

<b>DATE OF DETERMINATION</b>	12 April 2023
<b>DATE OF PANEL DECISION</b>	12 April 2023
<b>DATE OF PANEL MEETING</b>	5 April 2023
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Thurley
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Alice Glachan (Trinity Anglican College board member)

Papers circulated electronically on 30 March 2023 and 4 April 2023.

#### **MATTER DETERMINED**

PPSSTH-190 – Albury – 10.2022.39717.1 at 421 Elizabeth Mitchell Drive Thurgoona – Demolition of buildings, Three (3) Educational Buildings - Junior, Senior, Music & Drama Centre - Tree Removal, Carparking and Landscaping - Trinity Anglican College Expansion (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council's Assessment Report. The Panel was satisfied that:

- A comprehensive assessment had been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The prerequisites for the grant of consent had been met. The Panel sought confirmation that the development site was not contaminated and 'fit for purpose' for its intended use within the terms of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This confirmation was provided to the Panels satisfaction on 6 April 2023;
- The environmental, amenity and land use impacts associated with the development were acceptable subject to the imposition of conditions of consent recommended by Council subject to several amendments. Notably, the Panel considered traffic arrangements associated with student pickup required further management by way of an additional condition. This is discussed further below; and
- The development was in the public interest.

#### **CONDITIONS**

The Development Application was approved subject to the conditions in Schedule 2. The Panel made several administrative amendments to the recommended conditions and several amendments to strengthen management of the operational phase of the development. These were as follows:

- Amendments to the General Condition (A1) to clarify interpretation of conditions where there may be inconsistencies;
- Amendments to the Plan Table to accurately reflect the updated Plan Set;

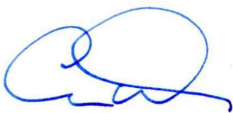



- Deletion of condition (A8) relating to the multi-purpose sports courts. The Panel was satisfied that in the absence of lighting for the courts that limits on their use were unnecessary noting they would only be used during daylight hours;
- Creation of new condition (A8) **Operational Traffic Management and Access Plan** which requires the preparation of a plan outlining ongoing traffic management arrangements for the educational facility. The Panel observed school pickup and considered that additional management measures were required relating to safe egress, traffic flow and parking; and
- Administrative amendments to a range of conditions and their formatting without changing the intent of any such condition.

The amendments have been incorporated into the Instrument which is attached as Schedule 2.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during public exhibition. The Panel notes that the issues of concern raised in this submission included stormwater, road design, landscaping, and the impact of the multi-use sports courts, particularly in relation to noise.

The Panel was satisfied that these matters were appropriately addressed in Council's assessment report and the amended recommended conditions of consent. Concerns relating to night-time noise resulting from the use of the multi-purpose sports courts were addressed with the removal of the proposed lighting of the courts from the development proposal.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	 David Thurley

# SCHEDULE 1 of Determination and Statement of Reasons

1	PANEL REF – LGA – DA NO.	PPSSTH-190 – Albury – 10.2022.39717.1
2	PROPOSED DEVELOPMENT	Demolition of buildings, Three (3) Educational Buildings - Junior, Senior, Music & Drama Centre - Tree Removal, Carparking and Landscaping - Trinity Anglican College Expansion.
3	STREET ADDRESS	421 Elizabeth Mitchell Drive Thurgoona Lot 71 DP 1048990, Lot 1 DP1070397
4	APPLICANT/OWNER	Tom Carmody (Tomahawk Property) / Anglican Schools Commission Inc.
5	TYPE OF REGIONAL DEVELOPMENT	<b>Private infrastructure and community facilities over \$5 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>SEPP (Resilience and Hazards) 2021</li> <li>SEPP (Planning Systems) 2021</li> <li>SEPP (Industry and Employment) 2021</li> <li>SEPP (Biodiversity Conservation) 2021</li> <li>SEPP (Transport and Infrastructure) 2021</li> <li>Albury Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Albury Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 30 March 2023</li> <li>Addendum Information received from Council: 4 April 2023</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Council and Applicant Briefing: 30 November 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, David Thurley</li> <li><u>Council assessment staff</u>: Sarah Van Meurs, Matt Wilson</li> <li>Applicant representatives: Tom Carmody (Tomahawk Property), Adrian Johnson (Trinity Anglican College)</li> <li><u>DPE</u>: Amanda Moylan</li> </ul> </li> <li>Site inspection: 5 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Thurley</li> <li><u>Council assessment staff</u>: Apology received</li> <li><u>Applicant representatives</u>: Tom Carmody (Tomahawk Property), Adrian Johnson (Trinity Anglican College), Jake Riding (Tomahawk Property), Matt Johnson (Habitat Planning)</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 5 April 2023</li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Thurley</li><li>○ <u>Council assessment staff</u>: Apology received</li><li>○ <u>Applicant representatives</u>: Tom Carmody (Tomahawk Property), Adrian Johnson (Trinity Anglican College), Jake Riding (Tomahawk Property), Matt Johnson (Habitat Planning)</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

## SCHEDULE 2 of Determination and Statement of Reasons

### Conditions attached to Development Consent 10.2022.39717.1

#### A. General

##### (A1) Development in Accordance with Approved Plans

The development being carried out in accordance with the Statement of Environmental Effects prepared by Habitat Planning – Revision 6 dated 24/02/2023 and the following approved plans and details, stamped and returned with this consent.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Drawing Number	Description	Revision	Date
TP-001	Junior School Existing and Demolition Site Plan	P12 – Town Planning Update	24/02/2023
TP-002	Existing and Demolition Site Landscaping Plan	P2 – Town Planning Update	24/02/2023
TP-J060	Junior School – Existing and Demolition Landscape Plan	P6 – Town Planning Update	24/02/2023
TP-A060	Arts Precinct – Existing and Demolition Landscape Plan	P7 – Town Planning Update	24/02/2023
TP- S060	Senior School – Existing and Demolition Landscape Plan	P7- Town Planning Update	24/02/2023
TP-S062	Sports Courts – Existing & Demolition Landscape Plan	P2 – TP Amendment	24/02/2023
TP-100	Proposed Site Master Plan – Stage 1	P1 – Town Planning Update	24/02/2023
TP-A110	Music & Drama Centre Proposed Floor Plan	P6 – DA Issue Update	12/09/2022
TP-A130	Music & Drama Centre Proposed Roof Plan	P5 – DA Issue	09/09/2022
TP-A200	Music & Drama Centre Proposed Elevations	P4 – DA Issue	09/09/2022
TP-A201	Music & Drama Centre Proposed Elevations	P4 – DA Issue	09/09/2022
TP-J110	Junior School – Proposed Ground Floor Plan	P12 – Town Planning Update	27/01/2023
TP-J111	Junior School – Proposed First Floor Plan	P9 – Town Planning Update	27/01/2023
TP-J130	Junior School – Proposed Roof Plan	P7 – Town Planning Update	27/01/2023
TP-J200	Junior School – Proposed Elevations	P6 – Consultant Issue	20/10/2022
TP-S110	Senior School – Proposed Ground Floor Plan	P6 – Town Planning Update	27/01/2023
TP-S111	Senior School – Proposed First Floor Plan	P6 – Town Planning Update	27/01/2023
TP-S130	Senior School – Proposed Roof Plan	P4 – Town Planning Update	27/01/2023

TP-S200	Senior School – Proposed Elevations Sheet 1	P4 – Town Planning Update	27/01/2023
TP-S201	Senior School – Proposed Elevations Sheet 2	P4 – Town Planning Update	27/01/2023

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

**(A3) Compliance – Building Code of Australia (Class 2-9)**

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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

(A105)

**(A4) Protection of Public Infrastructure**

Council must be notified of any damage to 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 a final occupation certificate. (A450)

**(A5) Uncovering relics**

If any archaeological relics are uncovered during 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. (A705)

**(A6) Construction Management Plan**

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

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

Any request for adjustment to the construction working hours set by the conditions of this consent and its justification, duration and purpose. (A998)

**(A7) Off street parking**

All onsite carparking shall comply with AS2890.1 2004 parking facilities for off-street parking & AS2890.6 2004 parking standards for disabled car parking. Details of parking shall be included as part of the detailed engineering design submitted with the Construction Certificate. (A995)

**(A8) Operational Traffic Management and Access Plan**

Prior to the issue of a final Occupation Certificate, an Operational Traffic Management and Access Plan (OTMAP) for the site must be submitted to Council for approval. The OTMAP must:

- (a) be prepared by a suitably qualified person/s in consultation with Council;
- (b) detail the location and operational management procedures associated with all drop-off and pick-up zones by private vehicle, including staff management/traffic controller arrangements and mechanisms to minimise vehicle and pedestrian conflicts;
- (c) detail the location and operational management procedures for the drop-off and pick-up of students by buses and coaches, including staff management/traffic controller arrangements and mechanisms to minimise vehicle and pedestrian conflicts;
- (d) detail delivery and service vehicle access and management arrangements;
- (e) address potential traffic impacts on the surrounding road network and include mitigation measures to minimise impacts, including measures to mitigate queuing impacts and overflow carparking into residential streets associated with vehicles completing drop-off and pick-up of students;
- (f) detail car parking arrangements and management associated with the proposed use of school facilities;
- (g) detail vehicle access and management arrangements at Elizabeth Mitchell Drive to ensure vehicular and safe pedestrian movements, including mechanisms to ensure adequate sight lines for exit of vehicles from the site on to Elizabeth Mitchell Drive; and
- (h) include a monitoring and review program.

The OTAMP is to be implemented during core school hours and during any out-of-hours activities at the site.

**(A9) Integration Approved Building works**

The cladding should be a non-reflective material (e.g., non zincalume) and be of a “neutral” earthy colour where appropriate. (D003)

**(A10) 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)

**(A11) Sewer Main - Footings**

Footings for the primary precinct building shall be designed at the angle of repose to the existing sewer main, and no load shall be placed on the sewer main below. The building must also be clear of the easement. The 2x existing sewer manholes shall remain fully accessible during & upon completion of construction. Any alteration to these council assets shall be at the developer's cost.

(A999)

**(A12) Vegetation Removal Permit**

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 modified)

**(A13) Pedestrian footpaths**

Pedestrian priority is to be given where any path crosses an access road. All new paths should be designed to be Disability Discrimination Act compliant.

**(A14) Occupation Certificate**

A final Occupation Certificate is to be obtained from the Principal Certifier on completion of all works and prior to use of the development approved by this consent. (A080)

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

**(B1) 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. (B105)

**(B2) Soil and Water Management**

Prior to issue of a Construction Certificate, a Soil and Water Management Plan is to be submitted to the Principal Certifying Authority for approval. The plan is to demonstrate the capacity of drainage infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the proposed development. Reference must be made to the publication – *Soil and Water Management Policy*, prepared jointly by Albury, Hume and Wodonga Councils, undated. (B522)

**(B3) Dust control**

Effective dust control measures shall be introduced and maintained at all times. Full details of proposed method of dust control shall be submitted to and approved with the construction certificate. (B027)

**(B4) 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. (B110)

**(B5) 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. (B498)

**(B6) Floodwater flow/no impediment of floodwaters**

The proposed structures being designed and constructed so as not to impede the free flow of flood waters to ensure that other properties are not adversely affected by the development. (B476)

**(B7) Bicycle Parking**

Prior to the issue of a Construction Certificate, amended plans must be submitted to Council showing the proposed bicycle parking relocated a minimum of 20m from the bus zone. The bicycle parking must be separated to reduce conflict opportunities between people riding, people getting on and off the buses, and between people riding and the bus movements. Bicycle parking is to be provided for a minimum of 30 bicycles and is to be undercover to protect parked bicycles from the weather – sun and rain. A location immediately adjacent to the covered court area may be appropriate. Bike parking must provide ability to securely lock up a bicycle, not simply a front wheel lock (“Toaster” style racks must not be used). Details of proposed bicycle parking type and any associated structure must be provided to Council and approved. (B999)

**(B8) Basic Left Turn Treatment**

Prior to the issue of a Construction Certificate, a Basic Left Turn Treatment (BAL) along Elizabeth Mitchell Drive to the main entrance (southern) shall be designed to improve traffic movements into the college and to allow for the free flow of northbound traffic along Elizabeth Mitchell Drive. The BAL must be designed to adhere to relevant standards and be designed for 70kmph approach speed and be approved by AlburyCity Council. (B998)

**(B9) Landscaping plan required**



Prior to issue of a Construction Certificate, a revised landscaping plan is to be submitted to Council for approval. The landscape plan must be generally in accordance with the plan submitted and modified to include the following:

- a) All retained trees must be identified including tree protection zones (TPZ) and structural root zones (SRZ). The TPZ and SRZ are to be calculated by a qualified arborist as per AS 4790-2009 *Protection of trees on a development site*;
- b) Include a notation stating:
  - *TPZ's are to be established prior to commencement of all works (including the removal of identified trees). All retained trees potentially affected by development are to have strong, temporary fencing erected around the identified TPZs. This is an exclusion zone for vehicle access and stock piling of building materials. The Project Manager is to ensure that the fencing is maintained, and the exclusion zone is adhered to throughout the construction phase.*
- c) Additional details regarding the garden beds and planting spacing;
- d) Compensatory planting for the 14 trees proposed to be removed is to include an additional:
  - minimum of 15 native trees are to be planted within the proposed development sites of the Senior School & Primary Precinct and Art & Drama Centre; and
  - minimum of 40 local native trees and 200 local native understorey species are to be planted along the boundaries of Trinity Anglican College with emphasis on the eastern and southern boundaries.

Please refer to the South-West Slopes Revegetation Guide <https://holbrooklandcare.org.au/wp-content/uploads/2020/03/SWSR-guide.pdf> for appropriate tree and understorey species.

- e) Updates to the planting schedule as follows:
  - All planting lists are to be identified by the botanical (i.e. genus, species) and common names;
  - All proposed and scheduled tree planting locations and the name of the tree species are to be identified. Providing initials of the species of trees is recommended on the graphic representations of trees;
  - Revise the colour coding system and provide accurate scaling of the vegetation in the landscape plan to assist in accurately interpreting the type of vegetation (i.e. distinguishing the shrubs from the trees); and
  - The following proposed tree species are not accepted and are required to be changed as follows:
    - Euky Dwarf has performed poorly in the Thurgoona area and is to be changed to a medium-sized native species that has performed well in the Thurgoona area. Contact AlburyCity for further information; and
    - Cats Claw Grevillea, although a local native species, does not perform well in a cultivated site and is to be replaced by a hardier grevillea shrub.f) The revised landscaping plan must meet RFS requirements.

Once Council has approved the plan, it will form a part of this Development Consent.

#### **(B10) 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)

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

##### **(C1) 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; and
- (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)

**(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 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)

**(C3) Prior to commencement of Construction Works**

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

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

**(C4) Water and Sewer Services**

All services are to be disconnected in accordance with the requirements of the relevant authority. Where water and wastewater services exist to the property and the services will be reused after demolition;

- (a) Sewer shall be disconnected and capped by a licensed Plumber. Protection of the service shall be provided to prevent damage; and
- (b) Water shall be disconnected and capped by a licensed Plumber on the property side of the water meter. The water meter assembly and water meter shall be protected to prevent damage.

Where water and wastewater services exist to the property and the services will no longer be required after demolition;

- (a) Sewer shall be capped at the service junction by a licensed Plumber; and
- (b) The Developer shall arrange disconnection of the water service from the utilities main and removal of the water metering assembly and water meter by the water authority.

No works to proceed on the disconnection without the prior consent of the relevant authority. (C429)

**(C5) Water/Sewer & Drainage Approval**

- a) All plumbing or drainage works require an approval under Section 68(1)

(Table Part B Water supply, sewerage and stormwater drainage work) of the *Local Government Act 1993* which is to be obtained prior to commencement of work;

- b) All plumbing/drainage work and civil stormwater drainage is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the Plumbing Code of Australia; and
- c) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

**(C6) Sewage Disposal**

The applicant must carry 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) Sewer - Trade Waste**

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

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

**(C8) 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 Albury City 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; and.
- (e) Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction.

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request. (Modified C430)

**(C9) Protection of trees**

Prior to commencement of any site works, including tree removal, all retained trees within the development site and any trees abutting the site shall be suitably protected from damage during excavation and construction works. This includes excluding vehicles and stock piling around the tree root zones. Strong, temporary fencing is to be erected to establish a tree protection zone as per AS4970-09 *Protection of trees on development sites*. Tree protection fencing must remain in place until the end of construction. AlburyCity is to inspect the tree protection measures of the development site prior to works commencing. (Modified D040)

**D. During Construction or Works**

**(D1) Mode of work for demolition**

Demolition work must be conducted in a manner so as not to be injurious to health and amenity by reason of, lack of environmental controls, lack of security fence or builders hoardings, noise, vibrations,

smells, asbestos and lead contamination, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway and laneway interference, traffic movement, hours of operation, and the like. (D032)

**(D2) Demolition - asbestos**

Prior to the commencement of demolition works:

- (a) A portaloo with appropriate washing facilities is to be located on the site;
- (b) Measures are to be in place to ensure compliance with the SafeWork Authority's "Short Guide to Working with Asbestos Cement";
- (c) Removal of asbestos being undertaken only by a contractor who holds a current SafeWork "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence"; and
- (d) All asbestos wastes being disposed of at a facility licensed by the NSW Environment Protection Authority. 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 SafeWork "Guide to Working with Asbestos" and the National Code of Practice for the Safe Removal of Asbestos. Further information can be obtained from the SafeWork web site at [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au) and the National Occupational Health and Safety Commission web site at [www.nohsc.gov.au](http://www.nohsc.gov.au). (C424)

**(D3) Construction Inspections**

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

**(D4) 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)

**(D5) Hours of work**

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

- (a) Mondays to Fridays, 7.00am to 6.00pm;
- (b) Saturdays, 8.00am to 1.00pm; and
- (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)

**(D6) NSW SafeWork Authority**

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

**(D7) Noise control**

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

**(D8) 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 are 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:

- (a) The name of the Principal Certifying Authority, their address and telephone number;
- (b) The name of the person in charge of the work site and telephone number at which that person may be contacted during work hours;
- (c) That unauthorised entry to the work site is prohibited;

- (d) The designated waste storage area must be covered when the site is unattended;
- (e) All sediment and erosion control measures are to be fully maintained until completion of the construction phase; and
- (f) 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 final 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. (D015)

**(D9) Protection of public property**

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

**(D10) Stormwater Surface water**

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

**(D11) Stormwater drainage**

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

**(D12) Soil and water management - spray-grass**

All land that has been disturbed by earthworks is to be 'spray-grassed' or similarly treated to establish a grass cover. (D063)

**(D13) Maintenance of soil erosion and pollution controls**

All measures specified in Council's *Soil and Water Management Policy* to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained. (D522)

**(D14) Footings and Easements**

No structure shall encroach onto or exert any load on the utilities within the easements. Maintenance work may be required on the utilities and therefore the structure shall be designed so that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure. (B458)

**(D15) Internal Road construction**

The internal road shall be constructed and maintained in order to minimise visual impact and to prevent sediment and stormwater nuisance on adjoining land. Pavement shall be sealed and be provided with adequate pavement edge and drainage. (Modified D400)

**(D16) Maintaining tree protection**

During construction, barriers, tree guards and other measures employed to protect existing trees on site are to be effectively maintained. (D039)

**(D17) Tree removal at developer's expense**

Albury City Council approves the removal of the 14 trees as per the submitted tree removal works report being Tree Numbers 5-14 *Pyrus calleryana* (Ornamental Pear), No 16 *Pyrus calleryana* (Ornamental Pear), No. 17 *Eucalyptus leucoxylon* (Yellow Gum), and Nos.18 & 19 *Allocasuarina cunninghamiana* (River Sheoak).

The vegetation is to be removed by the developer at its expense in accordance with the SafeWork publication Code of Practice – Amenity Tree Industry. (D037)

**(D18) Filling compaction**

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. (D024)

**E. Prior to the issue of an Occupation Certificate**

**(E1) Fire safety certificate**

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

**(E2) Bus parking and vehicular and bus area construction**

The bus parking and vehicle and bus 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. (E484)

**(E3) Clearing site**

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

**(E4) Certificate of Compliance for Plumbing/Drainage**

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

**(E5) Basic Left Turn Treatment Construction**

Prior to the issue of the final Occupation Certificate, the basic left turn treatment (BAL) to Elizabeth Mitchell Drive southern main entrance must be constructed in accordance with the approved design and to the satisfaction of AlburyCity Council. (E999)

**(E6) 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 to minimise the need for 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. (E035)

**(E7) Landscaping**

Landscaping of the site shall be completed prior to the issue of the final Occupation Certificate. The Landscaping shall be carried out in accordance with the approved plan and shall be maintained at all times in accordance with the approved landscape plan.

**(E8) Retaining walls**

All retaining walls shown on the approved plans shall be completed prior to the issue of a final Occupation Certificate.

**(E9) Bicycle Parking**

Prior to the issue of a final Occupancy Certificate, the bicycle parking must be constructed in accordance with the approved plans, subject to any revisions required by these conditions of consent.

**(E10) Occupation Certificate**

The Education buildings, multi-sports facility and associated works approved by this development consent are not to be used or occupied until the Principal Certifying Authority has issued an Occupation Certificate.

## **F. Use of Site Area**

### **(F1) Graffiti**

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

### **(F2) Plant air conditioning and equipment noise**

The operating noise level of plant air conditioning units 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)

### **(F3) External lighting**

Any external lights must be designed in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting and directed away from the adjoining/nearby residences to prevent light spill and glare. (F018)

### **(F4) Silent 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)

### **(F5) 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; and
- (h) Emissions or discharges into the surrounding environment including, from waste water, sediment, dust, vibration, odours or other harmful products. (F024)

### **(F6) Garbage storage**

Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of Council. (F015)

### **(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. (F605)

### **(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. (F493)

**(F9) Parking and access line marking**

Consistent with the relevant Australian Standard, all car and bus parking loading bays and internal accessways shall be permanently marked out on a pavement surface. (F421)

**(F10) Sign approval**

No sign that requires Council's approval being displayed until Development Consent is issued. All signs shall be designed to complement development on-site and be maintained at all times in good order and condition. (F800)

**(F11) Sign lighting**

The approved sign must comply with the following requirements:

- The sign must not contain any flashing light; and
- The sign must not be illuminated by external or internal light. (F805 Modified)

**(F12) Sign maintenance**

The sign is to be maintained in good order and repair at all times. (F820)

**G. Reasons for Conditions**

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

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

**H. Advisory and Ancillary Matters**

**(H1) Compliance**

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

**(H2) 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)

**(H3) Underground assets – Before you Dig**

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

**(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. *(1025)*

(H5) **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. *(1005)*

\* \* \*

**Schedule 1**  
**AlburyCity Infrastructure Contributions**

(1) **Infrastructure Contributions (Section 64)**

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

<b>Purpose</b>	<b>Hot key</b>	<b>Total</b>
Section 64 - Water	227	\$27,980.64
Section 64 - Sewer	228	\$62,179.20
		<b>\$90,159.84</b>

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

This contribution has been imposed in accordance with *City of Albury Infrastructure Contributions Plan 2014*. Council's Contributions Plan can be viewed at [www.alburycity.nsw.gov.au/](http://www.alburycity.nsw.gov.au/) or a copy may be inspected or purchased at Council's Administration Centre. (B304)

## **Schedule 2**

### **General Terms of Approval and Consent Conditions from Concurrence and Referral Agencies: Development Consent 10.2022.39717.1**

#### **1. New South Wales Rural Fire Service General Terms of approval**

##### **General Conditions**

1. The General Terms of Approval are based on the documents/plans supplied via Councils referral to the NSW RFS.
  - The Cover sheet and associated plans prepared by Vincent Chrisp job number 7739 dated 07/02/2023 10:28AM.
  - The bush fire assessment by Bushfire Planning Services (Matthew Willis) dated 30/8/2022.
2. To ensure that radiant heat exposure is less than 10 kW/m<sup>2</sup> the Senior School Building shall not be located less than 34 metres from the western property boundary.

##### **Asset Protection Zones**

***Intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.***

3. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with Appendix 4.1.1 of *Planning for Bush Fire Protection 2019*.

##### **Construction Standards**

***Intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.***

4. New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

##### **Access - Internal Roads**

***The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.***

5. Access roads for the new development shall comply with Table 6.8b of *Planning for Bush Fire Protection 2019* except for the provision of:
  - through roads, and these are linked to the internal road system at an interval of no greater than 500m.

##### **Water and Utility Services**

***The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

6. The provision of new water, electricity and gas services must comply with the requirements of Table 6.8c of *Planning for Bush Fire Protection 2019*.

##### **Landscaping Assessment**

***Intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.***

7. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - Low flammability vegetation species are used.

#### **Emergency and Evacuation Planning Assessment**

***The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.***

8. A Bush Fire Emergency Management and Evacuation Plan must be prepared (or updated to address arrangements for the new development) in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

## 2. Essential Energy – General Comments

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW);

It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets (1999)