



PARKES SHIRE COUNCIL

LATE AGENDA

TUESDAY 21 MARCH 2006

Notice is hereby given that an Ordinary Meeting of Parkes Shire Council will be held at the Council Administration Centre, 2 Cecile Street, Parkes, commencing at 1:30 pm for the purpose of considering the items included on the Agenda.

GENERAL MANAGER: Alan McCormack

Ordinary Meeting Late Agenda

Order Of Business: Tuesday 21 March 2006

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11 DIRECTOR PLANNING AND ENVIRONMENT'S REPORT

11.7 (DPE) DA06014: Proposed conditions for Alterations and Additions to Retail Outlet at Lot 1 DP 1069820 and Lot 1 DP 1069400 Bogan Street and 316-320 Clarinda Street, Parkes

Development Application Information

Application No: DA06014

Applicant: MCD (Aust) Pty Ltd

Property: Lot 1 DP 1069820, Lot 1 DP 1069400, Bogan Street and 316-320 Clarinda Street, Parkes

Proposal: Alterations and Additions to Retail Outlet

Executive Summary

The application is for the construction and development of an open-air arcade, including seven speciality shops and refurbishment of an existing vacant commercial premises. The application is also for the construction of four additional shop/kiosks and enclosure of the existing K-Mart/Bi-Lo mall.

A report has been included in the business paper for today's meeting. In the report it was stated that recommended conditions and a safer by design evaluation would be provided at the Council meeting. Included in this report are the recommended conditions of approval, submission from the Applicant and submission by the NSW Police Service.

Background Information

On 1 April 2003 Council, subject to 126 conditions, approved the demolition of several residential and commercial buildings and the erection of a Retail Shopping Complex. Stage 1 of the complex was completed with the opening of K-Mart and Bi-Lo stores however Stage 2 which involved the erection of a undercover mall and speciality shops connecting Stage 1 to Clarinda Street was never commenced.

Legislative, Policy & Management Planning Implications

The subject land is zoned 2(v) Urban and Village under the Parkes Local Environmental Plan 1990. The proposed development is permitted under the Local Environmental Plan, but only with the consent of Council.

The Parkes Urban Area Development Control Plan 1998 applies to the land and identifies the land as being 'Business'. The development proposal is consistent with the aims and objectives of the Development Control Plan.

The development is generally consistent with the Parkes Retail/Commercial Release Strategy - Parkes Town Centre prepared in January 2002 by Ratio Consultants Pty Ltd.

Council's Car Parking Code 1998 also applies to the development. The number of on-site car parking spaces existing on the sites is consistent with the requirements of the code.

Council's Outdoor Advertising Code 1998 and State Environmental Planning Policy No. 64 'Advertising and Signage' also apply to the development.

Budget & Financial Aspects

The owner of the land will be required to contribute to the paving of the footpath in Clarinda Street adjacent to the premises. The contribution was a condition of Development Consent No. DA03039 and will be factored into the recommendations to be provided at the Council meeting.

Recommendation

It is recommended that the application be approved subject to the conditions contained in the report.

Report

Conditions

Approved Plans

1. Development shall take place in accordance with the Parkes Shire Council stamped plan(s) and supporting documentation lodged in respect of Development Application No DA06014 except where varied by the following conditions.

Limitations on Consent

2. No building or structure is permitted to encroach onto the adjoining Bogan Street and Clarinda Street road reserves. All work must be wholly contained within the subject allotment. In this regard the building(s) shall be set out by a registered surveyor to verify the correct position of each structure in relation to the property boundaries prior to the occupation of the specialty shops.
 3. The land accommodating the Bi-Lo Supermarket, K-Mart Discount Department Store, open-air arcade, specialty shops and associated parking shall be consolidated into the one lot. A restriction shall be placed on the title of the lot accommodating the specialty stores to secure a 2 metre wide walkway linking Clarinda Street to McGee Lane.
 4. Plans and documentation shall be submitted to Council prior to the release of the Construction Certificate detailing the final finish of external walls on the proposed specialty shops, former bank building and enclosure of existing mall.
 5. Submit full details of all lighting, including security lighting, for approval by Parkes Shire Council's Director Planning and Environment prior to any work involving lighting on site. The lighting plan shall indicate that all areas within the complex that are open to the public outside of business hours are lit outside of daylight hours.
 6. Vandal proof lighting shall be provided along pedestrian walkways in accordance with Australian Standard AS1158.1 'Public Streets, Car Parks and Pedestrian Areas' and Australian Standard AS1680.2.1 'Indoor Car Park Requirements'. Lighting must be designed so as not to cause a hazard or nuisance to motorists or pedestrians travelling
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- along roads that adjoin the shopping centre, nearby residents or persons accessing the complex.
7. Access along McGee Lane must be maintained at all times, including access for emergency service vehicles.
 8. The north-western corner of the proposed speciality shop adjoining Bogan Street shall either be splayed or an alternate mechanism provided to improve visibility and awareness between pedestrians and motorists existing the underground car park area. Details to be submitted to Council for approval prior to the release of the Construction Certificate.
 9. Details shall be provided of the proposed canopy over the proposed glassed doors from the enclosed mall area to McGee Lane. Details shall include the distance from the bottom of the canopy to the final pavement height in McGee Lane.
 10. Details shall be provided to Council for approval prior to release of the Construction Certificate the proposed colour scheme of the complex.
 11. Details shall be provided of the proposed footpath treatment in the open-air arcade.
 12. The premises are to be kept in a clean and well-maintained condition at all times. Any evidence of vandalism, such as graffiti, must be repaired immediately. In this regard, a management plan shall be submitted to Council providing centre management details and roles and responsibilities of centre management prior to occupation of the speciality shops.
 13. This consent does not grant approval or should be implied to have granted approval for the alterations to the existing footpath and kerb and gutter located in Clarinda Street as shown on the submitted plans. Approval is not granted for the proposed pergolas as shown on the submitted plans in the Clarinda Street footpath.
 14. Where practical open storage areas and garbage bins are to be effectively screened and located so as to be out of sight from any public road or reserve.
 15. The unused area on the northern side of the former Bank Building shall be fitted with a gate/fence. Materials used shall be of an open nature to allow visual surveillance into the area from Clarinda Street and deter entry into the area.
 16. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
 17. Noise emanating from the shopping centre complex shall be controlled at all times so as not to unreasonably impact upon nearby residents.
 18. In the event that night-time loading/unloading operations at the retail shopping centre unreasonably impact upon the amenity of adjoining residents, the hours of operations of the loading areas shall be limited to outside the hours of 12.00pm to 6.00am.
 19. All outdoor signage is required to comply with Parkes Shire Council's Outdoor Advertising Policy 1998 and may require separate approval from Parkes Shire Council and/or the Roads and Traffic Authority.
 20. Submit full details of the fitting out of the kiosk, specialty shops, and first floor office premises for approval by Parkes Shire Council's Director Planning and Environment prior to commencement of the internal fit-out of any of those facilities.
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21. Provide safe, secure and convenient parking facilities for cyclists in accordance with Council's Car Parking Code 1998.

Right of Access

22. This consent shall not extend to and shall not affect the rights of Parkes Shire Council in respect of any matter or thing in or arising out of the approval which is not in conformity with the Environmental Planning and Assessment Act 1979.
23. The Applicant shall permit access onto the land to officers of Parkes Shire Council or any other government department or public authority at reasonable times for the purposes of inspecting the operation and carrying out such control tests or readings as they consider necessary.
24. An unobstructed four (4) metre wide path of travel shall be provided through the open-air arcade outside of business operating hours.

Appointment of a Principal Certifying Authority

25. The Applicant is to submit to Parkes Shire Council, at least two days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.

Demolition

26. The Applicant shall give a copy of Council's Conditions of Development Consent to the demolisher and ensure they are fully aware of their responsibilities under that consent.
27. Explosives shall not be used in the demolition of the buildings.
28. The deliberate burning of the buildings and/or demolition material shall not be permitted.
29. The finished surface level of the demolition site shall be clean of all demolition waste and levelled with clean fill.
30. Prior to the commencement of any demolition work on the site the Applicant is to submit to Parkes Shire Council, full details of the proposed methods of disposing of all demolition wastes, including those materials that will be recycled or disposed of at an approved waste management centre.
31. All removal and dumping of asbestos or other contaminated materials shall be controlled and in accordance with Parkes Shire Councils Waste Disposal Policy.
32. The relevant provisions of the Protection of the Environment Operations (Waste) Regulation 1996 in relation to the transport and disposal of asbestos waste shall be complied with and are appended to this consent.
33. The requirements relating to the disposal of asbestos waste are as follows:
 - (a) Asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste,
 - (b) Disposal of asbestos waste in any form must be by way of burial,
 - (c) Before disposal of the asbestos waste, arrangements must be made with the occupier of the landfill site for the purposes of ensuring that the asbestos waste will be covered:

- (i) initially to a depth of at least 0.5m, and
 - (ii) finally to a depth of at least 1m (in the case of stabilised asbestos waste in bonded matrix) or 3m (in the case of asbestos fibre and dust waste) beneath the planned final land surface of the landfill site.
- (d) The asbestos waste must:
- (i) be disposed of in accordance with the arrangements under paragraph (c), and
 - (ii) be buried to the initial depth on the same day it is received at the landfill site.
- (e) In disposing of asbestos waste in any form at a landfill site, the waste must:
- (i) be unloaded in such a manner as to avoid the creation of dust, and
 - (ii) not be compacted before it is covered, and
 - (iii) not come into contact with any earthmoving equipment at any time.

The above provisions apply to any activity that involves the transportation, collection, storage, or disposal of any type of asbestos waste, regardless of whether the activity is required to be licensed.

34. The Regulations under the Scaffolding and Lifts Act shall be complied with during demolition work.
35. The demolition is to be carried out in accordance with the provisions of Australian Standard 2601, 'The Demolition of Structures' and Parkes Shire Council's Policy for the Demolition of Buildings.
36. All work shall be undertaken in such a manner that dust and noise shall be minimised as far as possible.
37. A Public Liability Policy of a sum of not less than \$10 million dollars is required to be taken out and the policy lodged or sighted by Council's Director Planning and Environment prior to commencement of work.
38. The regional office of the Workcover Authority shall be contacted prior to the commencement of any demolition work and any requirements of the authority ascertained and complied within in addition to the requirements of Parkes Shire Council.
39. The applicant shall notify the owners of the adjoining properties of the proposed work a minimum of 7 days prior to the commencement of demolition work and shall ensure that there is no disruption to their amenity or business.

Pedestrian Safety and Amenity

40. Details shall be provided of the proposed raised pedestrian crossing in McGee Lane for approval. Details shall include method and materials used in the construction of the medium strip and details of colours and finishes of the raised pedestrian strip and shared traffic zone for approval by Council and the Parkes Local Traffic Committee.
41. Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on a public footpath or roadway.
42. Provision shall be made for unrestricted pedestrian access within the footpath area adjoining the development during construction. Suitable temporary hoarding or barriers, approved by Council's Director Planning and Environment, shall be erected to maintain pedestrian access during the demolition and construction phase.

Engineering Certification

43. Structural Engineers' certified detail drawings and specifications are required to be submitted for approval with the Construction Certificate application for:
- Fill preparation specification to all concrete slab sub-grade areas.
 - Structural concrete footings, piers and slab details.
 - Structural steel frame details,
 - Precast concrete wall panels, and associated fixings and support details.

Hydraulics Engineering Certification

44. Hydraulics Engineers' certified detail drawings and specifications are required to be submitted for approval with the Construction Certificate application, for:
- Stormwater Management design plan for the site, supported by hydraulic calculations.
 - Trade waste and sewer drainage design including supporting calculations.

Site Preparation Works

45. All excavation and backfilling shall be executed in a safe manner in accordance with the appropriate professional standards.
46. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to the appropriate engineering standards.
- Note: Cutting and filling on the site and the erection of retaining walls may require the approval and certification of a suitably qualified structural/geotechnical engineer.
47. Any filling carried out on the site at the time of development and thereafter shall be properly compacted to standards acceptable to Parkes Shire Council's Director Planning and Environment.
48. Any excavated earthen material from the site shall be disposed of to the satisfaction of Parkes Shire Council's Director Planning and Environment.
49. If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person(s) causing the excavation to be made shall, at their own expense, comply with the requirements of Part 3.1.1.3 of the Building Code of Australia; and:
- (a) Give notice to the owner of the adjoining allotment of land at least seven days before excavating below the level of the base of the adjoining building and furnish all particulars of the proposed works.
 - (b) Preserve and protect such building from damage.
 - (c) If necessary underpin and support such building in an approved manner.

Construction Works

50. Prior to construction of the approved development it is necessary for the Applicant to obtain a Construction Certificate. A Construction Certificate may be issued either by Parkes Shire Council or an appropriately accredited certifier.

Note 1: If you have been issued with a Construction Certificate by a Certifying Authority that is separate from Parkes Shire Council it will be necessary to lodge a copy

of the Construction Certificate and any other approved documents with Council at least two days prior to the commencement of work on the site.

51. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standard of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
 - (a) Complying with the deemed to satisfy provisions; or
 - (b) Formulating an alternative solution which:
 - (i) Complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) A combination of (a) and (b).
52. All building work must be carried out in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.
53. Building and demolition work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00am and 8.00pm on weekdays and 8.00am and 8.00pm on weekends and public holidays.
54. The Builder must at all times maintain on the job a legible copy of the plan and specification approved with the Construction Certificate.
55. A sign must be erected in a prominent position on the work site indicating the land title details, the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours as well as a statement that unauthorised entry to the site is prohibited.

Note 1: All signs are to be removed when the work has been completed.

Note 2: This condition does not apply to building work carried out inside an existing building, or building work carried out on premises that are to be occupied continuously (both during and outside work hours) while the work is being carried out.
56. Throughout the course of building and demolition operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be installed as follows:
 - (a) In an area serviced by reticulated sewerage, connect the temporary builder's service to Parkes Shire Council's sewerage system in accordance with the requirements of Council's Director of Infrastructure.
 - (b) Where the connection of the builder's toilet to Parkes Shire Council's sewerage system is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for processing.
57. Light weight construction shall comply with Specification C1.8 of the Building Code of Australia where it is used in an internal wall system that is required to have a Fire Resistance Level (FRL)

58. Prior certification of testing and approval by the National Building Technology Centre demonstrating compliance with the requirements of AS 1530 Part 4, 1990, shall be provided to Council where components and systems of light weight construction required to have a Fire Resistance Level (FRL), are proposed to be used in the development.
59. A fire-wall separating one fire compartment in a building from another fire compartment, and/or the remainder of a building of Type C construction, shall extend to the underside of -
 - (i) A floor above having an FRL required for a fire-wall, or,
 - (ii) the roof covering, which shall be non-combustible.
60. A common wall or a fire wall in a Class 5 or Class 6 building of Type C construction, shall have an FRL of 90/90/90
61. In a Class 5 or Class 6 building of Type C construction, an internal wall bounding a stair required to be fire-rated shall have an FRL of 60/60/60.
62. Fire Hazard Properties of any material or assembly must comply with:
 - (i) Specification C1.10; or
 - (ii) for floor materials and floor coverings, and wall and ceiling lining materials, Specification C1.10 or Specification C1.10a of the BCA, as and where applicable - (i.e. Groups 1,2,3, for walls and ceilings; floor material to have a critical radiant flux of 2.2kW/m².
63. Precast concrete external wall panel construction shall comply with Specification C1.11 as, and where applicable.

Plumbing and Drainage

64. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of Australian Standard 3500, 'National Plumbing and Drainage and the New South Wales Code of Practice; Plumbing and Drainage'.
65. The Applicant is to obtain a Plumbing and Drainage Permit pursuant to Section 68 of the Local Government Act 1993 from Parkes Shire Council prior to commencing any plumbing and drainage work and comply with any conditions of that permit.
66. Undertake stormwater management in accordance with a stormwater plan that must be submitted to Council for approval prior to release of the Construction Certificate. The storm water plan shall detail methods of storm water control for a 1 in 10 year ARI rain fall event and overland storm water paths for a 1 in 100 year ARI rain fall event. It is the developers responsibility to locate existing stormwater services and to ensure proposed drainage structures will not interfere with or compromise existing services.
67. Provide details of storm water management in McGee Lane. In particular, details shall be provided showing the flow of storm water along McGee Lane at and surrounding the proposed raised medium strip.

Separation of equipment

68. Equipment that could be essential during a building fire that is not otherwise adequately (physically) fire-separated from the remainder of the building, shall be separated by construction having a Fire Resistance Level (FRL) as required by Specification C1.1 of the BCA.

Such equipment includes:

- (i) emergency generators
- (ii) sprinkler valve equipment;
- (iii) batteries for operation of emergency lighting etc;
- (iv) Main electrical switchboard where emergency circuitry is controlled through the main switchboard.

69. Separating construction shall have an FRL not less than 120/120/120.
70. Any doorway in that construction shall be protected with a self-closing fire door having an FRL of not less than -/120/30, constructed to comply with Australian Standard AS/NZS 1905.1

Electricity Supply System

71. Any electricity substation, main switchboard/s, electrical conductors located within a building that supply a substation or main switchboard, or switchboards in the electrical installation which sustain the electricity supply to emergency equipment, must be constructed and/or protected by fire-resisting construction conforming to the requirements of Section C, Part C2, Clause 2.13 of the Building Code of Australia.

Fire Safety

72. A fire hydrant system must be provided to serve the enclosed Mall building, and must be installed in accordance with Australian Standard 2419.1 and clause E1.3 of the Building Code of Australia.
73. The fire hydrant system must be designed to meet the operational requirements of the fire brigade for operating flows and pressures.
74. A fire hose reel system must be provided and installed in accordance with Australian Standard 2441 and Part E1.4 of the Building Code of Australia, to serve the enclosed Mall building.
75. Combined sprinkler and fire hydrant systems shall be installed in accordance with AS2118.6 - 1995, and Specification E1.5, Fire Sprinkler Systems of the Building Code of Australia, to serve the enclosed Mall building where applicable.
76. The required sprinkler system shall be connected to and activate a building occupant warning system complying with Specification E1.5, Fire Sprinkler Systems, and Clause 6 of Specification E2.2a of the Building Code of Australia.
77. Portable Fire Extinguishers must be provided to the development in accordance with Table E1.6 of the Building Code of Australia, and must be selected, located and distributed in accordance with Sections 1,2,3, & 4 of Australian Standard 2444.
78. Smoke hazard management and air handling systems are to be installed in accordance with Clause E1.5, Volume 1 of the Building Code of Australia, AS1668.1, AS 1668.2, and Fire Safety Strategy Assessment prepared by ArupFire, to serve the enclosed Mall building.
79. Emergency Lighting is to be provided throughout the enclosed Mall building, and the existing Bank building in accordance with AS/NZS 2293.1, "Emergency Evacuation Lighting in Buildings" and Australian Standard 3000 'Electrical Installations – Buildings, Structures

and Premises (SAA wiring rules)' to comply with Clause E4.2, Volume 1 of the Building Code of Australia.

80. Exit signs must be provided above each door serving as or forming part of a required exit, and doors in the path of travel to an exit throughout the enclosed Mall building and the existing Bank building in accordance with Australian Standard 1319 'Safety Signs for the Occupational Environment' and Australian Standard 2293.1 'Emergency Evacuation Lighting in Buildings' to comply with E4.5 of the Building Code of Australia.
81. Exit Signs must be clearly visible at all times the building is legally occupied.
82. Exits are to be provided in accordance with part D1 of the Building Code of Australia.
83. Doorways and doors forming part of a required EXIT shall conform to the requirements of Part D2 , Construction of Exits of the BCA.
84. Doors forming part of a required EXIT, or in the path of travel to a required EXIT must swing in the direction of egress, and be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action.
85. An exit must not be blocked at the point of discharge and where necessary, suitable barriers must be provided to prevent vehicles from blocking the exit, or access to the exit.
86. No point on the floor of a Class 5 or 6 building where travel in 2 different directions to EXITS is available, shall exceed 40 metres total to one of those EXITS.
87. In a Class 5 or 6 building, the distance to a single EXIT serving a storey at the level of access to a road or open space shall not exceed 30 metres.
88. The space below an internal stair shall not be enclosed to form a cupboard or other enclosed space unless:
 - (i) the enclosing walls and ceilings have an FRL of not less than 60/60/60; and
 - (ii) any access doorway to the enclosed space is fitted with a self-closing -/60/30 fire door.
89. A stair forming part of a required EXIT must be a minimum of 1 metre wide, and the construction generally of landings, treads and risers, and balustrades and other barriers shall conform to the requirements of Part D2 , Construction of Exits of the BCA
90. The Owner shall submit to Parkes Shire Council a Final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
 - (a) Has been assessed by a properly authorised person; and
 - (b) Was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.

The assessment is to be carried out within a period of three (3) months of the date on which the Final Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigades and also prominently display a copy in the building.

Note: A Final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

91. The Owner/operator shall submit to Parkes Shire Council an Annual Fire Safety Statement, each 12 months after the Final Fire Safety Certificate was issued.

Note 1: A copy of the certificate to be completed as attached.

Note 2: The completed certificate is required to be submitted to Parkes Shire Council prior to occupation.

Health and Amenity

92. Separate sanitary facilities are to be provided to serve the retail premises on Lot 1, DP 1069400, in accordance with Table F2.3 of Part F2 'Sanitary and Other Facilities' of the Building Code of Australia. In this regard an amended plan shall be submitted to Council for approval prior to release of the Construction Certificate showing above-mentioned sanitary facilities on the land accommodating speciality shops and former bank building.
93. Sanitary compartment construction must comply with clause F2.5 of the Building Code of Australia.
94. Waterproofing of wet areas in the development must comply with the relevant parts of Australian Standard 3740 and clause F1.7 of the Building Code of Australia.
95. Glazed Assemblies in an external wall must comply with Australian Standard 2047.
96. Where natural lighting complying with clause F4.2 of the Building Code of Australia has not been provided, an artificial lighting system complying with the relevant provisions of AS/NZS 1680.0 is to be provided.
97. Where natural ventilation complying with clause F4.6 of the Building Code of Australia has not been provided, a mechanical ventilation or air-conditioning system complying with Australian Standard 1668.2 must be provided.

Food Shop Compliance

98. This approval is to be read in conjunction with the requirements of Parkes Shire Councils' Food Premises Code.
99. The fitting out and internal finishes to all food premises preparation areas, shall be strictly in accordance with the requirements of the Food Act 2003, and the Food Regulation, 2004.
100. All refrigeration equipment shall be installed such that it is capable of operating without causing a noise or vibration nuisance.
101. Any coolroom in the development must comply with clause G1.2 of the Building Code of Australia, including:
- (a) The door being capable of being opened by hand from the inside without a key.
 - (b) Internal lighting being controlled by a switch adjacent to the entrance doorway.
 - (c) External indicator lamp which is illuminated when the interior lights are switched on.
 - (d) The provision of an alarm audible externally but controllable only from within the chamber.
102. Condensation from any refrigeration units and coolroom motors shall be directed to a tundish, installed in accordance with Australian Standard 3500.
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103. All shelving shall be located at least 25mm off the wall, or alternatively, the intersection of the shelf and the wall is to be completely sealed. The lowest shelf shall be at least 150mm above the floor level.

Soil Erosion and Sediment Control

104. Prior to construction works commencing on the site the Applicant shall submit to Parkes Shire Council for approval, a site plan that details the site specific and practical measures that will be employed on the site to properly manage the potential for soil erosion and movement of sediment off the site. All necessary soil erosion and sediment control measures are to be maintained throughout the course of the entire construction period and comply with Parkes Shire Council's Soil Erosion and Sediment Control Policy. All disturbed surfaces on the site shall be restored by turfing, paving or revegetation prior to the occupation of the premises. Infringement notices, incurring a monetary penalty, may be issued by Council where the maintenance of measures is inadequate.

Compliance Certificates Required

105. The Applicant is to obtain a compliance certificate(s) pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 from an accredited certifying authority at the completion of works contained in conditions 51, 56, 57, 58, 59, 60 and 67, to certify that works have been completed in accordance with the applicable standards and this Development Consent. All compliance certificates shall be submitted prior to occupation of the building.

Waste Management

106. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container(s) for disposal at Council's Parkes Waste Landfill Depot. The container(s) shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

Note 1: No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

107. No contaminated waste water or liquid waste is to be discharged into Parkes Shire Council's stormwater system or sewerage without the prior submission of a trade waste application to Parkes Shire Council and a Trade Waste Agreement being entered into with Parkes Shire Council and the Applicant.

Note: The Applicant is to liaise with Council's Trade Waste Officer prior to commencement of the construction with particular regard to provision of Trade waste drainage to proposed food premises in the development.

108. Waste oil shall be stored in a covered bunded area and removed off site by a waste disposal recycler.

109. Provide adequate street garbage bins in locations acceptable to Parkes Shire Council's Director Planning and Environment. Garbage bins to be consistent with Council street garbage bins.

Traffic, Access, Parking and Loading

110. An application shall be made to the Parkes Local Traffic Committee for McGee land to be designated as a 'Shared Traffic Zone' along the entire width of the development. Signage shall be provided prior to occupation clearly advising pedestrians and motorists that the 'Shared Traffic Zone' exists in McGee Lane adjoining the subject land.
111. The length of McGee Lane on the eastern side between Bushman Street and Church Street is to be designated "No Stopping" to facilitate some parking and loading operation on the western side.
112. Pave/seal and line mark all access ways, parking, pedestrian, loading and manoeuvring areas in accordance with Council's Car Parking Code 1998 and AUS-SPEC#1/Parkes Shire Council.
113. All loading and unloading operations associated with the specialty shops and commercial office development is to take place off-street and must not inhibit the free flow of vehicles accessing the site or other premises in the area. Vehicles must enter and leave the loading areas in a forward direction. In this regard, the applicant shall provide details of designated loading and unloading areas, including customer drop-off and pick-up areas to service the complex.
114. Appropriate pavement marking shall be provided where the underground car park entrance and exit cross the Bogan Street footpath.
115. A signage audit shall be carried out in the underground car park and in McGee Lane prior to occupation of the speciality shops. The audit shall ensure that all necessary signage benefiting the complex is erected/installed in appropriate condition and locations.
116. The developer is to provide a Traffic Management Plan for approval by Parkes Shire Council prior to the commencement of demolition or construction works on the site.

Road Infrastructure

117. The Applicant shall pay for the cost of materials to pave the Clarinda Street footpath from a point directly north of the Millers Fashion entrance to the southern edge of their development adjoining the Parkes Veterinary Clinic.
118. Access to parking areas and all footpath areas, including the footpaths within all adjoining public roads, must be level or gradual grades to provide a safe environment.
119. The Applicant shall provide suitable paving and/or road surface treatment to the raised pedestrian crossing linking Bi-Lo, K-Mart and the specialty stores, to differentiate that part of McGee Laneway as a pedestrian zone. Details to be submitted to Council for approval prior to release of the Construction Certificate.

Disabled Access

120. The proposed buildings are required by the Building Code of Australia (BCA) to provide disabled access. Notwithstanding this, the Applicant's attention is drawn to the Owner's and Employer's obligations under the NSW Anti-Discrimination Act 1977 and Federal Disability Discrimination Act, 1992 whereby the design of the premises and workplace should not discriminate against disabled persons visiting and obtaining access to such premises. It should be noted that compliance with the BCA is not a defence against prosecution, or the issue of a rectification order under the subject Acts. Accordingly, Council recommends that the Applicant and Owner investigate their liability under such Acts.
121. A continuous accessible path of travel for disabled persons must be provided from the allotment boundary at a point of entry from the public street to the principle public entrance of each facility. The design for such access must be in accordance with the Australian Standard 1428.1 'Design for Access and Mobility'.
122. The entrance to each of the proposed premises shall be ramped to permit disabled access to the premises. The design for such access must be in accordance with the Australian Standard 1428.1 'Design for Access and Mobility'.
123. Facilities for the disabled shall be provided in accordance with the Building Code of Australia. 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 Australian Standard 1428, 'Design for Access and Mobility'.

Landscaping

124. The proposed Lagerstroemia Indica (Indian Crepe Myrtle) located at the front of the speciality shops adjoining facing Clarinda Street are not approved. Consultation shall be made with Council's Parks and Gardens Supervisor and an amended landscape plan shall be submitted to Council for approval.

Utility Services

125. Prior to demolition works commencing on the site, water and sewerage services shall be disconnected by a licensed plumber and drainer, and the work inspected and approved by Parkes Shire Council's Director of Infrastructure.
126. All gas, electricity and telecommunication services are to be appropriately disconnected as part of the demolition works. The Applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
127. Submit works as executed drawings showing all utility services to Parkes Shire Council prior to the occupation of the building.
128. The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of Parkes Shire Council. Any necessary upgrading of the existing service is to be at full cost to the Applicant.
129. Advise Country Energy of the development prior to its commencement and provide Council with written evidence that suitable arrangements have been made for the provision of electricity supply, including provision of columns and luminaries for street lighting, in accordance with Country Energy's Networks Division Customer Connection Policy.

130. Advise Agility of the development prior to its commencement and provide Council with written evidence that suitable arrangements have been made for the provision of plant to the development.
131. Advise the relevant telecommunications authority of the development prior to its commencement and provide Council with written evidence that suitable arrangements have been made for the provision of plant to the development.
132. Where practical underground utility services shall be provided in a shared trench in accordance with the attached 'Shared Trench Agreement – Country Region of NSW'.

Damage to Council Assets

133. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction.
 - Note 1: A photograph(s) indicating the current state of the footpath adjoining the development shall be submitted with the application for the Construction Certificate.
 - Note 2: The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
134. Prior to the issue of a Construction Certificate, whether by Parkes Shire Council or an appropriately accredited certifier, the Applicant shall pay to the Council a bond for the protection of kerb and gutter and other Council owned utility services. The amount of the bond is prescribed in Parkes Shire Council's Fees and Charges Schedule.
 - Note 1: The security deposit is taken to cover the cost of any damage to Council's assets (eg: drainage systems, footpaths, kerb and guttering, etc) arising from private development work. The deposit will be refunded should no damage be caused to Council's assets adjacent to the development site, as a result of the construction works.
 - Note 2: The security deposit nominated above is valid only until the end of this financial year, after which a new amount may apply.

Occupation Certificate

135. The applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from an accredited certifying authority prior to occupation of the buildings.

Attachments

1. Letter from MCD (Australia) Pty Ltd.
2. Letter from NSW Police.

Response to your request for further information dated 10.03.06, as follows:

1. We acknowledge the importance of the overall streetscape on Clarinda Street, and have adopted a contextual approach to the design. The resultant form and scale of the proposed building is sympathetic to the existing streetscape and bears the influence of established canopied shop fronts.

Brick was a favored building material for many decades and has been used in many of the existing built form along Clarinda Street, some of heritage significance, namely the former 'State Bank' building.

The proposed solution respects established architectural scale and language, whilst providing a contemporary element that is reflective of a progressive business and vibrant retail environment in central Parkes.

Proposed metallic finish to the cladding is limited to the Clarinda street face and corner treatment of the development. The remaining facades to shops along the arcade will have a painted masonry finish. A metallic finish to the cladding was based on the following considerations:

- Provide a visual distinction in celebrating of the individuality of the brick structure of the adjacent heritage Bank building, as an example of its era.
- Provide an new identifiable building infill which is recognisably of its time.
- Provide an element of visual interest, and street address to the rear mall, which promote public use of the arcade through the revitalization of public space.

There is an existing awning to the Bank building. The proposal is for the extension and refurbishment of this awning over the new arcade entry. There will be no additional loading placed on the structure of the Bank building. The new section/extension will have dedicated structural supports independent of the existing section of awning.

2. Proposed refurbishment of existing former Bank building is limited to the following:
 - water blasted cleaning of the façade and paint finish to all trims
 - Extending side windows opening to the proposed mall area with access doors
 - Lowering of the existing floor to grade for greater accessibility
 - General refurbishment to bring the building as close to its original state as is possible.



NSW Police

Lachlan Local Area Command
2-8 Court St., Parkes NSW 2870
Telephone: (02) 68 62 9905
Fax: (02) 6862 9926

20 March 2006
Mr Steven Campbell
Director Planning & Environment
Parkes Shire council
PO Box 337
PARKES NSW 2870

Dear Mr Campbell

**Development application no.da06014
ALTERATIONS AND ADDITIONS TO A RETAIL OUTLET**

On Monday 20 March 2006, Crime Prevention Through Environmental Design Officers Senior Constable Paula Medlyn and Council's Andrew McIntyre conducted an assessment of the above-mentioned proposal. The assessment revealed that the proposal is a low crime risk, subject to certain conditions.

The following issues should be taken into consideration in any determination granted by Council:

- Bicycle rack/parking area be provided in the complex.
- The unused area of land on the northern side of the former bank building shall be fenced with appropriate open style fencing. The fencing shall be designed to deter entry and provide visual surveillance of the area.
- Location of public phone in a visible area (if any are proposed).
- Details of taxi pickup areas.
- Sufficient vandal resistant lighting should be provided ensuring that no dark areas are located on the site after dark.
- A Rapid Graffiti Removal Policy be implemented and enforced on the site.
- A four (4) metre wide unobstructed path be provided through the open-air arcade between Clarinda Street and McGee Lane outside of business hours.
- Further details of garbage collection and storage procedures be provided.
- Details of the footpath treatment through the open-air arcade be provided for Council approval.

Thankyou for the opportunity to comment on this proposal. If you require any further information regarding this matter, please contact either myself on (02) 6862 9977 or Andrew McIntyre.

Yours Sincerely

A handwritten signature in black ink that reads 'Paula Medlyn'.

Paula Medlyn
Senior Constable
Lachlan Crime Management Unit