide satisfactory means of access from the roadway}

(6) Prior to the issue of the Construction Certificate, the applicant/developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) with Council's Infrastructure Division, plus payment of any appropriate fee(s), to permit works within the road reserve.

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 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}

(7) The conveyance of the effluent from the proposed "Wiradjuri Tourism Centre" (in particular the café) to Council's sewer constitutes a trade waste discharge. In this regard, prior to the issue of the Construction Certificate a Trade Waste Application must be

completed (accompanied with all required drainage, discharge and capacity details, pretreatment devices and installation details), and submitted to Council's Water Supply and Sewerage Client Services Coordinator.

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: To protect Council's sewerage system}

# **BEFORE BUILDING WORK COMMENCES**

#### Condition

(1) The approved Erosion and Sediment Control Plan (Drawing Number C03 dated 06.02.24 – Revision P5) 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: To reduce sediment pollution}

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

{Reason: To preserve public hygiene}

(3) The sanitary, water plumbing and drainage associated with the proposed buildings 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.

{Reason: To protect public health & safety}

- (4) 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 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 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}

(5) 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}

### **DURING BUILDING WORK**

Condition

(1) 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 or Public Holidays: No work permitted {Reason: To reduce the likelihood of noise nuisance}

(2) The following applicable works shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please telephone Council's Development & Environment Division on 6801 4612 and quote Council's reference number **D2024-80**.

Advanced notification for an inspection should be made by emailing <a href="mailto:de.admin@dubbo.nsw.gov.au">de.admin@dubbo.nsw.gov.au</a> or by telephoning Council's Development and Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- Domestic and 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 or use.

{Reason: For preservation of public health}

- (3) All excavations associated with the erection of the buildings 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}
- (4) 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}

(5) Waste construction materials including soil arising from the development must be

disposed of at an appropriately licensed waste facility.

{Reason: To prevent possible environmental pollution}

#### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

(1) The buildings shall not be occupied or used until the appointed Principal Certifier has first issued an Occupation Certificate.

Note: An Occupation Certificate application must be uploaded into the NSW Planning Portal before the final inspection can be undertaken and the Occupation Certificate issued. {Reason: To ensure the buildings are fit for occupation}

(2) 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}

(3) Prior to the issue of the Occupation Certificate, any alterations/damage to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder, shall be repaired/restored at full cost to the developer to Council's satisfaction and in accordance with Council's adopted AUS-SPEC 1 Development Specification Series - Construction standards.

{Reason: To protect Council's road reserve assets}

(4) Any lighting on the site must be installed to emit light in a downward direction and designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity or surrounding area by light overspill. The emission of lighting shall not exceed 1,000,000 lumens and must comply with the Australian Standard AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.

{Reason: To limit light pollution to neighbouring property and for the preservation of the 'Dark Skies' region surrounding the Siding Spring Observatory}

(5) All trees required to be removed to accommodate the proposed development shall be undertaken in accordance with Council's Tree Removal – Amenity Valuation Policy. With regards to civil infrastructure projects undertaken by or on behalf of Council, the Policy states that such a development would be exempt from the application of the Tree Amenity Valuation Calculation on the basis that the works are carried out for the public good, and that Council already considers the cost of replacement trees in these works.

In this regard, prior to the issue of the Occupation Certificate, trees that were removed shall be replaced at a location and replacement rate as agreed to by Council's Manager Recreation and Open Space.

{Reason: To ensure the suitable provision of public landscaping}

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

PLAN	CALCULATION	TOTAL
Dubbo Regional	Regional Per ET basis (2.57 ETs) – pursuant to Sec 64 of the	
Councils Water and	Local Government Act 1993 (Division 5 of Part 2 of	(2.57 ETs)
Sewerage Chapter 6 of the Water Management Act 2000).		
Contribution Plan	Contribution Plan	
2002	Current rate for water supply is \$6,696.75 per ET	
	Contribution Payable WATER	\$17,210.65

Dubbo Regional	Per ET basis (7.16 ETs) - pursuant to Sec 64 of the	\$47,948.73
Councils Water and	Local Government Act 1993 (Division 5 of Part 2 of	(7.16 ETs)
Sewerage	Chapter 6 of the Water Management Act 2000).	
Contribution Plan		
2002 Current rate for sewerage supply is \$6,696.75		
Contribution payable SEWER		\$47,948.73
	Total Section 64 Contributions Payable for this \$65,1 application	
	<b>Note</b> : 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.	

**Note**: 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}

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

		for this application		
		Total Section 7.11/94 Cor	ntributions Payable	\$49,876.62
		Total		\$49,876.62
		Urban Roads contribution Plan Administration	S	\$49,173.04 \$703.58
Management and car parking 2016		Calculation based on 110.8 trips:		
Roads,	Traffic	Plan Administration	= \$6.35	
	•	Commercial trip	= \$443.80	
Sec 94 Development		Contribution Rate:		

Note: This amount includes all applicable contributions
payable under Councils Sec 94/7.11 Development
Contributions Plans.

**Note**: 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}

# **OCCUPATION AND ONGOING USE**

#### Condition

(1) The approved hours of operation for this development are 6:00 am to 10:00 pm seven (7) days per week.

{Reason: To protect the amenity of the locality}

(2) No vehicles larger than a 'Design Single Unit Truck' 12.5 metres in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal.

{Reason: To restrict access to appropriately sized vehicles}

- (3) 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}
- (4) 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}

(5) A separate application for any proposed onsite 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.

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

(6) The development shall operate in accordance with the operational project details and environmental safeguards as identified in the Operational Management Plan Wiradjuri Tourism Exhibition Centre, prepared by Barnson, dated 22 January 2024.

{Reason: To ensure the development operates in accordance with that assessed, and to minimise impacts on neighbouring property}

(7) Noise from the development ( $L_{Aeq}$ ) shall not exceed the background ( $L_{A90}$ ) by more than 5dB(A) at any time, when measured at the most affected residence.

{Reason: To prevent noise becoming a nuisance}

#### **NOTES**

(1) Council recommends the following information is submitted with the Construction

# Certificate application:

- (a) A detailed stormwater design for the developments roof and surface stormwater drainage system;
- (b) Location of any proposed fire hose reels, exit signs, directional exit signs, emergency lighting and any portable fire extinguishers etc;
- (c) Specifications detailing the proposed building's compliance with the relevant provisions of Section J *Energy Efficiency* of the BCA;
- (d) Specifications demonstrating the building's floor, wall and ceiling lining materials conform with C2D11 of the BCA with respect to their fire hazard properties;
- (e) Location of any required fire hose reels together with design calculations;
- (f) Design calculations and drawing demonstrating the subject Yarning Circle building can be serviced by the existing street hydrants with respect to the flow rate, pressure and distance requirements of AS 2419.1. 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;
- (g) Handrail, landing and stair design details (including slip resistance) for the proposed stairwell in conformity with D3D14 D3D22 of the BCA;
- (h) Details of the method of ventilation to be provided to the toilet facilities and the disposal point of any exhausted 'foul' air from such areas;
- (i) A drawing of the required disabled car parking spaces and their shared areas should be clearly detailed to indicate the design criteria specified under AS/NZS 2890.6:2009. In particular, it should be noted that the outline of both the car space and shared area (and any walkway within the shared area) must be delineated by yellow non-raised pavement markings having unbroken lines 80 to 100 mm wide. Further the shared area (excluding any walkway within) must be marked with diagonal (45 ± 10 degrees) stripes 150 to 200 mm wide with spaces 200 mm to 300 mm between the stripes;
- (j) 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 resistance to earthquake loads;
- (k) Details of any proposed smoke hazard management measures under Part E2 of the BCA intended to shut-down any air-handling system in the building(s);
- (I) Specification for the building's exit door hardware (i.e. door handle and latch);
- (m) Specifications/details of the proposed glass panels, glazed doors and side panels, particularly with respect to human impact considerations;
- (n) Details demonstrating that a continuous accessible path of travel for disabled persons is provided from the allotment boundary and from the required disabled car park space, to the doorway at the entrance floor and through the principle pedestrian entrance of each building (if deemed-to-satisfy solution utilised); or otherwise a Performance Solution prepared under Part A2 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
- (o) Plans indicating compliance with AS 1428.1 -2009 as adopted by the BCA with respect to the design of the proposed disabled accessible sanitary compartments

- and required ambulant toilets;
- (p) Submission of a list of all required and proposed essential fire safety measures applicable to the buildings;
- (q) Details demonstrating the proposed cool room will comply with G1D3 of the BCA.
- (r) Provision of a Performance Solution for the buildings to address Performance Requirement F3P1 pursuant to clause F1D1 of the BCA, with respect to the weatherproofing of the building's external rammed earth walls.
- (2) Should the Geotechnical Site Investigation show a highly or extremely reactive site then, where the sanitary drainage pipework passes through the underside of each building, flexible pipework, fittings must be fitted to permit articulation of the pipework equivalent with the expected soil movement. Reference should be made to AS 2870-2011 in this regard.
- (3) 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.
- (4) On completion of the erection of the subject buildings, the owner of the buildings is required to submit to the Principal Certifier (PC) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the buildings as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PC prior to occupation or use of the subject buildings.
  - Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PC) and the Commissioner of Fire and Rescue NSW and displayed within the subject buildings in a prominent position.
- (5) The owner of the buildings is required to submit to Council at least once in each period of 12 months following the completion of the buildings an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the buildings.
  - 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 buildings 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: <a href="mailto:afss@fire.nsw.gov.au">afss@fire.nsw.gov.au</a>
- (6) The sanitary, water plumbing and drainage associated with the proposed building work requires the issue of a <u>separate</u> approval from Council <u>prior</u> 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.

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.

- (7) Due to the distance of the proposed building to Council's sewer main, prior to works commencing, the applicant is advised to engage the services of a licenced plumber to determine if gravity fall can be achieved to such sewer main connection. If the required fall cannot be achieved, the applicant shall contact Council's Water Supply and Sewerage Branch, so that alternate methods of trade waste disposal can be discussed.
- (8) The development shall be carried out in accordance with Essential Energy's correspondence dated 3 May 2024 (copy attached).
- (9) Council's Contribution Plans referred to in the conditions of this consent, may be viewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9:00 am and 5:00 pm, Monday to Friday. The Plans can also be viewed on Council's website: www.dubbo.nsw.gov.au