

DEVELOPMENT CONSENT

Approval Number: 10.2010.30491.1

Endorsed Date of Consent: DRAFT

Volt Lane Pty Ltd
22 Rosenthal Street
CAMPBELL ACT 2612

Subject Land

Lot 1 DP1007152, Lot 102 DP 739674 & Lot 1 DP1048142
520-524 Smollett Street & 441 Kiewa Street
ALBURY NSW 2640

Description of Development

Mixed Use Commercial & Retail Development and Associated Carparking

Stage 1 – Siteworks

- Demolition of existing two-storey retail premises building (Jenny Craig); and
- Site preparation works and establishment of construction zone for carpark, office premises, and retail premises developments. (Demolition and relocation of the electrical substation is the subject of a separate process but is shown in the 'Stage 1' plan for context. These works do not form a part of this DA.)

Stage 2 – Construction of public carpark at the Volt Lane Site

- Construction of six-storey (five level) 497 space public carpark with access to/from Smollett Street.

Stage 3 – Construction of office premises, restaurants, and food and drink premises at the Volt Lane Site

Stage 4 – Construction of retail premises, restaurants, and food and drink premises (Volt Lane Markets) at the Volt Lane Site

Stage 5 – Civil works to Amp Lane adjoining the Volt Lane Site

- Construction of civil works in Amp Lane.

Stage 6 – Construction of Market Square and civil works to Volt Lane, Selles Lane and Smollett Street at the Volt Lane Site

- Construction of 66 space carpark; and
- Construction of civil works in Volt Lane, Selles Lane, and Smollett Street.

Stage 7 – Construction of public carpark at the Gasworks Site

- Construction of three-storey (two level) 328 space public carpark with access via Kiewa Street.

Staged subdivision

- proposed Lot 10 (over 3 levels) for office premises, with right-of access easement for the ramp from Smollett Street to the 497 space public carpark;
- proposed Lot 11 (over 3 levels) for office premises, restaurants, and food and drink premises;
- proposed Lot 12 (over 3 levels) for office premises, restaurants, and food and drink premises, with right-of-access easement for the ramp from Smollett Street to the 497 space public carpark and right-of-access easement for the 497 space public carpark in general including for stratum Lot 13 and stratum Lot 14;
- proposed stratum Lot 13 for a part of the 497 space public carpark, with right-of-access easement for the 497 space public carpark in general; and
- proposed stratum Lot 14 for a part of the 497 space public carpark, with right-of-access easement for the 497 space public carpark in general.

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.

.....
Michael Keys
Director
Planning and Environment

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 10.2010.30491.1

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 received on 24 August 2010 and additional information received on 15 September 2010 and 5 October 2010 and subject to the following conditions. (A001)

(A2) NSW Roads & Traffic Authority

The development is to be carried out in accordance with the following conditions of the NSW Roads & Traffic Authority:

1. A traffic analysis of the Level of Service provided by the traffic facilities at the intersections of Smollett Street with Kiwra Street, Smollett Street with Olive Street and Kiwra Street with Hume Street (the Riverina Highway) is to be undertaken approximately 8 months after the occupation of the development and reported to the Consent Authority within 10 months. Any augmentation works required to the intersections to maintain the efficiency of these intersections is to be borne by the development and completed within 12 months of the occupation of the premises.
2. The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
3. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site (including along AMP Lane, Volt Lane and Selles Lane) is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction and in a manner to allow all vehicles to be able to enter and exit the subject site in a forward direction.
4. Any proposed access driveway to the development is to be constructed so that the driveway rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway.
5. Any redundant driveway servicing the subject site is to be removed and the road reserve is to be reinstated to match the surrounding roadside landform including kerb & gutter in accordance with Council requirements.
6. Consideration is to be given to implement traffic calming measures and entrance treatments within the car park to control speeding vehicles and to reduce vehicular/pedestrian conflict. Pedestrian crossing stripes are not to be placed as it resembles to the pedestrian crossing on the road and creates confusion as to who has the priority.

7. Pedestrian access to the site from the road reserve is to be provided separate to the vehicle driveways and is to be designed to cater for all forms of pedestrian mobility.
8. Any landscaping, fencing, building structure, and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS 2890.1-2004 "Off-street car parking".
9. All activities including, loading and unloading associated with this development are to take place within the subject site.
10. The proposed carpark capacity signage is to be clearly visible to vehicles travelling along Smollett Street before turning into the driveway for the carpark.
11. A management plan to address construction and demolition activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the surrounding public road network. Appropriate signage and fencing is to be installed and maintained to effect this requirement.
12. All works associated with the proposed development shall be at no cost to the RTA.

(A3) Traffic Impact Assessment

The development shall implement the recommendations of the *Traffic Impact Assessment* by CPG Australia Pty Ltd and dated August 2010 and includes incorporation of the following:

- i. The median in Smollett Street contain a 6m mountable nose west of the Amp Lane opening to facilitate access by semi trailers to the Target loading dock. Details are to be provided in the plans lodged for a Construction Certificate for Stage 2;
- ii. The right angle junction of Amp Lane and Volt Lane is flared with a 4m x 4m splay to cater for the passage of a 12.5m single unit delivery truck around this bend;
- iii. The multi-deck car park entrance and exit lanes are to be separated by a minimum 1.0m wide separator island for a minimum distance of 6 metres from the Smollett Street entrance. Details are to be provided in the plans lodged for a Construction Certificate for Stage 2;
- iv. Operational procedures for the Market, supported by signage, will restrict access to the Market loading dock to vehicles of 12.5m in length or less.
- v. Appropriate signage is to be installed at all entry/exit points to the site. This includes left-in-left out signage as appropriate at the basement car park and new multi-level carpark and at-grade carpark onto Selles Lane. Signage is to be installed prior to the issue of any occupancy certificate for the relevant stage;
- vi. Operational procedures for the ATO Office, supported by signage, will restrict access to the ATO loading dock to vehicles of 8.8m in length or less.
- vii. The current clockwise circulation through Amp Lane, Selles Lane and Volt Lane is to be retained as part of the development proposals.

- viii. The multi-deck carpark is to be provided with an electronic message board at entry to indicate available parking. This signage is to be visible from an easterly and westerly direction in Smollett Street. Details are to be submitted to, and approved by, Council prior to issue of a Construction Certificate for Stage 2. The signage is to be installed to the satisfaction of Council prior to the issue of an Occupation Certificate for Stage 2.
- ix. The egress from the new Volt Lane car park onto Smollett Street will be restricted to left-out only;
- x. Intersection of Volt Lane and Olive Street is to be upgraded to encourage pedestrian priority and improve pedestrian safety, as well improve driver visibility when existing Volt Lane. Details are to be submitted to, and approved by, Council prior to issue of a Construction certificate for Stage 6. Any required works are to be implemented prior to the issue of an Occupation Certificate for Stage 6.
- xi. The introduction of mid-block pedestrian crossing facilities be included in the detailed design of Smollett Street following resolution of location issues in consultation with Council.

(A4) 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).

Where relevant, provide a copy of the insurance certificate to the Principal Certifying Authority as required by the *Home Building Act 1989*. (A060)

(A5) Compliance – 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 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). (A100)

(A6) Amenity - 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(s) without the written consent of Council. (A400)

(A7) Occupation - Development Application for separate retail/commercial uses

A separate development approval is to be obtained for the intended occupant and use of each of the retail/commercial spaces, except for the Australian Tax Office component. (A999)

(A8) Vehicle Manoeuvring Templates

The applicant shall provide to Council a plan demonstrating semi-trailer manoeuvrability within the 'Market' building and so as to exit is a forward direction.

(A9) Volt Lane Public Carpark

The stratum containing the public carparking facility is to be handed over to the ownership of Albury City Council prior to the issue of any occupation certificate for any stage of the development. Rights of vehicular, pedestrian and public access to the stratum are to be registered in conjunction with the stratum registration.

(A10) Retail Occupancy

No single retail occupancy to have a gross floor area in excess of 3,000m² without separate development consent being obtained from Council. (A999)

(A11) Sewer - trade waste

1. 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.
 2. 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.
 3. 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)

(A12) Completion of Kiewa Street Carpark

The construction of the Kiewa Street multi-level public carpark approved as Stage 7 of this consent is to be completed within 12 months of the issue of an Occupation Certificate for Stage 3. (A999)

B. Prior to the issue of a Construction Certificate

(B1) Traffic Management during Construction

- A detailed Traffic Management Plan (TMP) shall be prepared for the pedestrian and traffic management during construction and submitted to Albury City Council as the road authority prior to the issue of a Construction Certificate for Stage 1. The plan shall:
- (a) Be prepared by a RTA accredited consultant
 - (b) Include the route plan for deliveries to the site
 - (c) Implement a public information campaign to inform any road changes well in advance of each change
 - (d) 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
 - (e) 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 construction, 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.
 - (f) The TMP is to be compiled with throughout the construction process.

(B2) Remediation

Prior to issue of a Construction Certificate for Stage 7, the following is to be complied with:

1. A voluntary Remediation Action Plan to be submitted to, and approved by, DECCW
2. Completion of the works outlined in the approved Remediation Action Plan and submission of a Site Validation Report indicating compliance with the requirements of the approved Remediation Action Plan and advisement of the suitability of the site for the proposed development.

(B3) Construction Certificate - Long Service Levy

Prior to the issue of a Construction Certificate for each stage, 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 in excess of \$25,000 in value and is calculated at the rate of 0.35% of the current value of works. *(B3105)*

(B4) Development – stormwater drainage design

A stormwater drainage design is to be prepared showing stormwater from the site area and development being collected and disposed of to a lawful point of adequate capacity so as to prevent contamination of receiving waters. The design shall:

- (a) Be in accordance with *Australian Standard 3500.3*
- (b) Provide for drainage discharge to an existing Council drainage system.
- (c) Maintain where relevant existing stormwater overland flowpaths.
- (d) Ensure that the development either during construction or upon completion, does not impede or direct natural surface water runoff so as to cause a nuisance to adjoining properties.

Details including easements to be created are to be included with the plans and specifications to accompany any Construction Certificate for each stage. *(B539)*

(B5) Construction Certificate - disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application for each stage. *(B119)*

(B6) Energy Efficiency

That a certificate is provided to the Certifying Authority from a suitably qualified professional indicating compliance with the energy efficiency requirements of Section J of the Building Code of Australia prior to the issue of a Construction Certificate for Stages 3 and 4. *(B115)*

(B7) Access - vehicle manoeuvring

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property. *(B414)*

(B8) Engineering plans and specifications

Detailed engineering plans and specifications relating to the work is to be submitted for consideration and approval prior to the issue of a Construction Certificate for each stage. *(B438)*

(B9) Easements - clear of pipeline

Buildings being located clear of any pipeline, natural watercourse or Council easement. Footings of any building adjacent to an easement or pipeline to be a minimum of 300mm below the invert of the pipe and may rise by 300mm for each 300mm removed there from. *(B460)*

(B10) Fire Safety - list with Construction Certificate

A fire safety list of essential fire or other safety measures is to be submitted prior to the issue of the Construction Certificate for each stage. The fire safety list is to specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- (a) The measures that are currently implemented in the building premises; and
- (b) The measures that are to be proposed to be implemented in the building premises; and must specify the minimum standard of performance for each measure. (B600)

(B11) Easements - footings and easements

Any existing sewer main, stormwater main or water main located on the land is to be accurately drawn in relation to the proposed building 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)

(B12) Geotechnical Report

A geotechnical report for the proposed development, prepared by a suitably qualified and experienced geotechnical engineer shall be submitted to Council prior to the issue of any Construction Certificate for each stage. The report is to state that proper investigation has been made into the site; that the site is capable of accommodating the proposed development; that the buildings will not be affected by landslip or subsidence above or below the site when the buildings are erected, and that adequate design allowance has been made for drainage. (B524)

(B13) Construction Management Plan

The proponent shall submit, for approval by Albury City Council, a detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for each stage of works (each Construction certificate). The CMP shall address:

- (a) Construction vehicles access to and egress from the site in and route plan in accordance with the TMP during construction
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees
- (g) Noise management requirements for plant and equipment
- (h) Any request for adjustment to the construction working hours set by the conditions of this consent and its justification, duration and purpose

(B14) Retaining Walls – qualified design

An appropriately qualified person shall design retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures. Details are to be included with the plans and specifications to accompany any Construction Certificate for each stage.

(B15) Groundwater

The applicant is to undertake tests to determine the level of the groundwater table for the subject site. This information is to be provided to Council prior to issue of a Construction Certificate for Stage 3 and any measures required to be incorporated into the building design shall be clearly documented. Any approval required the NSW Department of Environment, Climate Change and Water for interception of these waters is to be obtained and a copy provided to Council prior to issue of a Construction Certificate for Stage 3.

(B16) Signage

Prior to the issue of a Construction Certificate for Stage 3, a signage strategy is to be submitted to, and approved by, Council. This strategy is to consider the placement, size, type and illumination of any external signage for the buildings on the Volt Lane site, including consideration of individual tenancy signage requirements.

(B17) Kiewa Street Carpark

An accessible lift suitable to service a public carpark containing 368 car spaces is to be provided within the proposed multi-level car park in Kiewa Street. Details are to be provided to, and approved by, Council. The approved details must be incorporated into the plans for a Construction Certificate for Stage 7.

(B18) Roadworks

Prior to the issue of a Construction Certificate for Stage 2, detailed engineering plans of the proposed road works and configuration for Smollett Street are to be submitted to, and approved by, Council.

(B19) Smollett Street Footpath

Prior to the issue of a Construction Certificate for Stage 3, detailed engineering plans of the proposed footpath works in Smollett Street are to be submitted to, and approved by, Council.

(B20) Civil works

Prior to the issue of a Construction Certificate for Stage 5, detailed engineering plans of the proposed civil works within Amp Lane, Selles Lane and Volt Lane are to be submitted to, and approved by, Council.

C. Prior to any work commencing on the site area for each stage

(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, licence number and site address.
- (e) Provide a temporary on-site toilet.
- (f) Protect and support any neighbouring buildings.
- (g) Protect any public place from damage, obstruction or inconvenience from the carrying out of the consent.
- (h) Implement measures to protect existing trees.
- (i) Implement controls to prevent soil erosion and pollution.
- (j) Prevent any substance from falling onto a public place.
- (k) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 2000*. (c426)

(C2) Diliapidation Report – private assets

Prior to works commencing on site the applicant shall supply Council with a diliapidation report prepared by a suitably qualified person for all the adjoining properties.

This report shall document and photograph the condition of buildings and improvements on that property and will be held by Council and made available in any private dispute between the neighbours regarding damage arising from site and construction works. Works are to be undertaken in a manner so as to prevent damage to surroundings. *(B99g)*

(C3) 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)*

(C4) On-site waste storage

A designated waste receptacle area shall be provided on-site to store all waste pending disposal. Such area shall be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience. Odour is to be managed and controlled to prevent nuisance to occupants and adjoining properties. *(C66f)*

(C5) 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)*
- (d) A hydraulic design, prepared by a suitably qualified person of the plumbing works including the water supply lines, fire services and the drainage is submitted with the plumbing application for approval by Council

(C6) Disconnection of Water & Sewerage Services

The existing water and sewerage services are to be disconnected prior to any demolition work commencing, such disconnection being carried out to the satisfaction of Council's Plumbing & Drainage Inspectors after a permit for such works has been obtained.

(C7) Hydraulic Design

The applicant is to submit detailed hydraulic design drawings of the proposed drainage, sanitary plumbing, and water and fire service installation for approval prior to commencement of work. The hydraulic design shall comply with the requirements of the New South Wales Code of Practice Plumbing & Drainage – 2006 and referenced standards AS/NZS 3500. (C999)

(C8) Demolition - compliance and disposal to approved landfill site

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". Prior to demolition, all services are to be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements. All demolition and excavated material is to be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site is to be provided to Albury City Council prior to commencement of demolition.

(C9) 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).

(C10) Hoarding

A hoarding permit is to be obtained prior to commencement of any work on-site. The hoarding is to be erected in accordance with the permit, and any requirements of WorkCover NSW and any other authority.

D. During Construction of each stage

(D1) Construction – inspections

Inspections are to be conducted in accordance with Clause 109E(3)(d) of the *Environmental Planning & Assessment Act 1979* and Section 162A of the *Environmental Planning & Assessment Regulation 2000* and as required by the Principal Certifying Authority. (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) Environmental - noise control

Work complying with the latest version of Australian Standard 2436 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". (D048)

(D4) Construction - hours of work

All construction/demolition work relating to this development consent must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. No work is permitted on Sundays and Public Holidays.

A variation to these approved hours may be approved by Council in the Construction Management Plan applying to the stage of works where extension of working hours is necessary, for example with a large concrete pour or erection or dismantling of a crane. The Construction Management Plan must include a statement regarding the reasons and justification for the variation sought.

- (D5) **Construction - stamped plans and erection of site notice**
 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon is to be available on site at all times during construction.
 The following details are to be placed on signs to be erected on the site:
- The name of the Principal Certifying Authority, their address and telephone number,
 - The name of the person in charge of the work site and telephone number, at which that person may be contacted during work hours,
 - That unauthorised entry to the work site is prohibited,
 - The designated waste storage area must be covered when the site is unattended, and
 - All sediment and erosion control measures is to be fully maintained until completion of the construction phase.
- Signage but no more than 2 signs stating the above details are to be erected:
- At the commencement of, and for the full length of the, construction works onsite, and
 - In a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.
- All construction signage is to be removed when the Occupation Certificate has been issued for the development, **or** all construction signage is to be removed on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate. (D075)
- (D6) **Environmental - dust suppression**
 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties. (D051)
- (D7) **Demolition - mud/soil**
 The tracking of mud and soil deposits from the site is to not occur during demolition works. (D045)
- (D8) **Construction - glass installations AS1288**
 Glass installations within the building are to comply with AS 1288 and the *Building Code of Australia*. On completion of the glass installation, a report is to be submitted certifying compliance with AS 1288. (D100)
- (D9) **Construction - Survey**
 The building is to be set out by a registered surveyor. A Survey Certificate is to be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level. (D428)
- (D10) **Environmental - hot water system**
 Hot water installations are to deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding 50°C. (D438)
- (D11) **Services - separate water supplies**
 Separate water control cocks with provision for 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. (D462)
- (D12) **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)

(D13) **Construction - no plant/material stored within road reserve**
Plant and building materials shall not be placed or stored within the public road reserve and shall be stored within the boundaries of the site area during the building works, except where specifically approved by Albury City Council. (B454)

(D14) **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)

(D15) **Construction Activity**
Any construction work is to be undertaken in a manner with suitable precautions, so as to ensure that no damage occurs to nearby/adjoining properties as a result of excavation or other activities. (D999)

(D16) **Access - driveway entrances and exits**
Full width Heavy Industrial type driveways shall be constructed over the footway at all entrances and exits. This will be in accordance with Council's specification and a permit obtained from Council's Planning and Engineering Unit.

(D17) **Access - redundant vehicle crossing**
Redundant vehicle crossing(s) are to be removed and replaced with Council's standard kerb and gutter and foot paving. (D414)

(D18) **Kerb and Gutter - 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.

(D19) **Asbestos**
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.

E. Prior to the issue of Occupation Certificate

(E1) **Developer contributions - S94 and S64 contributions table**
Under the provision of Section 94 of the *Environmental Planning and Assessment Act* and Section 64 of the *Local Government Act*, Council requires the dedication of land and/or the payment of a monetary contribution towards the provision of public services and amenities that are required as a result of development. The contribution has been assessed as \$581,802.86 as of the date of this consent. If paid before the adoption of any subsequent plans, and is made up as follows: -

Stage 3 – Australian Tax Office (ATO)

<u>SERVICE/FACILITY</u>	<u>AMOUNT PAYABLE</u>	<u>ACCOUNT NO</u>	<u>HOTKEY</u>
Sewer	\$346,003.83	00225.0822.800	271

Stage 3 – Commercial Office

<u>SERVICE/FACILITY</u>	<u>AMOUNT PAYABLE</u>	<u>ACCOUNT NO</u>	<u>HOTKEY</u>
Sewer	\$163,601.73	00225.0822.800	271

Stage 4 – Café/Restaurant

<u>SERVICE/FACILITY</u>	<u>AMOUNT PAYABLE</u>	<u>ACCOUNT NO</u>	<u>HOTKEY</u>
Water	\$30,535.40	00044.0820.800	270
Sewer	\$41,661.90	00225.0822.800	271

Contributions are due prior to the release of the Construction Certificate or Occupation Certificate, and will be calculated or recalculated at the rate applicable under the plans current at the time of payment. A copy of the Development Servicing Plans is available for inspection at Council Offices. *(E300)*

(E2) Car parking - parking signs

A sign/signs to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of Council. The area of each sign must not exceed 0.3 square metres. (E442)

(E3) Fire Safety - certificate

On completion of the erection of each 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)*

(E4) Amenity - unit/street numbers

Unit identification numbers and a street number of at least 7 centimetres in height is to be displayed in a prominent location at the front of the property in the interest of public safety and the efficient delivery of goods, parcels and emergency services. *(E427)*

(E5) Compliance - plumbing/drainage certificate

Prior to occupation of each stage, 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)*

(E6) Occupation - Compliance Certificate

The building(s)/sole occupancy units are not to be used or occupied until the Principal Certifying Authority has issued an Occupation Certificate for the relevant stage certifying that the for the building(s)/sole occupancy units has complied fully with the development consent and has been constructed in accordance with the Construction Certificate for the relevant stage. *(E030)*

(E7) Soil and Water Management - parking area construction

The vehicle parking and manoeuvring areas being fully constructed, drained and maintained thereafter so as to prevent nuisance from dust, mud, drainage, sediment loss and the like. Such areas shall at a minimum be provided with a bitumen seal or equivalent surface on a suitable hard standing pavement.

(E8) Public utilities – cost to applicant

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. (E999)

(E9) Lighting and Security

Prior to the issue of an Occupation Certificate for each stage the following are to be done:

- (a) Lighting to all stairwells to remove concealment/entrapment areas.
- (b) Lighting to Australian Standards of the entire perimeter and especially over all entry/ exit points. (E997)

(E10) Access - driveway drain

The adjacent footpath being protected from surface water by the construction of a grated drain across the driveway within the boundary connected to an approved drainage system.

(E11) Footpath - reconstruct

The existing concrete footpath across the frontage of the site area shall be reconstructed in order to provide adequate pedestrian passage.

(E12) Safer by Design

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- (a) In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement and multi-level carparks, stair access points, pedestrian routes and waste storage areas

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Carparking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.

- (b) The ceiling of each level of parking area shall be painted a gloss white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels

- (c) The design, installation and maintenance of landscaping (and associated works) shall not impede visibility and clear sight lines along pedestrian routes and parking areas.

- (d) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

(E13) Lift

Prior to the issue of an Occupation Certificate for Stage 7, a lift is to be installed to Council's satisfaction servicing all levels of the proposed Kiawa Street multi-level carpark.

F. Prior to Issue of a Subdivision Certificate

(F1) Compliance with Conditions

Prior to the issue of the Subdivision Certificate the applicant must submit to Council, a letter outlining relevant conditions of consent and how each of the conditions have been implemented and/or satisfactorily addressed, so as to confirm compliance with all conditions of the subject consent.

Note: Council will not issue a Subdivision Certificate unless all work has been completed or agreement reached in accordance with s109J(2) of the Environmental Planning and Assessment Act. (6007)

(F2) Subdivision - final plan

A final plan of subdivision, together with seven exact copies, shall be submitted with the Application for the Subdivision Certificate. The issue of a Subdivision certificate is not to occur until all conditions of this consent have been satisfactorily addressed.

(F3) Release of Subdivision Certificate

The subdivision will comply with the requirements of any extant Development Consent and Construction Certificate. Prior to obtaining a Subdivision Certificate all work in accordance with the Construction Plans must be fully complied with. Documentary evidence of completion is to be submitted to Council prior to the issue of a Subdivision Certificate

(F4) Subdivision Certificate Inspection Fee

Prior to issue of a Subdivision Certificate the applicant shall pay to Council an Inspection Fee equivalent to 2.2% (includes GST) of the contract price of the subdivision works but not less than One hundred and Ten Dollars (\$110) for the cost of providing Council Inspection of Works. *(For office use only, Hot Key 63)*

(F5) Subdivision - maintenance bond

Prior to issue of a Subdivision Certificate, the applicant lodge with Council a maintenance bond equivalent to five percent (5%) of the contract price of the subdivision works but not less than Five Thousand Dollars (\$5000). Such bond monies will be held for a minimum period of twelve (12) months at which time an assessment will be made as to the extent of outstanding or substandard works. Those works deemed to be outstanding or of a substandard nature at that time by Council, might be repaired by Council at the applicant's expense by drawing on the bond monies held by Council. Note: Maintenance Bonds are only applicable for projects with a value greater than \$50,000. *(For office use only, Hot Key 64)*

(F6) Subdivision - provision of works-as-executed plans

"Works-as-executed" transparency plans duly certified by an Engineer or Registered Surveyor being provided, together with a statement certifying that all works have been completed in accordance with the Construction Certificate. Where applicable, a Registered Surveyor's Certificate certifying location of all pipes is to be attached.

(F7) Subdivision - location of services

A registered surveyor certifying that all services (e.g. inter-allotment drainage, water, gas, electricity and telephone) are contained separately within each new lot or alternatively within easements created to accommodate such services.

(F8) Subdivision - easement creation

Drainage, water, sewer and service easements not less than three (3) metres wide being created where required and/or as directed by council so that adequate access to, and protection of, services will be ensured.

(F9) **Subdivision - easement for colonnade/canopies/stair overhang**
Easements for the proposed canopies, colonnades and stair overhang located within Amp Lane and Volt Lane are to be created and registered prior to issue of a Subdivision Certificate.

(F10) **Subdivision Certificate**
The lodgement with the application for a Subdivision Certificate, of proper plans of subdivision and seven copies prepared by a Registered Surveyor and suitable for registration by the Land Titles Office, including any necessary Section 88B instruments.
Note: Council will not endorse restrictions as to user other than those required under these conditions or as approved in any extant development consent. (G498)

G. Use of Site Area

(G1) **Amenity - external lighting**
Any external lights must be directed away from the adjoining/nearby residences to prevent light spill and glare. (F018)

(G2) **Amenity – no adverse affect from use of site**
The approved development must not adversely affect the amenity of the neighbourhood in any way including:
(a) The appearance of any building, works or materials used.
(b) The parking of motor vehicles.
(c) The transporting of materials or goods to or from the site.
(d) The hours of operation.
(e) Electrical interference.
(f) The storage of chemicals, gasses or other hazardous materials.
(g) Emissions from the site. (F024)

(G3) **Signs – approval**
No sign that requires Council's approval being displayed until a separate Development Consent is issued. Proposed signage is to be consistent with the approved Signage Strategy for the site. All signs shall be designed to complement development on-site and be maintained at all times in good order and condition. (F800)

(G4) **Access - loading/unloading**
All loading and unloading of vehicles shall take place entirely within the site and, in a manner not injurious to amenity and traffic safety. All vehicles waiting to be loaded/unloaded shall be located within the boundaries of the subject site and under no circumstances shall loading/unloading operations be permitted within the public road. (F003)

(G5) **Fire Safety - annual fire safety statement-essential fire safety (Class 2-9)**
The owner of a building, to which an essential fire safety measure is applicable, is to provide AlbanyCity Council with an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement for a building must:
(i) Deal with each essential fire safety measure in the building premises, and
(ii) Be given:

- Within 12 months after the last such statement was given, or
- If no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the Annual Fire Safety Statement is issued, the owner of the building to which the statement relates:

- (a) Must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- (b) Prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building. *(F605)*

(G6) 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)*

(G7) Environmental - plant and equipment noise

The operating noise level of plant and equipment is to not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the *Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise. *(F033)*

(G8) Activities within the Building

The use being carried on only in the subject building with no goods, materials or unauthorised signs being stored, displayed or left exposed outside the building or in the street, unless in accordance with a current *Street Activities Approval* as issued by Council. *(F660)*

(G9) 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. *(F029)*

(G10) 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.

(G11) Amenity – 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.

H. Reasons for Conditions

(H1) 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 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. *(H001)*

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I. Advisory and Ancillary Matters

(11) **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 Planning & Economic Development Group on 02 6023 8285 if there is any difficulty in understanding or complying with any of the above conditions. (1010)

(12) **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. (1025)

(13) **Signage**

The applicant, owner and business operator are advised that advertising and signage constraints apply to this property under Part 16 of the *Albury Development Control Plan 2010*. (1055)

(14) **Security**

The applicant is advised that criminal activities upon demolition and construction sites can and do occur. It is recommended that appropriate security installations and arrangements are made prior to the commencement of the demolition and subsequent construction works, and that such installations and arrangements are regularly checked and maintained thereafter. (1995)

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