



**Parcel Number:** 47025  
**Portal Reference:** PAN-258261  
**Contact:** Sarah van Meurs

# DEVELOPMENT CONSENT

Approval Number: 10.2022.39681.1

Endorsed Date of Consent: 13 February 2023

A Tuon  
Unit 3  
35 Buckingham Street  
SURRY HILLS NSW 2010

## Subject Land

LOT: 1 DP: 1113160 & LOT 1 DP1070397  
482 Kiewa Street & 482 Volt Lane  
ALBURY NSW 2640

## Description of Development

Commercial Development - Four (4) Retail Premises - Albury Hub

## Attached to Approval:

1. Conditions
2. Plans and documentation endorsed with Consent.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development application has been determined by the granting of consent subject to the conditions referred to in this Notice and attached hereto.

This Consent shall become effective from the endorsed date of consent.

This Consent shall lapse unless development, the subject of this Consent, is commenced within five (5) years from the endorsed date of consent as sanctioned under Section 4.53 of the Act.

David Christy  
**Service Leader City Development  
Infrastructure, Planning and Environment**

## Right of Appeal

If you are dissatisfied with this decision, Section 8.10 of the *Environmental Planning and Assessment Act 1979* (the Act) gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you received this notice.

Alternatively, you may request a review of the decision under Section 8.2 of the *Environmental Planning and assessment Act 1979*, within 6 months of the date of this notice (note: Section 8.2 is not applicable to integrated or designated development). This applies if the matter was determined by a Council officer under delegation of Council. A fee is payable. For further information please contact the Council on (02) 6023 8285.

## **Conditions attached to Development Consent 10.2022.39681.1**

### **A. General**

#### **(A1) Approved plans**

The development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application receipted on 15/09/2022 and as amended on 2/11/2022 and 12/12/2022 subject to the following conditions. (A001)

#### **(A2) Prior to works**

Prior to commencing any building construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with:

- (a) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act
- (b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act
- (c) Council is to be notified at least two (2) days in advance of the intention to commence building works in accordance with Section 6.6 of the Act
- (d) Submit to the Principal Certifying Authority a copy of the insurance certificate as required by the Home Building Act 1989.

#### **(A3) Building Code of Australia**

All aspects of the building design are to comply with the applicable Performance Requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going 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 a Performance 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). (A100)

#### **(A4) Voluntary Planning Agreement**

Prior to the issue of a Construction Certificate a Voluntary Planning Agreement must be entered into requiring the financially contribute to Council the sum of \$375,000, in recognition of a shortfall in the provision of 25 on-site car parking spaces (\$15,000 per space). The Planning Agreement is to apply to 482 Kiewa Street Albury (Lot 1 DP 1113160).

The Draft Planning Agreement will be required to advertised in accordance with *AlburyCity Community Participation Plan 2020*. (B999)

#### **(A5) Restriction on Use of Land (S88 Conveyancing Act 1919)**

The proposed development shall achieve National Construction Code standards in relation to all matters including fire. Alternatively, prior to the issue of a Construction Certificate, the adjoining property, 15 Volt Lane, Albury (Lot 3 DP 1113160), is to be burdened with a restriction on use to limit any development or buildings on the site which will result in a non-compliance with the provisions of the National Construction Codes. Any costs associated with the provision of this restriction is at the expense of the owner of Lot 1 DP 1113160. (A998)

#### **(A6) Advice on further approvals**

The applicant's/landowner's attention is drawn to the need to obtain separate Council approval for any ancillary activity not approved by this consent, including:

- (a) The erection or installation of any advertising sign which is not classified as *exempt development* under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, *State Environmental Planning Policy 64 (Advertising and Signage)*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*.
- (b) Any *change of use of premises* which is not classified as *exempt development* under *State Environmental Planning Policy (Exempt and Complying Development) 2008*, including, but not limited to, any premises at which skin penetration is carried out,

- (c) Any retail premises which does not comply with the hours of operation imposed for *exempt development*.
- (d) Any proposed use or occupation of Council land which requires separate approval under the *Roads Act 1993, Local Government Act 1993* or Council's *Commercial Activities on Footpaths & Roads Policy* or *Encroachment on Public Land Policy 2016*. (A035)

**(A7) On street carparking**

No alterations to the existing carparking configuration on Kiewa Street are approved as part of the Consent. (A999)

**(A8) Approval Conditions of other authorities - New South Wales Police**

- The design should incorporate CCTV cameras on all egress and ingress sections of the building, plus areas that public can regularly access.
- Ensure compliance with their Australian Traffic assessments and workplace safety.
- Ensure notification to public regarding possible traffic and foot passages are changing. (A997)

**(A9) Approval Conditions of other authorities - Essential Energy**

1. Essential Energy's records indicate that low voltage underground cables are located on the boundary of this property and the adjoining Lot 1 DP1070397:
  - (a) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW) to locate all cables.
  - (b) Any excavation works in this area must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. c. Works around the cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cables integrity protected. Any works over these cables must meet all Essential Energy design and construction requirements.
  - (c) The cables are to maintain a minimum clearance of 1.0 metre to any activity.
  - (d) Any landscaping, tree planting, gardens in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
2. Essential Energy's records also indicate existing streetlight/s and powerlines are located on the boundary of this property and the adjoining Lot 1 DP1070397:
  - (a) Minimum safety clearance requirements are to be maintained at all times to the existing overhead powerlines and streetlight/s. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. b. Any excavation works in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
  - (b) Any landscaping, tree planting, gardens in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
3. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application 2 with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
4. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposed retail premises in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
5. Essential Energy also makes the following general comments:
  - (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- (c) In addition, Essential Energy's records indicate there is overhead and underground electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (d) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- (e) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets. (A996)

**(A10) Development to be contained within allotment/boundary confines**

With the exception of any awning structures or works permitted by this development consent on or over the road reserve of Kiewa Street and adjacent parcel with pedestrian walkway easement along Volt Lane, all buildings and structures shall be contained wholly within the confines of the allotment boundaries. (A061)

**(A11) Structural Adequacy of Awning**

The awning overhanging the public footpath shall be maintained in good condition and continually remain structurally adequate for the term of the development. Council recommends that a registered and suitably qualified Structural Engineer carry out an inspection and provide an inspection report to the owner at five-year intervals. Any rectification work and/or cost associated in maintaining the awning in good condition shall be at the owner's expense. (A995)

**(A12) Encroachment over Council Land**

As the proposed awning structure encroaches over Council's road reserve road reserve, the following matters must be completed prior to the issue of a Construction Certificate:

- (a) The owner/s shall obtain consent for the awning structure encroachment from Council under section 138 of the *Roads Act 1993* and section 68 of the *Local Government Act 1993*.
- (b) The owner/s shall also complete a Licence Agreement with Council in accordance with Council's Licence Agreement – Encroaching Structures.
- (c) The owner shall supply plans and elevations of the proposed awning defining the extent of the proposed encroachment with the application for a Licence Agreement.

An initial licence fee will be payable for the creation of the licence in accordance with Section 4.7 of Council's *Encroachment on Council Land Policy 2016*.

All costs associated with the required consents and licenses including, without limitation, the preparation of the Licence Agreement, Public liability Insurance, Council's legal costs and any costs associated with the ongoing management, repair and maintenance of the Encroachment shall be borne by the encroaching owner. (A991)

**(A13) Plant, equipment or features on roof**

No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building without the written consent of Council. (A400)

**(A14) External cladding materials**

External cladding materials must not comprise *external combustible cladding* (as defined by the *Environmental Planning and Assessment Regulation 2000*) and all external cladding materials for the building shall comply with the requirements of the *Building Products (Safety) Act 2017*. Details of the external cladding materials shall be included with the application for a Construction Certificate.

**(A15) Protection of Public Infrastructure**

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development. Adequate protection must be provided for public infrastructure prior to work commencing and during building operations. Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate. (A450)

**(A16) Lot Consolidation or other restriction**

The development proposes the construction of an awning and access to tenancies over Lot 1 DP1070397. Prior to the issue of an Occupation Certificate Lot 1 on DP1070397 and Lot 1 on DP 1113160 shall be consolidated into one allotment under one title. Alternatively, it may be possible to apply a restriction or other instrument to Lot 1 DP1070397 in favour of Lot 1 on DP 1113160, without limiting the generality of such a restriction or instrument, to ensure:

- (a) access to tenancies, provision for deliveries, rubbish collection,
- (b) construction and maintenance of the awning,
- (c) compliance with the National Construction Codes, and
- (d) the restriction is to remain in perpetuity.

**(A17) Occupation - Compliance Certificate**

The Commercial (Retail) is not to be used or occupied until the Principal Certifying Authority has issued an Occupation Certificate certifying that the Commercial (Retail) has complied fully with the development consent and has been constructed in accordance with the Construction Certificate. (E030)

**B. Prior to the Issue of a Construction Certificate**

**(B1) Lighting Plan**

Prior to the issue of a Construction Certificate, a lighting plan must be submitted to Council for approval. The lighting plan must include the following:

- (a) Details of existing lighting surrounding the development on public areas surrounding the development including along Kiewa Street and in Volt Lane.
- (b) Details of the impact of the development on existing lighting (ie, lighting required to be removed or impacted by the proposed awning).
- (c) Proposed replacement lighting and under awning lighting to provide uniform lighting of public areas.
- (d) Lighting is to be located and directed so as not to create nuisance to surrounding land use and be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997). (B999)

**(B2) Operational Waste Management plan**

An Operational Waste Management plan is required to be prepared in consultation with AlburyCity Council and is to include details in relation to management/storage, collection method (private contractor, collection frequency etc.), details on transporting waste/rubbish bins to and from storage and collection areas and management of amenity impacts such as noise and odour. The Operational Waste Management plan is to be submitted to Council prior to the issue of a Construction Certificate.

(A997)  
(B998)

**(B3) Construction Management Plan**

A Construction Management Plan (CMP) is to be prepared, submitted and approved by Council prior to the issue of a Construction Certificate. The Plan shall address, **as a minimum**, the following matters:

- (a) Construction vehicles access to and egress from the site in accordance with an approved Traffic Management Plan during construction (**Please note:** Parking of any construction vehicles or storing of any plant, items or materials is not to be provided on the pedestrian access easement).
- (b) Location of parking for construction vehicles;
- (c) Locations of site office, site facilities/amenities and any storage areas for materials related to the project;
- (d) Protection measures for adjoining properties, pedestrians, vehicles and public assets;
- (e) Outline the means to minimise and manage dust generation from the demolition works;
- (f) Detail the methods of implementation and communication to all contractors of the requirements of the Waste Management Plan for the site;
- (g) Location and extent of any proposed builder's hoarding and work zones;

- (h) Noise management measures to be provided for plant and equipment; and
- (i) Any request for adjustment to the construction working hours set by the conditions of this consent and its justification, duration and purpose. (A993)

**(B4) Traffic Management during Construction**

A detailed Traffic Management Plan (TMP) shall be prepared, submitted to and approved by Albury City Council, as the road authority, for the traffic management (including pedestrian activity) during construction works of the building prior to the issue of a Construction Certificate. The plan shall:

- a) Be prepared by a RMS accredited consultant;
- b) Include the route plan for truck and plant access and egress for removal of demolition waste from the site and the route plan for delivery of plant, equipment and materials to the site;
- c) Detail the process for implementation of the Traffic Management on site and on surrounding roads (if required) and means of communicating the requirements of the Traffic Management Plan to all contractors involved in the demolition and construction works;
- d) Implement a public information campaign to inform any road changes well in advance of each change;
- e) Nominate contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic engineer or the NSW Police;
- f) Any required temporary road closures shall be confined to weekends and off-peak times and are subject to the approval of Council. Prior to implementation of any road closures during demolition, Council shall be advised of these closures and a Traffic Control Plan shall be submitted to Council for approval. This plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures; and
- g) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan.

The TMP is to be complied with throughout the construction process and form part of the Construction Management Plan. (A994)

**(B5) Traffic and public safety during works**

No work which requires the use or occupation of any adjacent road or pedestrian easement (by way of scaffolding, cranes, parking of any vehicle or storage of materials and placement of equipment) is to be undertaken unless and until a Traffic Control Plan prepared by a suitably qualified person has been prepared, submitted and approved by Council. A separate approval will also be required if any equipment, scaffolding or hoardings are required to be placed on the footpath or the roadway for any of the works. (A992)

**(B6) Stormwater drainage**

All stormwater runoff from the proposed development is to be collected on-site and conveyed to a lawful point of adequate capacity in a manner that is consistent with the latest version of AS3500.3.2018, and does not impede or direct natural surface water runoff so as to cause nuisance to adjoining properties. The works are to be carried out in accordance with the approved stormwater design prepared by a suitably qualified hydraulic consultant/engineer. (B528)

**(B7) Long Service Levy**

Prior to the issue of a Construction Certificate, the Building Industry Long Service Levy is to be paid in accordance with the provisions of Section 34 of the *Building and Construction Industry Payments Act 1986*. This fee is payable on all projects valued at \$250,000 and over and is calculated at the rate of 0.25% of the current value of works. (B105)

**(B8) Soil and Water Management**

Prior to issue of a Construction Certificate, a Soil and Water Management Plan is to be submitted to the Principal Certifying Authority for approval. The plan is to demonstrate the capacity of drainage infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the proposed development. Reference must be made to the publication – *Soil and Water Management Policy*, prepared jointly by Albury, Hume and Wodonga Councils, undated. The plan shall include measures to:

- (a) Prevent site vehicles tracking sediment and other pollutants from the site area.
- (b) Protect retained vegetation by a suitable barrier.
- (c) Divert upslope water in an approved manner around cleared and/or disturbed areas.

- (d) Prevent debris escaping off-site by use of on-site sediment barriers.
- (e) Provide for stockpiles and building material that don't create nuisance or pollution.
- (f) Prevent dust nuisance.
- (g) Ensure maintenance of all erosion control measures at operational capacity until the site is effectively rehabilitated.

A copy of the ESCP must be kept on-site at all times and made available to Council's Officer on request. (B053 Modified)

**(B9) Footings and Easements**

Any existing sewer main, stormwater main or water main located on the land is to be accurately located and, if necessary, building footings in the vicinity of the asset are to be designed so that no load is imparted to the asset. (B456)

**(B10) Dilapidation Report**

Prior to works commencing on site the applicant shall supply Council with a dilapidation report prepared by a suitably qualified person for the properties identified as:

- (a) The public road reserve of Kiewa Street fronting the site and any structures within those road reserves (such as traffic signal poles; utility services, signal boxes, light poles, waste receptacles and the like), and
- (b) The structures and improvements on adjacent lots.

This report shall document and photograph the condition of any structures and improvements on adjoining properties and will be held by Council and made available in any private dispute between the neighbours regarding damage arising from site and construction works.

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land/road, the person having the benefit of the development consent must, at the person's own expense:

- protect and support the building, structure or work from possible damage from the excavation; and where necessary, underpin the building, structure or work to prevent any such damage.

**C. Prior to any work commencing on the site area**

**(C1) Prior to commencement of Construction Works**

Two days before any site works, building or demolition begins, the applicant must:

- (a) Provide *Notice of commencement of work and appointment of Principal Certifying Authority*; to the Council.
- (b) Notify the adjoining owners that work will commence.
- (c) Notify *the Council* of the name, address, phone number and licence number of the builder.
- (d) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the builder's name or Owner builder details (as applicable), licence number, phone number and site address.
- (e) Protect and support any neighbouring buildings, structures or works on adjoining land from possible damage from the excavation and if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, at the person's with the benefit of the consents own expense.
- (f) Protect any public place from damage, obstruction or inconvenience from the carrying out of the consent.
- (g) Prevent any substance from falling onto a public place.
- (h) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 2021*. (C426)

**(C2) Water/Sewer & Drainage Approval**

All plumbing or drainage works will require an approval under Section 68(1) (Table Part B Water supply, sewerage and stormwater drainage work) of the *Local Government Act 1993*. The approval is to be obtained prior to commencement of work.

The Plumbing application is to include plans of the following:

- (a) Sanitary plumbing and drainage
- (b) fire services, incorporating appropriate backflow prevention devices in accordance with AS/NZS 3500.1:2018

- (c) Stormwater with pipe sizes, grades and invert levels, catchment areas for pits and point of discharge.
- (d) The plans are to be prepared by a suitably qualified hydraulics consultant.

All plumbing/drainage work and civil stormwater drainage is to be carried out by a NSW Licensed Plumber and Drainer to the requirements of the Plumbing and Drainage Act and to the Local Government Act of NSW.

The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

**(C3) Water meter location**

The water meter shall be located so as not to be subject to damage. Where necessary, appropriate barriers, bollards and/or caging must be installed to ensure protection of the water meters.

**(C4) Trade Waste**

- (a) Any premises proposing to discharge into Council's sewerage system, waste water other than domestic sewerage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council's Trade Waste Officer prior to commencing work onsite.
- (b) Detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS/NZS3500.
- (c) Pursuant to Section 68 of the Local Government Act 1993, to ensure there is no unacceptable discharge to Council's sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to work commencing onsite. The development will be required to meet discharge standards in accordance with Council's Trade Waste Policy.

Note: A Trade Waste Application Form has been enclosed for your convenience. (C436)

**(C5) On-site waste storage**

An adequate waste receptacle area shall be provided on-site to store all construction waste pending disposal. Such area shall be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience. (C655)

**(C6) Existing damage to Council property**

The applicant is required to notify Council in writing prior to commencing site operations, of any existing damage to kerbing and guttering and/or footpath paving, the absence of such notification shall signify that no damage exists and the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation. (D452)

**(C7) Erosion and Sediment Control**

Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The control measures must be in accordance with AlburyCity Council's adopted Erosion and Sediment Control Guidelines for Building Sites.

Erosion and sediment control measures must address and incorporate general site management material handling practices, soil stabilisation, wind erosion, access measures and shall provide for:

- (a) The diversion of uncontaminated run-off around cleared or disturbed areas
- (b) The erection of a silt fence to prevent debris escaping into drainage systems or waterways
- (c) The prevention of tracking of sediment by vehicles onto roads
- (d) The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
- (e) Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction. (C430)



#### **D. During Construction or Works**

##### **(D1) Construction Inspections**

Inspections are to be conducted in accordance with section 6.5 (1)(b) for building work and/or section 6.5 (2)(b) for subdivision work of the *Environmental Planning & Assessment Act 1979* and as required by the Principal Certifier. (D027)

##### **(D2) Construction mode of work**

During construction work must be conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like. (D033)

##### **(D3) Construction Hours of work**

Demolition, subdivision or construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- (a) Mondays to Fridays, 7.00am to 6.00pm
- (b) Saturdays, 8.00am to 1.00pm
- (c) No work is permitted on Sundays and Public Holidays.

Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

Note: The provisions of the *Protection of the Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works. (D422)

##### **(D4) Stormwater Surface water**

The land surrounding any structure must be graded to divert surface water to the legal point of adequate discharge, and clear any structures and adjoining premises. (D478)

##### **(D5) Redundant vehicle crossing**

The redundant vehicle crossing is to be removed and replaced with Council's standard kerb and gutter and foot paving. (D414)

##### **(D6) Non-reflective cladding materials**

The roof and external cladding colour or colours of the building must be non-reflective. Neutral colours are to be used so as to preserve the visual amenity of the area. (D006 Modified)

##### **(D7) Separate water control cocks and water meters**

Separate water control cocks and water meters being provided to each tenement or sole occupancy unit to enable the isolation of any tenement or sole occupancy unit so as not to cause inconvenience to other tenements or units. All water meters are to be located in a central, accessible location. (D462 Modified)

##### **(D8) Noise control**

All demolition, construction and landscaping works complying with the latest version of Australian Standard 2436 "*Guide to Noise Control on Construction, Maintenance and Demolition Sites*". (D048)

##### **(D9) NSW Workcover Authority**

All construction work is to be undertaken in a manner that is consistent with any directions or practices endorsed by the NSW Workcover Authority. (D998)

**E. Prior to the issue of an Occupation Certificate****(E1) Infrastructure Contributions (Section 7.12 & Section 64)**

The following monetary contributions are required and payable to Council in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*, and Section 64 of the *Local Government Act, 1993*, to provide for the increased demand for public amenities and services resulting from the development.

Purpose	Hot key	Total
Section 64 - Water	227	\$32,026.86
Section 64 - Sewer	228	\$42,702.48
Section 7.12	223	\$18,040.00
		<b>\$92,769.34</b>

The amounts payable under this condition are due prior to the release of the Occupation Certificate, and will be indexed annually in accordance with Clause 3.17 of the *City of Albury Infrastructure Contributions Plan 2014*. Prior to payment of the above contributions, the applicant is advised to contact Council to verify the amounts due and payable. It is the responsibility of the Principal Certifying Authority to ensure that contributions have been paid to Council in accordance with this Consent.

This contribution has been imposed in accordance with *City of Albury Infrastructure Contributions Plan 2014*. Council's Contributions Plan can be viewed at [www.alburycity.nsw.gov.au/](http://www.alburycity.nsw.gov.au/) or a copy may be inspected or purchased at Council's Administration Centre. (A303)

**(E2) Car Parking Contribution – Voluntary Planning Agreement**

Prior to the issue of an Occupation Certificate, parking contributions as set out in the Voluntary Planning Agreement must be paid to AlburyCity Council. (E999)

**(E3) Adjustment to Public Utilities**

Adjustments to public utilities necessitated by the development shall be completed at the applicant's cost prior to occupation of the premises, and in accordance with the requirements of the relevant authority. (E487)

**(E4) Structural Certification of awning**

Certification by a structural engineer that the awning is structurally adequate and complies with Section B of Volume 1 of the Building Code of Australia must be lodged with the application for an Occupation Certificate for the building, or any part thereof. Upon issue of the Occupation Certificate, the Principal Certifying Authority shall provide a copy of the structural certification to Council with the approved Occupation Certificate documentation.

**(E5) Encroachment over road reserve**

Upon completion of building works and prior to the issue of an Occupation Certificate, a survey prepared by a Registered Surveyor detailing the awning as constructed (specifically, the height of the awning relative to footpath ground levels and the location of the awning relative to the back of kerb) must be provided to Council for attachment to the licence for that encroachment.

**(E6) Street number**

A street number shall be displayed in a prominent location at the front of the property in the interest of public safety and the delivery of goods, parcels and emergency services. (E424)

**(E7) Certificate of Compliance - Plumbing/Drainage**

Prior to occupation the responsible Plumbing contractor is to submit to Council a Certificate of Compliance. All plumbing work is to comply with the relevant legislation. (E433)

**(E8) Fire safety certificate**

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the *Building Code of Australia*. (E600)

**(E9) No disturbance to footpath or nature strip**

The footpath or nature strip shall not be disturbed by any construction activities other than those essential for access to the site or installation of services. (E466)

**F. Use of Site Area**

**(F1) Environment and amenity**

The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:

- (a) The appearance of any buildings, works or materials used.
- (b) The parking or moving of motor vehicles.
- (c) The transporting of materials or goods to or from the site.
- (d) The hours of operation.
- (e) Noise, air and water discharges from the site.
- (f) Electrical interference.
- (g) The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.
- (h) Emissions or discharges into the surrounding environment including, from waste water, sediment, dust, vibration, odours or other harmful products. (F024)

**(F2) Security lighting**

Lighting is to be undertaken with the lighting plan and provide adequate illumination to ensure safety and security. (Modified F001)

**(F3) External lighting**

Any external lights must be directed away from the adjoining/nearby residences and roads to prevent light spill and glare and distraction to motorists. (F018)

**(F4) Hours of operation and delivery times**

The operating hours are from 6:00 am to 10:00 seven days. Delivery and service vehicles generated by the development are limited to hours of operation. (F084)

**(F5) Loading/unloading**

All loading and unloading of vehicles shall take place entirely within designated on street loading bays in a manner not injurious to amenity and traffic safety. (Modified F003)

**(F6) Garbage storage and collection**

Storage of garbage must be contained within the designated garbage storage area as identified on the approved plans. The garbage area is to be maintained in a clean and tidy state at all times. Waste collection is to be carried out in accordance with any requirements of Council. (F015 Modified)

**(F7) Sewer inspection pit**

A sewerage manhole and/or house drainage inspection pit exists on the property and shall remain visible and accessible at all times. (F493)

**(F8) Sewer trade waste**

Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council. (F039)

**(F9) Security alarms**

All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia and be connected to a security service. (F012)

**(F10) Amenity graffiti**

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired. (F027)

## **G. Reasons for Conditions**

### **(G1) The above conditions have been imposed: -**

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*
- (b) Having regard to Council's duties of consideration under Section 4.13 and 4.17 of the Act
- (c) To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites
- (d) To improve the amenity, safety and environmental quality of the locality
- (e) Having regard to environmental quality, the circumstances of the case and the public interest
- (f) Having regard to the *Albury Development Control Plan 2010*
- (g) To help retain and enhance streetscape quality
- (h) Ensure compatibility with adjoining and neighbouring land uses and built form
- (i) To protect public interest, the environment and existing amenity of the locality
- (j) To minimise health risk to neighbouring residents and workers. (H001)

## **H. Advisory and Ancillary Matters**

### **(H1) Compliance**

It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact the AlburyCity's City Development Cluster on 02 6023 8111 if there is any difficulty in understanding or complying with any of the above conditions. (I010)

### **(H2) Underground assets – Before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please refer to [www.byda.com.au](http://www.byda.com.au) before excavating or erecting structures (this is the law in NSW). (I130)

### **(H3) Public assets – completion of work**

All works required to be carried out within public property or to public utilities, including in connection with roads, kerb & channel, vehicular crossings, footpaths, cycleways, public services and the like resulting from the development, shall be completed before occupation of the site or release of a subdivision certificate, whichever is the first. No work is to be carried out within public land and or places, including storm water connections through Council's footpath, without the written approval of Council. (I126)

### **(H4) Telstra assets**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. (I131)

### **(H5) Disability Discrimination Act, 1992**

It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act, 1992* (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone 02-9284 9600) in respect of your application. (I025)

### **(H6) Alterations after consent**

Any alterations to the proposed development shall be submitted to AlburyCity Council for further assessment and approval prior to the issue of Development Consent. If such alterations are contemplated after the consent is issued, then details shall be subject to a development application for the modification of the Development Consent. (I005)

### **(H7) Plumbing works**

All plumbing work shall be carried out by a licensed Plumber and/or drainer to the requirements of the *Local Government Act, 1993*. An application should be submitted to Council for approval. (I035)

### **(H8) Water meter/service pipe**

The water meter and property service pipe being located clear of the proposed footing and building structure. The water meter is to be located to be easily and readily accessible by Council. (I085 Modified)

(H9) **Road and Public Domain Works – Council approval required**

This development consent does not give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit. Details plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and storm water drainage) within existing roads, must be submitted to and approved by Council under the *Roads Act 1993*, before the issue of any Construction Certificate. All public domain works must comply with Council's "*Engineering Guidelines for Subdivisions and Development Standards*". (1051)

(H10) **Change of Use consent**

The approved use of the ground floor tenancies are for 'shops'. Any change of use which cannot be considered 'Exempt Development' in accordance with *State Environment Protection Policy (Exempt and Complying Development Codes) 2008*, such as food or drink premises or beauty salon etc. will require further development approval. (1995)

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