

APPENDIX 6

Draft Conditions

DEVELOPMENT CONSENT

Approval Number: 10.2010.30748.1

Endorsed Date of Consent: DRAFT

Blueprint Planning & Development
1035 Table Top Road
TABLETOP NSW 2640

Subject Land

Lot 33 DP 544990, Lot 23 DP 627560, Lot 2 SP 57929, Lot 1 DP 23650, LOT: 1 SP: 57929, LOT: 2 DP: 23650, LOT: 3 DP: 23650, LOT: 0 SP: 57929
353 - 355 Wagga Road, 362 Griffith Road, 364 Griffith Road, 1/368 Griffith Road, 2/368 Griffith Road and 366 Griffith Road LAVINGTON

Description of Development

Six (6) Storey Commercial & Retail Development - Northpoint

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 10.2010.30748.1

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 24 August 2010 and additional information received on 15 September 2010 and 5 October 2010 and subject to the following conditions. The approved development consists of the following plans drawn by:

(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 24 August 2010 and additional information received on 15 September 2010 and 5 October 2010 and subject to the following conditions. The approved development consists of the following plans drawn by Leffler Sims Architects:

- (a) Existing Site Plan - Drawing No. DA01 dated Nov '10
- (b) Site Analysis - Drawing No. DA02 dated Nov '10
- (c) Proposed Site Plan (Alt 2) –Drawing No. DA03 date Dec '10
- (d) Upper Floor Plans - Drawing No. DA04 dated Nov '10
- (e) North & South Elevations - Drawing No. DA05 dated Nov '10
- (f) East & West Elevations - Drawing No. DA06 dated Nov '10
- (g) Traverse Section - Drawing No. DA07 dated Nov '10
- (h) Aerial Views - Drawing No. DA09 dated Nov '10
- (i) Shadow Diagrams - Drawing No. DA08 dated Nov '10
- (j) North & South Elevations - Drawing No. DA05 dated Nov '10 – Issue B
- (k) East & West Elevations - Drawing No. DA05 dated Nov '10 – Issue B

(A2) Prior to works – general

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

- (a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) 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 81A(2)(b) 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 81A(2)(c) of the Act.
- (d) Submit to Council a copy of the insurance certificate as required by the *Home Building Act, 1989*.

(A3) Development Application - approval conditions of other authorities NSW Roads & Traffic Authority (RTA)

The development is to be carried in accordance with any conditions of the RTA

1. 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".

2. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS2890.2-2002 "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.
3. For road safety any driveway is to be constructed with a width of 6 – 9 metres in accordance with AS2890.1-2004 "Off-street car parking" and be able to accommodate largest size vehicle likely to access the subject site.
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 and gutter in accordance with Council requirements.
6. 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.
7. Any landscaping, fencing 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 minimize conflict in accordance with AS2890.1-2004 "Off-street car parking".
8. All activities including, loading and unloading associated with this development are to take place within the subject site.
9. Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of the adjoining road reserve.
10. 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.
11. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents. It should be noted that any works within the road reserve will require RTA's concurrence under section 138 of the Roads Act 1993 prior to commencement of any works.
12. All works associated with the proposed development shall be at no cost to the RTA.
13. Traffic calming measures and entrance treatments implement 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.

14. The advertising signage shall be designed and located such that it complies with the following:
- a) the sign display shall not include:
 - Any flashing lights;
 - Electronically changeable messages;
 - Animated display, moving parts or simulated movements;
 - Complex display that holds motorist's attention beyond "glance appreciation";
 - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as "halt" or "stop".
 - b) The proposed advertising sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
 - c) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists.
 - d) Any proposed sign and supporting structures to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
 - e) Any proposed advertising signage should not obstruct any RTA or road safety or directional signage in the vicinity.
 - f) The sign should not pose any risk to pedestrian safety.

(A7) 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.

(A8) Existing Griffith Road Street Scape

Any alterations and or additions to the paving on the Griffith Road footpath and drive way crossing shall be an exact match of that existing. All works shall be undertaken by a competent contractor and to the council specification used in the Griffith Road Streetscape Plan. Please contact Council for any further advice.

B. Prior to the Issue of a Construction Certificate

(B1) 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 \$108,993.59 as of the date of this consent. If paid before the adoption of any subsequent plans, and is made up as follows: -

<u>SERVICE/FACILITY</u>	<u>AMOUNT PAYABLE</u>	<u>ACCOUNT NO</u>	<u>HOTKEY</u>
Water	\$3,438.44	00044.0820.800	270
Sewer	\$105,555.15	00225.0822.800	271

Contributions are due prior to the release of the Construction 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.

(B2) Construction certificate - landscaping plan required - industrial

Prior to issue of a Construction Certificate, a landscaping 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) Advanced (minimum 1.3 metres height at planting) trees in the front landscaping strip. The trees are to be accompanied by plantings of shrubs and/or ground covers
- (b) A Protection Plan for the existing Blakeley's Red Gum
- (c) Siting of any security fencing. Security fencing shall be located behind the front landscaped area
- (d) The location of services
- (e) The location and name of shrub and tree species to be planted – consultation is required with Council's Community Arborist in regards to the appropriateness of species selection
- (f) Species chosen must relate in scale to the building, with taller and more diverse planting for buildings of greater dimension
- (g) Mature height and spread of trees and shrubs
- (h) The location of grassed and paved areas.
- (i) Landscaping areas protected from vehicle activity by a minimum height 100mm kerb or similar barrier
- (j) Measures to assist in the establishment and maintenance of the landscaping

(B3) Sewer - approval to discharge to sewer

The submission with the Construction Certificate, so as to minimise any building work and protect public health and the environment, of Council's written approval to discharge trade waste to sewer.

(B4) 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.

(B5) Building over Sewer Main

The existing sewer main be accurately located in relation to the proposed building by on site measurements and footings in the vicinity of the sewer main shall be designed, by an appropriately qualified person, so that no load is imparted to the sewer main in accordance with Council's standard drawings. The main shall be replaced with wrapped ductile iron or approved equivalent. Details are to be included with a Construction Certificate

(B6) 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. 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 complied with throughout the construction process.

(B7) Construction Certificate - 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 in excess of \$25,000 in value and is calculated at the rate of 0.35% of the current value of works.

(B8) 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

(B9) 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.

(B10) Access - vehicle manoeuvring

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

(B1) 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.

(B12) 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.

(B13) 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. 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.

(B14) 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.

(B15) Construction Management Plan

The proponent shall submit, for approval by Albury City Council, a detailed Construction Management Plan (CMP) prior to the issue of a 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

(B16) 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.

(B17) Signage

Prior to the issue of a Construction Certificate, 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, including consideration of individual tenancy signage requirements.

(B18) Waste Management Plan

A Waste Management Plan is to be submitted to Council for approval prior to the issue of a construction certificate. A Waste Management Plan must detail storage, control and management of waste on the site and the disposal of all waste to licensed or approved disposal facilities.

C. Prior to any work commencing on the site area

(C1) Disconnection of Water & Sewerage Services

That 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.

(C2) Demolition - compliance and disposal to approved landfill site

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "*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.

(C3) 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.

(C4) 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*.

(C5) 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.

(C6) Dilapidation Report – private assets

Prior to works commencing on site the applicant shall supply Council with a dilapidation 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 regrading damage arising from site and construction works. Works are to be undertaken in a manner so as to prevent damage to surroundings.

(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.

(C8) 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.

(C9) 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.

(C10) 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.

(C11) 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).

(C12) 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 or Works

(D1) Demolition

Prior to commencement of demolition works, a portaloo with appropriate washing facilities is to be located on the site and,

- (a) Measures are to be in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement", and
- (b) Removal of asbestos being undertaken only by a contractor who holds a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence"
- (c) All asbestos wastes being disposed of at a facility licensed by the Department of Environment and Conservation. Upon completion of tipping operations and within fourteen (14) days, the applicant must lodge with Council, all receipts issued by the receiving tip as evidence of proper disposal,

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.

(D2) 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 AlburyCity's Planning and Engineering Group.

(D3) Access - redundant vehicle crossing

Redundant vehicle crossing(s) are to be removed and replaced with Council's standard kerb and gutter and foot paving.

(D4) 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.

(D5) 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.

(D6) Environmental - noise control

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

(D7) 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.

(D8) 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.

(D9) Environmental - dust suppression

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

(D10) Demolition - mud/soil

The tracking of mud and soil deposits from the site is to not occur during demolition works.

(D11) 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.

(D12) 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.

(D13) 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.

(D14) 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.

(D15) 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.

(D16) 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.

(D17) 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.

(D18) 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.

(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.

(D20) Protection of trees

All trees to be retained on the site shall be suitably protected from damage during excavation and construction. This shall include provision of protective fencing to protect the root zone of these trees. The fencing must extend to a minimum of the drip line of each tree. No stockpiling, storage, excavation, vehicle parking, or vehicle movement is to occur within the root zone protection area. Tree protection fencing must remain in place until the end of construction.

(D21) Planting and maintenance of landscaping

The registered proprietor shall plant and maintain trees and shrubs as identified in the Landscape Plan.

E. Prior to the issue of Occupation Certificate

(E1) 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.

(E2) **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*.

(E3) **Landscaping - irrigation installation**

The site being landscaped in accordance with the particulars submitted, prior to occupying the development and being maintained at all times to enhance environmental quality. The applicant shall install a watering system (e.g. micro irrigation, sprays, under-ground pop-up sprinklers) to ensure the health and minimise maintenance of landscaped areas. Installation must be undertaken by an appropriately licensed person in accordance with an approved plan complying with the provisions of the *Local Government (Water, Sewerage and Drainage) Regulation 1993*.

(E4) **Compliance - lot consolidation**

The consolidation of all separate parcels of land into one allotment under one title before occupation of the property, so as to ensure that the siting of the development is satisfactory in relation to the size and shape of the land to be occupied.

(E5) **Sewerage Easements**

Sewerage easements, of suitable width, shall be created over all existing and proposed sewer mains within the subdivision to the satisfaction of Council.

(E6) **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.

(E7) **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*.

(E8) **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

(E9) **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

(E10) **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.

(E11) 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.

(E12) Lighting and Security

Prior to the issue of an Occupation Certificate 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.

(E13) 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 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 design, installation and maintenance of landscaping (and associated works) shall not impede visibility and clear sight lines along pedestrian routes and parking areas.
- (c) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

F. Use of Site Area

(F1) 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.

(F2) Amenity - external lighting

Any external lights must be directed away from the adjoining/nearby properties and roadways to prevent light spill and glare.

(F3) 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.

(F4) **Amenity - graffiti**

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

(F5) **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.

(F6) **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.

(F7) **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 AlburyCity 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.

(F8) **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.

(F9) **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)

(F10) **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.

(F11) **Activities within the Building**

Any 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.

G. Reasons for Conditions

(G1) Reasons for Conditions

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 Local Environmental Plan 2010* and *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.

H. Advisory and Ancillary Matters

(H1) 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.

(H2) 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.

(H3) Plans on site

A copy of the stamped approved plans must be kept on site for the duration of the site works and made available upon request to either the Principal Certifying Authority (PCA) or an officer of the Council.

(H4) 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.

(H5) Road Opening Permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

(H6) **Inspection within Public areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the Principal Certifying authority releasing the Occupation Certificate.

(H7) **Security – Commercial areas**

The applicant is advised that criminal activities in commercial areas can and do occur. It is recommended that appropriate security installations and arrangements are made prior to the commencement of the business, and that such installation and arrangements are regularly checked and maintained thereafter.

(H8) **Obtaining a Construction Certificate for building work**

This development consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate.

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