

Reference: 28906
Contact: Terri O'Brien

DEVELOPMENT CONSENT

Approval Number: 10.2017.35189.1

Endorsed Date of Consent: DRAFT

Hawes and Swan Planning
Suite 4, Level 4
35 Buckingham Street
SURRY HILLS NSW 2010

Subject Land

LOTS B, C, D, E and F DP 354294 and LOT E DP 158030
401 – 407 Olive Street and 18 – 22 Richs Lane
SOUTH ALBURY NSW 2640

Description of Development

Affordable Housing Development comprising Demolition of Existing Buildings and the erection of Thirty Eight (38) Multi Dwelling Units, Community Centre and Office, Car parking, Landscaping and consolidation of all lots.

Attached to Approval:

1. Conditions
2. Plans and documentation endorsed with Consent.
3. BASIX Certificates in accordance with Clause 2A of Schedule 1 to the Environmental Planning and Assessment Regulation 2000.

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 physically commenced within five (5) years from the endorsed date of consent as sanctioned under Section 95(1) of the Act.

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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* (the Act) gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you received this notice.

Alternatively, you may request a review of the decision under Section 82A of the *Environmental Planning and assessment Act 1979*, within 6 months of the date of this notice (note: Section 82A is not applicable to integrated or designated development). This applies if the matter was determined by a Council officer under delegation of Council. A fee is payable. For further information please contact the Council on (02) 6023 8285.

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Conditions attached to Development Consent 10.2017.35189.1

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 03/02/2017 as amended by amended plans and information lodged 19/04/2017 and subject to the following conditions. (A001)

(A2) 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)

(A3) Compliance - allotment/boundary confines

All structures shall be contained wholly within the confines of the allotment boundaries. (A061)

(A4) Compliance – BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000 it is a condition of this development consent that the commitments listed in the approved BASIX Certificates be complied with and maintained. (A071)

(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) Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate. (A450)

(A7) Restriction as to use – Affordable Housing

A Restriction as to use shall be registered upon the property to the effect that for 10 years from the date of the issue of the occupation certificate:

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider.

The restriction shall be registered, prior to the issue of the Occupation Certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919* to ensure that the requirements of this condition are met. (A990)

(A8) Future subdivision

Any future subdivision of the site will require the lodgement of a development application to be considered and determined by the relevant consent authority, as required by *State Environmental Planning Policy (Affordable Rental Housing) 2009*. (A991)

(A9) Maintenance and protection of Right of Way

The Right of Way benefitting Lot A DP158030, No 402 Kiewa Street South Albury shall be provided with an appropriate trafficable surface and shall be kept maintained and available for access at all times. To assist, bollards are to be placed at the end of the internal road turning head adjacent to the Right of Way at appropriate spacing to prevent vehicular access to the Right of Way from the internal road of this development. The bollards are to be installed prior to the issue of an Occupation Certificate. (A992)

(A10) Existing sewer mains

The existing sewer main flowing north to south adjacent to Block B and under the footings of Block C is to be relocated centrally in the 1.8m wide overland stormwater flow path between Block C and Block D, the existing sewer main under proposed Block H is to be relocated as proposed (NOTE: Conditions B6 and B7 provide additional requirements for both sites). Works as executed plans are to be provided to Council prior to the issue of an Occupation Certificate. (A993)

(A12) Compliance - Tree Preservation Order

The development must not remove any tree unless prior approval of the AlburyCity Council has been obtained. Any existing street tree within Council's road reserve shall not be removed or damaged during construction. (C015)

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. The plan shall:

- (a) Be prepared by a Roads and Maritime accredited consultant;
- (b) Include the route plan for all deliveries to the site;
- (c) Implement a public information campaign to inform any road changes well in advance of each change;
- (d) Nominate a 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 local road closures shall be confined to weekends and off-peak times and are subject to the approval of Council. Prior to implementation of any local 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; and
- (f) The TMP is to be complied with throughout the construction process.

(B2) 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. The CMP shall address:

- (a) Construction vehicles access to and egress from the site in accordance with the Traffic Management Plan 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; and
- (h) The process for seeking requests for adjustment to the construction working hours set by the conditions of this consent and its justification, duration and purpose.

(B3) Home Owner Warranty Insurance

For projects valued \$20,000 and over, a Home Owner Warranty Insurance Certificate and the Builder's name, address and licence details must be supplied to the Principal Certifying Authority prior to issue of a Construction Certificate. *(B103 amended)*

(B4) Soil and Water Management

An Erosion and Sediment Control Plan (ESCP) prepared in accordance with Albury City Council's Soil and Water Management Policy shall be submitted to and approved, by the Principal Certifying Authority. The plan shall include measures to:

- a) Prevent site vehicles tracking sediment and other pollutants from the site area.
- b) Protect retained vegetation by a suitable barrier.
- c) Divert in an approved manner upslope water around cleared and/or disturbed areas.
- d) Prevent debris escaping off-site by use of on-site sediment barriers.
- e) Provide for stockpiles and building material that don't create nuisance or pollution.
- f) Prevent dust nuisance.
- g) Ensure maintenance of all erosion control measures at operational capacity until the site is effectively rehabilitated.

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

(B5) 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.
- e) Reduce developed discharges to pre-development discharges for all storms up to and including the 1:20 year event.

Details including easements to be created are to be included with the plans and specifications to accompany any Construction Certificate. *(B538)*

(B6) Easements - Footings and Easements

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

(B7) 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.

(B8) External materials and colours

A schedule of external materials and colours for all external built surfaces, including all buildings, ground surfaces, external furnishings, screen walls, fencing, and the like is to be provided to Council for approval prior to the issue of a Construction Certificate. *(B700)*

(B9) 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)*

(B10) Car parking - disabled persons

A minimum of 2 car space(s) must be provided for the exclusive use of disabled persons. One car space(s) must be provided as close as practicable to a suitable entrance of the Community Centre and Office building and one must be provided adjacent to the communal open space area. Both spaces must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The spaces are to be designed in accordance with the requirements of AS 2890.6 (2009) *Parking facilities – off street parking for people with disabilities*.

(B11) Retaining walls – details

Details of any retaining walls proposed on the site to prevent the movement of soil in cut and fill sections of the site, subsoil drainage lines and points of discharge are to be submitted with the Construction Certificate application. (B496)

(B12) Section 64 Contributions – Water and Sewer

Under the provisions of Section 64 of the *Local Government Act*, Council requires the payment of a monetary contribution towards the provision of public services and amenities as provided for in the *Albury Infrastructure Contributions Plan 2014*. The contribution has been assessed, as of the date of this consent, as follows:

| <u>SERVICE/FACILITY</u> | <u>AMOUNT PAYABLE</u> | <u>HOTKEY</u> |
|-------------------------|-----------------------|---------------|
| Water | \$21,145.42 | 227 |
| Sewerage | \$4,929.01 | 228 |

Contributions are due prior to the release of the Construction Certificate, and will be calculated or recalculated at the rate applicable under the plan current at the time of payment. A copy of the *Albury Infrastructure Contributions Plan 2014* is available for inspection at Council Offices or by visiting Councils website <http://www.alburycity.nsw.gov.au/building-and-planning/planning-strategies-and-controls>.

(B13) Pedestrian Safety and Circulation

Prior to the issue of a Construction Certificate, plans documenting the means to provide safe and distinct pedestrian circulation through the site are to be submitted to and approved by Council. (A994)

C. Prior to any work commencing on the site area

(C1) Prior to commencement of Construction Works

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

- (a) Provide *Notice of commencement of work and appointment of Principal Certifying Authority*; to the Council.
- (b) Notify the adjoining owners that work will commence.
- (c) Notify *the Council* of the name, address, phone number and licence number of the builder.
- (d) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the builder's name, 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) 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)

(C3) Existing damage to Council property

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

(C4) 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. (C420)

(C5) Prior to commencement of Demolition Works

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

- (a) Notify the adjoining owners that work will commence
- (b) Erect an all weather sign at the front of the property stating that unauthorised entry is prohibited and showing the demolishers name, licence number and site address.
- (c) Provide a temporary on-site toilet.
- (d) Protect and support any neighbouring buildings.
- (e) Protect any public place from damage, obstruction or inconvenience from the carrying out of the consent.
- (f) Prevent any substance from falling onto a public place.
- (g) Protect Council's storm water system, natural water courses and neighbouring properties from uncontrolled stormwater.
- (h) Implement erosion and sediment control measures.
- (i) Provide temporary safety fencing to restrict access to the site during works and until satisfactory inspection by Albury City Council.
- (j) Follow any other conditions prescribed in the Environmental Planning and Assessment Regulation 2000.

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard A2601 – The Demolition of Structures. (C427)

(C6) Sewage Disposal

The applicant carrying out all necessary investigations to ensure that it is possible to discharge sewerage to Council's sewer main by gravity. The alternative being a sewer pump with installation and maintenance at the owner's cost. (C433)

(C7) 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) The Plumbing application is to include a plan of the hydraulic services, prepared by a suitably qualified consultant.
- c) All plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the Plumbing Code of Australia
- d) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

(C8) Services - water meter location

The water meter/s shall be located so as not to be subject to damage from vehicles or any activity on the site. (C428)

(C9) Demolition - asbestos

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. (C424)

D. During Construction or Works

(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) Mode of work

During demolition and construction, all 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) Work Hours

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

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

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

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

(D4) Environmental - dust suppression

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties. (D051)

(D5) Environmental - noise control

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

(D6) Protection of public property

The tracking of mud and soil deposits from the site is not to occur during demolition or construction works, so as to maintain public roads in a clean condition. (D045)

(D7) Flooding – minimum floor level

The minimum floor level for all buildings is to be RL 153.22 AHD (ie. 0.5m above the 1:100 year flood level). Certification is to be provided by a Registered Surveyor showing compliance with this condition prior to construction of the walls above ground floor slab level. (D444)

(D8) Services - separate water control cocks and water meters

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)

(D9) Sanitary drainage - Multiple Occupancy

Properties proposed for multiple occupancy shall have the sanitary drainage lines designed and installed so as each occupancy has its own individual sanitary drainage line, each with an inspection shaft and overflow gully. (D474a)

(D10) Construction - filling compaction

On completion of all landfill and engineering works, a certificate from a geotechnical engineer must be submitted to Council, confirming that the allotment is suitable for development. Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3898-1996 prior to any construction work being carried out.

(D11) Amenity - non-reflective cladding materials

The roof and cladding colour or colours of the buildings and any outbuildings/sheds, and the finished colours of any aboveground water storage tanks must be non-reflective i.e. not a "zincalume" type material.

(D12) Fencing – Olive Street frontage

Any front and side fences proposed forward of the building line in Olive Street shall not exceed 1.2m in height so as to maintain the open and landscaped streetscape. (D097)

(D13) Construction - landscape general

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

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

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

(D14) Garbage skip enclosures

The garbage skip enclosures are to be constructed of masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor is to be graded and drained to a floor waste connected to the sewer that is to be charged with a suitably located cold water hose cock. Access doors are to be fitted to the garbage enclosures to screen and protect garbage receptacles from public view, such doors are to be tight fitting solid core or of non-combustible construction.

(D15) Access - internal driveways

The internal driveways, access aisles and parking areas being provided with a bitumen sealed or equivalent surface on a suitable hard-standing pavement, constructed in accordance with the Council's road pavement standards and maintained at all times to a satisfactory standard. The travel path for the garbage truck through the site shall be constructed to a standard which is capable of withstanding the ongoing use of that road by vehicles of that nature. (D402)

(D16) Lighting

Illumination of the site area is to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic. Bollard lighting is to be provided at ten (10) metre intervals alongside all internal vehicular access ways and paths for the purpose of safety and security. Lighting is to be installed and operational prior to issue of any Occupation Certificate. (D481)

(D17) 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) Access - driveway across footway

A full width industrial type driveways must be constructed across the footway clear of the property side boundary in Olive Street and Richs Lane in accordance with a permit obtained from AlburyCity's Engineering Group. (D405)

(D19) Access

The northern light vehicular crossing is to be used for egress purposes only and appropriately signposted "OUT". The southern light vehicular crossing is to be used for ingress purposes only and appropriately signposted "IN". The southernmost access provided for the servicing of the garbage

enclosure shall be marked as "Garbage vehicle access only". All signposting and any associated line marking is to be completed prior to the issue of any Occupation Certificate. (F406)

(D20) Footpath - no disturbance

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

E. Prior to the issue of Occupation Certificate

(E1) Landscaping - irrigation installation

Prior to occupying the development, the site shall be landscaped in accordance with the particulars submitted and shall be 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 AS/NZS 3500.1, Section 7. (E035)

(E2) Construction - clearing site

The site is to be cleared of all building refuse and spoil immediately after completion of the works. (E001)

(E3) Utility adjustments

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

(E4) BASIX Statement

A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

(E5) 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)

(E6) Lot consolidation

The consolidation of all separate parcels of land into one allotment under one title shall be completed prior to issue of an Occupation Certificate, 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. Documentary evidence is to be submitted to AlburyCity Council of the retention of the Right of Way benefitting Lot A DP158030, No 402 Kiewa Street South Albury.

(E7) Car parking construction

Prior to the issue of an Occupation Certificate, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) Constructed
- (b) Properly formed to such levels that they can be used in accordance with the plans
- (c) Surfaced with an all-weather-seal coat
- (d) Drained
- (e) Clearly marked to show the direction of traffic along access lanes and driveways

To the satisfaction of Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times. (C005)

(E8) Pedestrian safety and circulation

Prior to the issue of an Occupation Certificate, all proposed measures to achieve the safe and distinct pedestrian circulation through the site are to have been installed and completed, in accordance with the requirements of Condition (B14) and the plan approved by Council. (E998)

(E9) Requirements of General Conditions

In addition to the above matters, the requirements of Conditions (A6), (A7), (A9), (A10), (D16) and (D19) are to be completed and documentation of compliance with those requirements provided to the Principle Certifying Authority prior to the issue of any Occupation Certificate. (E999)

F. Use of Site Area

(F1) Amenity - external lighting

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

(F2) Environment and amenity

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

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

(F3) BASIX Certificate

The commitments listed in the BASIX Certificate for each dwelling forms part of the development consent and, are to be maintained during the life of each dwelling. Where the commitments require replacement, the replacement must be identical to or is at a higher star rating to that listed in the BASIX Certificate.

Note: Where there is any proposed change in the BASIX commitments the applicant must submit a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the approved BASIX commitments are inconsistent with development consent (See: Clauses' 145 & 146 of the Regulation) the applicant will be required to submit an amended development application to Council pursuant to section 96 of the Act. (F129)

(F4) Access - loading/unloading

All loading and unloading of vehicles associated with the Community Centre and Office 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)

(F5) Food Premises – operational food safety compliance

As per the *Food Act 2003* and *Food Regulation 2010*, the community housing provider operating the Community Centre is to ensure that the requirements of the current version of the *Australia New Zealand Food Standards Code* are met at all times for the Community Centre food preparation areas with particular reference to Standard 3.2.2 and 3.2.3. (Standards can be downloaded from www.foodstandards.gov.au) (F654)

(F6) Food premises - registration with NSW Food Authority and inspection by Environmental Health Officer

Prior to the commencement of food handling operations in the Community Centre, and in addition to any construction inspections, approvals etc., the premises must:

- “Be notified” with the NSW Food Authority (this can be done by the proprietor of the business free of charge at www.foodnotify.nsw.gov.au) and
- Have a satisfactory inspection by an AlburyCity Environmental Health Officer prior to selling any food. To arrange an inspection call Customer Service on (02) 60238111. (F675)

(F7) 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. (F012)

(F8) 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)

(F9) 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. . (F033)

(F10) Use of Site – no amplification equipment

No external sound amplification equipment or loudspeakers are to be used in the Community Centre and Office for the purpose of announcement, broadcast, playing of music, and the ringing of telephones or similar purpose. (F054)

(F11) Environmental - regular waste removal

All waste material must be regularly removed from the site. If the site cannot be serviced by a standard kerbside service, appropriate arrangements are to be made with a contractor to remove waste and dispose of it to a licenced facility.

(F12) Use of site - clotheslines

Clothes drying facilities are to be positioned and screened from public view. (F048)

(F13) Use of Site - External storage

There being no external storage of goods, materials, waste or the like, unless in screened areas specifically approved by Council. (F079)

(F14) Flooding – minimise damage

The applicant is advised that the site area is located within an area that has been identified as being affected by the 1 in 100 year flood. In the use of this site in accordance with this consent, the applicant shall take reasonable action to minimise damage to goods or equipment or other property stored at, or in, the premises in the event of floodwaters entering the premises. (F463)

(F15) Sewer - inspection pit

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

G. Reasons for Conditions

(G1) The above conditions have been imposed: -

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*
- (b) Having regard to Council's duties of consideration under Section 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
- (j) To minimise health risk to neighbouring residents and workers. (H001)

H. Advisory and Ancillary Matters

(H1) Compliance

It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact the AlburyCity Planning & Environment Group on 02 6023 8285 if there is any difficulty in understanding or complying with any of the above conditions. (I010)

(H2) Underground assets – Dial Before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). (I130)

(H3) Telstra assets

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

(H4) Alterations after consent

Any alterations to the proposed development after the consent is issued shall be subject to an application for the modification of the Development Consent. (I005)

(H5) Disability Discrimination Act, 1992

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

(H6) Fence - development consent

Any fencing not approved by this development and not complying with the *exempt development* provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *Albury Local Environmental Plan 2010* will require the consent of Council. (I020)

(H7) Road and Public Domain Works – Council approval required

This development consent does not give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

Details plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and storm water drainage) within existing roads, must be submitted to and approved by Council under the *Roads Act 1993*, before the issue of any Construction Certificate.

All public domain works must comply with Council's "*Engineering Guidelines for Subdivisions and Development Standards*". (I051)

(H8) Air Conditioning Noise

In accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2000*, an air conditioner must not be used on residential property in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday, or
- (b) before 7:00am or after 10:00pm on any other day.

(H9) 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. (I011)

(H10) Retaining walls

An appropriately qualified person shall design any 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 approved by Council. (I040)

(H11) Overland Flow – minimise damage

The applicant is advised that the site area is located within an area that has been identified as being affected by stormwater flows during extreme weather events. In the use of this site in accordance with this consent, the applicant shall take reasonable action to minimise damage to goods or equipment or other property stored in the premises in the event of stormwater entering the premises. (I135)
