

DEVELOPMENT CONSENT

Approval Number: 10.2009.29846.1

Endorsed Date of Consent: DRAFT

AlburyCity
PO Box 323
ALBURY NSW

Subject Land

LOT: 694 DP: 753326, Lot PT695 DP 753326, LOT: 6 DP: 829926, LOT: 91 DP: 608683
Mudge Street HAMILTON VALLEY, Urana Road LAVINGTON, Ebert Street HAMILTON VALLEY

Description of Development

Expansion of Albury Waste Management Centre – Stages 1 & 2 with Stage 3 being “Deferred Commencement”

Attached to Approval:

1. Conditions
2. Plans endorsed with Consent.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under Section 81(1)(a) 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 substantially commenced within five (5) years from the endorsed date of consent as sanctioned under Section 95(2) of the Act.

Deferred commencement for Stage 3

- 1) Pursuant to Section 80(3) of the *Environmental Planning and Assessment Act, 1979*, Stage 3 is issued as a “deferred commencement” consent. As such Development Consent for Stage 3 does not operate until the following information is submitted to, and approved by, both Council and the NSW Department of Environment Climate Change and Water:
 1. Provision of a revised air quality assessment. The revised assessment must address the following matters to the satisfaction of the Environmental Protection Authority:
 - *Selected odour criteria and inclusion of all receptors in the odour modelling and assessment* – consideration of additional residences located south of the Albury Waste Management Centre (AWMC) that appear not to have been included as discrete receptors for the assessment. Additionally, new dwellings may be built in close proximity to the proposal. It is likely that the population density south of the

AWMC site is greater than 10 people/km² resulting in a more stringent odour criterion.

- *Odour impact on the urban area of Hamilton Valley* – the odour impact on the urban area has not specifically been assessed. The expected impact at the urban boundary can be inferred from the isopleth plots in the assessment. The applicable assessment criterion for the urban areas is 2 OU. It is likely that without significant mitigation measures, adverse odour impacts would occur at Hamilton Valley urban area. Remodelling of Stage 3 assuming an 80 percent reduction in odour emissions from the majority of the composting operations resulted in compliance with the adopted odour criteria, however, the assessment does not describe or commit to implementing the measures (eg enclosed with ventilation provided to a biofilter) necessary to achieve the modelled 80 percent reduction in odour emissions.
- *The variability of emissions from composting activities over time* – the assessment does not predict impacts that could result from multiple batches of young compost material at the same time. The only peaking effect that the variable emissions have comes from times when turning or moving the compost occurs. Additionally, the assessment does not demonstrate that compost turning was modelled during hours of poor atmospheric dispersion. Based on the information presented on emissions modelled, there is considerable uncertainty as to whether the model is over or under predicting the likely impact.
- *The measures to be implemented to control odour emissions* – the current assessment includes a discussion of recommended odour emission measures but does not commit to implement any of the recommended options. A revised air quality assessment must therefore evaluate control measures and include the selected operating scenario, location of the odour sources, engineering controls or some combination that adequately controls odour emissions and reduces the risk of adverse odour impacts from the proposal.

The proponent must specify and commit to the implementation of odour controls prior to the implementation of Stage 3 of the Albury Waste Management Centre Northern Valley Development. The odour controls must prevent adverse odour impacts upon residential receivers. It is recommended that the proponent consults with DECCW's air technical specialists in preparing a revised air quality impact assessment for Stage 3 of the proposed development.

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Michael Keys

Director

Planning and Economic Development

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you received this notice.

Conditions attached to Development Consent 10.2009.29846.1

A. General

(A1) Development Application - 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 20/10/2009, the Environmental Impact Statement titled Albury Waste Management Centre Northern Valley Development (Volumes 1 & 2) by URS dated September 2009 and subject to the following conditions. (A001)

(A2) General Terms of Approval - Environmental Protection Licence under Protection of The Environment Operations Act, 1997 - EPA

The following provisions have been imposed through the Integrated Development provisions of the *Environmental Planning and Assessment Act, 1979*, by the NSW DECCW – Environment Protection Authority:

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application 10.2009.29846.1 submitted to Albury City Council on 19/10/2009;
- The environmental impact statement titled Albury Waste Management Centre Northern Valley Development (Volumes 1 and 2) dated September 2009 (43177566) relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

- L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Note: Condition L5.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L6. Noise limits

- L6.1 Noise generated at the premises must not exceed the noise limits presented in Table 6.1 below. The locations referred to in the table below are indicated by the property identification in Table 2-1 Noise Sensitive Receptors (Receiver A to I) in the Report "Noise Impact Assessment for Proposed Northern Valley Development of the Albury Waste Management Centre" prepared by URS for Albury City Council dated 3 September 2009.

Location	LAeq,15 minute Daytime noise limit
A	35 dB(A)
B	35 dB(A)
C	35 dB(A)
D	35 dB(A)
E	35 dB(A)
F	38 dB(A)
G	39 dB(A)
H	35 dB(A)
I	36 dB(A)

- L6.2 Noise generated from the premises in excess of the limits set out in condition L6.1, whether on one or more occasions, constitutes a breach of this Environment Protection Licence regardless of Chapter 11 or the Definition of Terms in the NSW Industrial Noise Policy.

- L6.3 For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

- L6.4 The noise limits set out in condition L6.1 apply under all meteorological conditions except for any one of the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

- L6.5 For the purposes of condition L6.4:

- a) The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as Albury Airport Automatic Weather Station (AWS); and
- b) Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L6.6 For the purposes of determining the noise generated at the premises:

- a) Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used;
- b) The noise monitoring equipment used at a location must be placed in a position:
 - i. that is, where applicable:
 - approximately on a location's property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
 - within 30 metre of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises; or
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
 - to determine compliance with the Leq(15 minute) noise limits in condition L6.1; or
 - ii. that is:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L6.6(b)(i) or L6.6(b)(ii).

L6.7 A breach of this Environment Protection Licence will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition L6.1 is detected in an area at a location other than an area prescribed by conditions L6.6(b)(i) or L6.6(b)(ii); and/or at a point other than the most affected point at a location.

L6.8 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6.9 The licensee shall implement all feasible and reasonable noise mitigation that was identified in Section 6 "Recommended Noise Mitigation Measures" as providing up to 3 to 5 dB noise reduction at receivers D, E, F, G, H and I.

L6.10 Hours of construction are limited to 7:00am to 6:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays with no construction activity to occur on Sundays or Public Holidays.

Hours of operation

H6.4 All construction work at the premises must only be conducted between 7am and 6.00 pm Monday to Saturday. No construction work is to occur on Sundays or Public Holidays.

H6.5 Activities at the premises, other than construction work, may only be carried on between 7am and 6.00 pm Monday to Saturday and 8.00 am – 6.00 pm on Sundays excluding Public Holidays

- H6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- H6.7 The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

O2. Dust

- O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

- O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Note: For activities that are likely to have major dust impacts (for example, coal mines and extractive industries), additional, more detailed general terms of approval may be appropriate. These may require dust control measures for traffic areas, open stockpiles, processing and loading areas, including ceasing dust generating activities during certain meteorological conditions.)

O3. Stormwater/sediment control - Construction Phase

O3.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

O4. Stormwater/sediment control - Operation Phase

- O4.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

O4.1 (continued)

Note: This condition would normally only be used where a SWMP is required and stormwater management would be incorporated into EPA's licence. For other proposals the EPA may suggest that the consent authority include a similar condition where appropriate. Information relating to structural and non-structural options for managing site stormwater is provided in the "Managing Urban Stormwater: Source Control" and "Managing Urban Stormwater: Treatment Techniques" documents respectively.

O5 **Processes and Management**

O5.1 The licensee must ensure that any general solid waste (non-putrescible) and/or general solid waste (putrescible) for processing, storage or resource recovery at the premises is assessed and classified in accordance with the DECC Waste Classification Guidelines as in force from time to time.

O5.2 The licensee must ensure that each waste for recovery/recycling is stockpiled separately.

O6 **Tyre Storage**

O6.1 The licensee must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are located in a clearly defined area.

O6.2 The licensee must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are managed so as not to cause or to be likely to cause the spread of disease by vermin.

O6.3 The licensee must ensure that measures are taken to prevent stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) from catching on fire.

O6.4 Without limiting O5.1 to O5.4, any area(s) used for the storage of used rejected or unwanted tyres (including shredded tyres and tyre pieces) at the facility must:
(a) be surrounded by a fire break of at least six (6) metres width that is kept clear of all combustible material; and
(b) be fenced or otherwise secured to prevent any unauthorised access to the tyres and the fire break.

O7 **Garden Waste**

O7.1 The licensee must remove processed garden waste on a first shredded/first remove basis.

O7.2 The licensee must remove the processed garden waste from the premises within two weeks of the completion of the shredding process.

O7.3 All shredding of garden waste must be undertaken behind the noise attenuation barrier

O8 **Waste Recycling**

O8.1 The licensee must ensure that recycling facilities are provided as much as practicable for the following materials:
a) glass – clear, brown and green;
b) paper and cardboard;
c) plastic – all types;
d) batteries;
e) sump engine oil;
f) aluminium and steel cans; and
g) reusable timber, firewood and garden waste.

O8.2 Recycling facilities at the premises must be clearly marked and be available for access by the public.

O9 **Household chemical collection program**

O9.1 Chemicals which have been collected in conjunction with a "Household Chemical Collection Program" must be stored in a secure and bunded location within the premises pending lawful disposal or recycling of these chemicals.

Monitoring and recording conditions

M1 **Monitoring records**

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M3. **Requirement to monitor volume or mass**

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,
- over the interval, at the frequency and using the method and units of measure, specified below.

M4. Testing methods - concentration limits

- M4.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:
- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
 - if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

- M4.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M3 must be done in accordance with:
- the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

Note: Testing methods - load limit

Clause 17(1) and (2) of the Protection of the Environment Operations (General) Regulation 1998 requires that monitoring of actual loads of assessable pollutants listed in L2.1 must be carried out in accordance with the testing method set out in the relevant load calculation protocol for the fee-based activity classification.

Reporting conditions

- R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

(A3) **Prior to works – general**

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 81A(2)(a).
- (b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b).
- (c) Council is to be notified at least two (2) days in advance of the intention to commence building works in accordance with Section 81A(2)(c).
- (d) Any other matters prescribed in the Development Consent and the *Environmental Planning and Assessment Act and Regulation* have been complied with.

Albury City Council is to be notified 48 hours prior to commencement of civil engineering works or clearing associated with the subdivision or civil construction works. (A061)

(A4) **Compliance - previous development consent**

Compliance at all times with any relevant previously issued Development Consents for the site. (A070)

(A5) **Landscape Screen Planting Plan**

Prior to issue of a Construction Certificate, a landscape screen planting plan is to be submitted to Council for approval. Three copies of the plan are to be provided. Once Council has approved the plan it will form a part of this Development Consent. The plan is to indicate the following information:

- (a) Landscape screen planting immediately adjacent to the property boundaries to provide a visual buffer to the facility;
- (b) The location of services;
- (c) The location and name of shrub and tree species to be planted;
- (d) Species chosen must relate in scale to the development, with taller and more diverse planting for visually prominent development;
- (e) Mature height and spread of trees and shrubs;
- (f) The location of grassed and paved areas; and
- (g) Measures to assist in the establishment and maintenance of the landscaping. (B021)

(A6) **Construction Environmental Management Plan**

Prior to commencement of any works on-site, a Construction Environmental Management Plan (CEMP) is to be submitted to, and approved by, Council and NSW Department of Environment, Climate Change and Water (EPA). The CEMP is to cover as a minimum the issues in Chapter 21 of the Environmental Impact Statement by URS dated September 2009. Construction works on-site are to comply with the provisions and measures contained within the approved CEMP.

(A7) **Approval for further archaeological studies**

Prior to detailed design work being undertaken, further archaeological studies are to be undertaken as recommended in Section 13.4 of the EIS by URS dated September 2009 and outlined in Attachment C of the letter from the DECCW dated 10 December 2009. An application must be made to the NSW Department of Environment, Climate Change and Water for an Aboriginal Heritage Impact Permit under Section 87 of the *National Parks and Wildlife Act, 1974* (B542)

B. Prior to any work commencing on the site area

(B1) **Asbestos**

Prior to undertaking works the applicant is to undertake an investigation with regard to the presence of asbestos containing materials within any building to be demolished and any area of the site to be disturbed. The removal of asbestos is to be done by persons holding a current removalist's licence issued by WorkCover NSW and disposed of at a facility approved by the NSW Department of Environment, Climate Change and Water (Environment Protection Authority).

(B1) **Asbestos (continued)**

Works on site are to comply with the WorkCover "Guide to Working with Asbestos" and the National Code of Practice for the Safe Removal of Asbestos. Further information can be obtained from the WorkCover web site at www.workcover.nsw.gov.au and the National Occupational Health and Safety Commission web site at www.nohsc.gov.au.

(B2) **Compliance - protection for retained vegetation**

Protective measures for vegetation to be retained shall be installed before commencement of work and maintained to post construction stage. (C025)

(B3) **Water/Sewer & Drainage Approval**

- a) 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* is to be obtained prior to commencement of work.
- b) All plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the most current *NSW Code of Practice, Plumbing and Drainage*.
- c) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

(B4) **Onsite Sewage Management System**

All soil and sillage wastewater generated shall be treated and disposed of on-site, through an approved Onsite Sewage Management System in accordance with the *Local Government (General) Regulation 2005* Section 26 Part 2 Approvals. All relevant matters contained within these regulations shall be completed and lodged with Council for approval prior to commencement of work.

A copy of the *Local Government (General) Regulation 2005* Section 26 Part 2 Approvals Section 26 titled "Matters to accompany applications for approval to install or construct sewage management facilities" is enclosed for your convenience. (C998)

C. During Construction

(C1) **Amenity - non-reflective cladding materials**

The roof and cladding colour or colours of any outbuildings/sheds, and the finished colours of any aboveground water storage tanks, must be non-reflective i.e. not a "zincalume" type material. Neutral "earth" colours are to be used i.e. "greens", "reds", "greys" or "browns" so as to address the rural character of the area and blend all new buildings in with the landscape and preserve the visual amenity of the area. (D006)

(C2) **Construction - landscape general**

All landscape works are to be constructed in accordance with the stamped approved plan. Landscaping is to be maintained:

- In accordance with the approved plan; and
- In a healthy state; and
- In perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation that died or was removed. (D012)

(C3) **Subdivision – runoff and sediment control**

During construction runoff detention and sediment interception measures are to be applied to the site area in accordance with the approved Construction Environmental Management Plan so as to reduce flow velocities and prevent sediment escaping from the site or entering any downstream drainage easement or natural or artificial water bodies. (D524)

(C4) **Heritage – uncovering relics**

If any archaeological relics are uncovered during the course of the work then works in that area are to immediately cease and the NSW Heritage Office contacted immediately. The applicant is advised that, depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977, may be required before any further work can be considered in that area of the site. (D700)

(C5) **Discovery of an Aboriginal Relic**

If during works an Aboriginal relic is uncovered then the NSW Department of Environment and Climate Change (DECCW) is to be contacted urgently and work is to cease immediately until further notice. (D701)

D. Prior to Occupation of the Premises

(D1) **Compliance - plumbing/drainage certificate**

Prior to occupation, a Plumbing and Drainage Certificate must be obtained. All plumbing and drainage work must comply with the approval granted by AlburyCity Council and the provisions of Division 3 of the *Local Government (General) Regulation 2005*. (E433)

(D2) **Operations Environmental Management Plan**

Prior to occupation of Stage 1, an Operations Environmental Management Plan (OEMP) is to be submitted to, and approved by, both Council and NSW DECCW (EPA). This OEMP is to cover as a minimum the issues contained in Chapter 21 of the Environmental Impact Statement by URS dated September 2009.

(D3) **Fencing**

Prior to occupation of Stage 1, all boundaries of the site are to be enclosed by a cyclone mesh security fence with a minimum height of 1.8 metres.

E. Use of Site Area

(E1) **Amenity - external lighting**

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

(E2) **Operation of Premises**

The premises are to be operated in accordance with any requirements of any licence issued by the NSW Department of Environment Climate Change & Water (Environment Protection Authority). Operation of the premises is to occur in accordance with the OEMP required by condition D2 of this Consent.

(E3) **Use of Site – vegetation retention**

Any area of remnant vegetation, including trees, shrubs and grasses, identified for retention must not be damaged in any form. (F091)

(E4) **Soil and Water - dam on-site**

The dam on-site being properly maintained to prevent loss by soakage of any water contained therein. (F499)

(E5) **Opening Hours**

The public opening hours of operation for the facility are 7:30am-5pm, Monday to Friday and 9am-4pm Saturday and Sunday.

F. Reasons for Conditions

(F1) 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 79C and 80A 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 2000*
- (g) To help retain and enhance environmental 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.

G. Advisory and Ancillary Matters

(G1) 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 AlburyCity's Planning & Economic Development Group (phone 02 6023 8111) if there is any difficulty in understanding or complying with any of the above conditions.

(G2) 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.

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