

DATE OF DETERMINATION	6 July 2023
DATE OF PANEL DECISION	6 July 2023
DATE OF PANEL MEETING	27 June 2023
PANEL MEMBERS	Chris Wilson (Chair), Grant Christmas, David Thurley, Alice Glachan
APOLOGIES	None
DECLARATIONS OF INTEREST	Juliet Grant (<i>minor shareholder in publicly listed company – Ramsay Health Care Aust P/L</i>)

Papers circulated electronically on 16 June 2023.

MATTER DETERMINED

PPSSTH-229– Albury – DA# 010.2022.00039769.001 at Lot: 2 DP: 1049348 located at 1125 Pemberton Street, West Albury – Alterations and Additions to Albury Wodonga Private Hospital (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 Assessment Report. In reaching its decision, the Panel acknowledged the importance of the health facility to both the local and broader community.

In making its decision the Panel was satisfied that:

- The preconditions for the grant of consent had been met;
- A thorough assessment had been undertaken in accordance with the relevant heads of consideration in section 4.15 of the *Environmental Planning and Assessment Act, 1979*;
- Appropriate draft conditions of consent (as– refer to below) had been recommended to manage and mitigate any residual impacts associated with the development; and
- The development was in the public interest.

CONDITIONS

In making its decision, the Panel requested several amendments to the draft conditions as recommended in the Council Assessment Report. The draft amended conditions are attached in Schedule 2 and the changes requested by the Panel are summarised as follows:

- General formatting and administrative changes;
- *Condition (A10) NSW RFS* was amended to correct a minor grammatical error;
- *Condition (A12) Car Parking Strategy* was amended to reflect the following:
 - A reduction in the time frame for the submission of the strategy from 2 years after occupation to 12 months from the grant of consent;

- To require the Car Parking Strategy to specify measures to encourage the use of public transport;
 - To ensure the strategy is periodically reviewed and updated to ensure that parking demand generated by further development at the hospital can be accommodated within the Precinct; and
 - The condition to have sequential lettering similar to the formatting in the instrument as a whole.
- *Condition (B6) Pedestrian and Vehicle Access* was amended to remove the number of car parking spaces required and to specify the provision of diagonal and one way car ingress and egress;
 - *Condition (D3) Hours of work* was amended to allow hours of work to cease at 3.30pm on Saturdays; and
 - *Condition (E7) Carpark Construction* was amended to read:

Prior to occupation of the premises, the car park closest to the main entrance of the hospital shall be redesigned to the satisfaction of Council in accordance with the Car Parking Plan approved under condition B6. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained thereafter to prevent nuisance from dust, mud, drainage, sediment loss and the like.

The Panel requested Council afford the applicant the opportunity to provide a response to the draft amended conditions (Schedule 2). The applicant indicated agreement with the amended draft conditions, except for:

- Condition (A12) (Car Parking Strategy) where the applicant requested that the strategy be submitted within 2 years of the development commencing, rather than from when consent was issued; and
- Condition (B6) (Pedestrian and Vehicular Access) where the applicant requested the condition include a requirement that it be reviewed by a qualified traffic engineer.

Having considered the response provided by the applicant, the Panel determined to approve the application subject to the amended conditions attached at Schedule 2, which included the following further amendments:

- *Condition (A12) Car Parking Strategy*
Amend condition to read:

Within 12 months of the date of this consent the applicant is to prepare to the satisfaction of Council a Car Parking Strategy to address ongoing growth of the private hospital and how car parking for staff members, patients and visitors to the site and precinct will be managed in the long term. The strategy must include but not be limited to the following:

- (a) *The identification of the parking demand of the hospital and any ancillary buildings within the site and broader precinct;*
- (b) *A review of the number of existing car parking spaces on and offsite and any surplus/shortfall.*
- (c) *The location and suitability of any potential future additional car parking areas within and adjoining the site;*
- (d) *The location of staff car parking and visitor car parking;*
- (e) *The identification of any upgrades required to existing car parking areas within the site to ensure compliance with AS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6:2022 – Off-street parking for people with disabilities;*
- (f) *The identification of end of trip facilities within the site to encourage other modes of transport;*
- (g) *The provision and location of electric vehicle charging spaces; and*
- (h) *The availability of public transport to and from the site and measures to encourage maximise its use.*

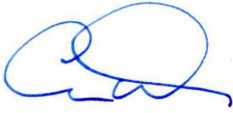



The car parking strategy must include an indicative timeframe for when the outcomes of the strategy are to be implemented, and further, be updated within 3 months of any future approvals for the site being granted/issued whether via a development application or complying development certificate.

- *Condition (B6) Pedestrian and Vehicle Access*
The final sentence of the condition was replaced with:

Plans are to be submitted to Albury City Council for approval prior to application for a relevant Construction Certificate (B414 & E484 modified).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Grant Christmas
 David Thurley	 Alice Glachan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-229– Albury – DA# 010.2022.00039769.001
2	PROPOSED DEVELOPMENT	Alterations and Additions to Albury Wodonga Private Hospital
3	STREET ADDRESS	Lot: 2 DP: 1049348 located at 1125 Pemberton Street, West Albury
4	APPLICANT/OWNER	Casey Collins (Spiire) / Ramsay Health Care Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Albury Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Albury Development Control Plan 2010 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 16 June 2023 Written submissions during public exhibition: 0 Applicant response to conditions provided to the Panel on 26 June 2023 Written submission received from Albury City Council on 27 June 2023 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 5 April 2023 <ul style="list-style-type: none"> <u>Panel members:</u> <u>Panel members:</u> Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Thurley, Alice Glachan <u>Council:</u> apology <u>Applicant representatives:</u> Brendan O’Loan (Spiire), Winsome Fox (Ramsay Health), Tim Harrington (Erilyan) <u>Other:</u> Amanda Moylan (DPE) Council/Applicant Briefing: 5 April 2023 <ul style="list-style-type: none"> <u>Panel members:</u> <u>Panel members:</u> Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Thurley, Alice Glachan <u>Council:</u> apology <u>Applicant representatives:</u> Brendan O’Loan (Spiire), Winsome Fox (Ramsay Health), Tim Harrington (Erilyan) <u>Other:</u> Amanda Moylan (DPE)

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 27 June 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Thurley, Alice Glachan ○ <u>Council assessment staff</u>: Sharna Holland, Matt Wilson, Tia Meiners, Robert Duncan ○ <u>Applicant representatives</u>: Casey Collins (Spiire), Tim Harrington (Erilyan), Winsome Fox (Ramsay Health), ○ <u>Other</u>: Amanda Moylan (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2 – Amended Draft Conditions of Consent

A. General

(A1) 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 14/12/2022 and further information submitted 17/05/2023, and subject to the following conditions. (A001)

(A2) Prior to works

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
- (d) Submit to the Principal Certifying Authority a copy of the insurance certificate as required by the Home Building Act 1989. (A060)

(A3) Occupation Certificate

An Occupation Certificate is to be obtained from the Principal Certifier on completion of all works and prior to use of the development. (A080)

(A4) 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)

(A5) Infrastructure Contributions (Section 7.12 & Section 64)

The following monetary contributions are required and payable to Council in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*, and Section 64 of the *Local Government Act, 1993*, to provide for the increased demand for public amenities and services resulting from the development.

Purpose	Hot key	Total
Section 64 - Water	227	\$9,963.00
Section 64 - Sewer	228	\$21,102.51
Section 7.12	223	\$133,500.00
		\$164,565.51

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/ or a copy may be inspected or purchased at Council's Administration Centre. (A303)

(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) Exterior building materials

The exterior materials used for the building works and any ancillary structures shall be a non-reflective material (e.g. non zincalume) and be of a "neutral" earthy colour where appropriate. (D003)

(A8) Tree Preservation Order

The development must not remove any tree on site, except for those trees approved to be removed under this consent. Any existing street tree within Council's road reserve shall not be removed or damaged during construction. (C015 modified)

(A9) NSW Police

NSW Police recommend the following measures:

- CCTV be placed for view of the front entrance and a request to Council to have mobile CCTV camera present at the building site to prevent crime and unlawful access to the building during renovations.
- Any Traffic Management Plans are adhered to by the Developer.

(A10) Development Application - Approval conditions of other authorities: NSW RFS

The development is to be carried in accordance with the following conditions of the RFS:

General Conditions

1. The development proposal is to generally comply with following plans/documents excepted where amended by the conditions of this Bush Fire Safety Authority:

- The plan titled "Site Plan, Drawn by Billard Leece Partnership, Project No: 22024, Drawing No: AWH-BLPDWG-ARC-REH-DA-03001 [G], Dated 11/11/2022"

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. 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

The intent of measure 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. New construction must comply with section 3 and section 6 (BAL 19) 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*.

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.

4. New provisions of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available; and Water for firefighting purposes must be made available and consist of –
- a fire hydrant system installed in accordance with AS2419.1; and
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not - used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. New landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*.

Emergency and Evacuation Planning Assessment

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

6. Bush Fire Emergency Management and Evacuation Plan is to be prepared A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- include planning for the early relocation of occupants.
- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 '*Planning for emergencies in facilities*', are clearly displayed, and an annually emergency evacuation is conducted.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

General Advice – Consent Authority to Note

- Certain Class 9 Buildings in bush fire prone areas have been subject to recent changes in Volume 1 of the NCC. An addendum has been issued for *Planning for Bush Fire Protection 2019* (PBP 2019) that addresses a number of bush fire protection measures as outlined in the NCC (Specification 43). This proposal has been assessed against PBP 2019 and the addendum. Council and the applicant should be aware that the NSW RFS conditions do not include an assessment of all requirements under Specification 43 of the NCC.

(A11) Provision of services

The applicant must consult with the relevant electricity, gas, water, sewerage, and telecommunications carrier regarding their requirements for the provision of services to building sites and the location of existing services that may be affected by proposed works, either on-site or on the adjacent public roads. Services are to be located to minimise environmental damage.

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 & B069)

(A12) Car Parking Strategy

The applicant is advised that a Car Parking Strategy is to be prepared and submitted to Council within six (6) months from the endorsed date of consent. The car parking strategy is required to address Council's concerns in relation to the growth of the private hospital and how car parking for staff members, patients and visitors to the site will be managed in the long term. The strategy shall at a minimum address the following:

- (i) Identify the car parking demand of the hospital and any ancillary buildings within the site.
- (j) Review the number of existing car parking spaces on site, identifying any surplus/shortfall.

- (k) Identify the location of any future additional car parking areas within the site.
- (l) Identify the location of staff car parking and visitor car parking.
- (m) Identify any upgrades required to existing car parking areas to comply with AS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6:2022 – Off-street parking for people with disabilities.
- (n) Identify the provision of end of trip facilities within the hospital to encourage other modes of transport.
- (o) Identify the provision of electric vehicle charging spaces.
- (p) Identify the availability public transport to and from the site and measures to encourage it use.
- (q) Investigate the land surrounding the site and its suitability to be developed for additional car parking opportunity.

The car parking strategy shall provide an indicative timeframe of when the works required above will be implemented and the strategy shall be updated accordingly when/if future development applications and/or complying development applications are lodged for the site.

B. Prior to the Issue of a Construction Certificate

(B1) Stormwater drainage design

A stormwater drainage design is to be prepared by a suitably qualified person 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 flow paths.
- (d) Ensure that the development either during construction or upon completion, does not impede or direct natural surface water runoff so as to cause a nuisance to adjoining properties.

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

(B2) 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 valued at \$250,000 and over and is calculated at the rate of 0.25% of the current value of works. (B105)

(B3) 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. 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 & B456 modified)

(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) Soil and Water Management

Prior to issue of a Construction Certificate, a Soil and Water Management Plan is to be submitted to Council 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.

The 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 (as a minimum):

- (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 & B522 modified)*

(B6) Pedestrian and vehicle access

An amended Site Plan shall be submitted for the car parking area closest to the main entrance of the hospital which demonstrates the following:

- (a) The dimensions of the car parking spaces are to comply with AS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6:2022 – Off-street parking for people with disabilities.
- (b) The car park shall be one-way vehicle traffic with angled car parking and appropriate signposting.
- (c) A 1.5m pedestrian pathway is to be provided on the side closest to the hospital for the length of the car park.
- (d) No tree removal is permitted to widen the existing car parking area.
- (e) Provision is to be made for bicycle parking within proximity to the private hospital main entrance.
- (f) Provision is to be made for safe pedestrian access from the existing bus stop to the main entrance of the hospital.

All parking spaces and manoeuvring areas must be designed to allow all vehicles to drive in a forward direction, both when entering and leaving the property.

All car parking and circulation areas are to be finished with a fully sealed surface, drained and line marked, to prevent nuisance from dust, mud, drainage, sediment loss and the like. Such areas shall at a minimum be provided with a bitumen seal, asphalt, or concrete.

Landscaped areas are to be protected from vehicle activity by a minimum height 100mm kerb or similar barrier.

Plans are to be submitted to Albury City Council for approval prior to the application of a Construction Certificate. *(B414 & E484 modified)*

(B7) 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, during construction;

- (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;
- (f) Location and extent of any proposed builder's hoarding and work zones;
- (g) Any disruption to the connection of essential services (for all tenancies on site);
- (h) Noise management measures to be provided for plant and equipment; and
- (i) Any request for adjustment to the construction working hours set by the conditions of this consent and its justification, duration, and purpose. (B997)

(B8) Building Code of Australia Compliance Report

Prior to issue of a Construction Certificate, the applicant is to provide the Certifying Authority with a detailed Building Code of Australia Compliance Report for the alterations and additions to the existing hospital building.

Plans for the whole building are to be provided to the Certifier and include details of all rooms and facilities contained within the building and their intended use. Details of any existing and proposed fire safety measures, compliance or non-compliance of passive fire separating construction or active fire suppression measures which may exist in the building are to be provided.

The report is to clearly identify all areas of the proposed building which will not meet the "deemed-to-satisfy" provisions of the Building Code of Australia and provide sufficient documentary evidence to justify the formulation of any "alternative solution" proposed to satisfy the performance requirements.

Plans and specifications submitted to the Certifier must be sufficiently detailed and complete to show the location of all existing and proposed fire safety features, required services and equipment, as well as to ensure that the building will maintain acceptable standards of structural adequacy, safety, access, egress, health, and amenity for the on-going benefit of the community. (B999)

(B9) Food preparation areas

If any food is for sale (as defined under the *Food Act 2003*), detailed plans and specifications for the construction of the premises and installation of *equipment, fixtures and fittings* to all food preparation, handling and storage areas are to be submitted to AlburyCity Environmental Health and approved prior to commencement of work.

All plans, specifications, construction, and maintenance of a food premises must comply with Australian Standard AS4674-2004 Design, construction and fit out of food premise *and Standard 3.2.3 Food Premises and Equipment of the Australia New Zealand Food Standards Code*. (C651)

(B10) Landscape Plan

Prior to issue of a Construction Certificate, a landscaping plan is to be submitted to Council for approval. Landscaping is to enhance the streetscape, microclimate and utilise plant species that are sustainable. Once Council has approved the plan it will form a part of this Development Consent. The plan shall include a minimum of two (2) mature trees that reach 3m in height at maturity and twenty (20) shrubs (medium to large size at maturity) as compensatory planting. The plan is to also indicate the following information:

- (a) Site boundaries and location of the hospital building;
- (b) The locations and names of all tree and shrub species and their mature heights;
- (c) The locations of all grassed and paved areas;

- (d) Measures to assist in the establishment and maintenance of landscaped areas. (B024)

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 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.
- (h) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 2021*. (C426)

(C2) Demolition works

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)

(C3) Water/Sewer & Drainage Approval

- (a) All plumbing or drainage works will require an approval under Section 68(1) (Table Part B Water supply, sewerage and stormwater drainage work) of the *Local Government Act 1993* is to be obtained prior to commencement of work.
- (b) All plumbing/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.
- (c) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

(C4) Trade Waste

- (a) If this premises is proposing to discharge into Council's sewerage system, waste water other than domestic sewerage, the Applicant 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 production processes 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.

- (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. The development will be required to meet discharge standards in accordance with Council's Trade Waste Policy. (C436)

D. During Construction or Works

(D1) 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)

(D2) Mode of work

During construction, work must be conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like. (D033)

(D3) Hours of work

Demolition 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 3.30pm
- (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) Demolition of 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)

(D5) Stormwater and surface water drainage

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. 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 *Australian Standard 3500.3.2018* (D478 & B528 modified)

(D6) Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon is to be available on site at all times during construction.

The following details are to be placed on signs to be erected on the site:

- (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, and
- (e) All sediment and erosion control measures is to be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- (i) At the commencement of, and for the full length of the, construction works onsite, and
- (ii) In a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development, **or** all construction signage is to be removed on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate. (D015)

(D7) Regular waste removal

All waste materials stored on-site must be contained in a designated area to ensure that no waste material enters the stormwater system or adjoining land during demolition/construction works on site.

All waste material not required for further on-site processing or for re-use on the site, must be regularly removed from the site to be recycled or disposed of at a Council approved waste facility. All vehicles removing waste must have fully secured and contained loads so that no waste is spilled, or dust or odour created to the satisfaction of Council. (D066 & D997 modified)

(D8) No disturbance of public domain

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

(D9) Electrical fittings flood proofed or relocated

Electrical fittings (wirings, connection, etc) to be flood proofed or relocated to a height of 0.5m above the 1 in 100 year flood level so as to ensure safety of building occupants. (D445)

(D10) Tree removal at developer's expense

Council accepts the proposed removal of the ten (10) trees, as identified on the Site Context – Demolition Plan, provided that the cost of tree removal being at the developer's expense and work being carried out in accordance with the WorkCover publication *Code of Practice – Amenity Tree Industry*. (D037)

(D11) Protection of trees

All trees to be retained on the site shall be suitably protected from damage during excavation and construction. Strong, temporary fencing shall be erected to establish a tree protection zone. This zone includes excluding vehicles and stock piling around the tree root zones. Tree protection fencing must remain in place until the end of construction. (D040 modified)

(D12) Stabilisation of excavations and/or filled areas

All areas of excavated and/or filled land on the subject allotment are to be retained, battered, and contained wholly within the allotment boundary confines. Any such method that may be utilised to suitably stabilise the site shall ensure that adequate drainage is provided so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring lands.

Consent shall be obtained from the appropriate authority for any earthworks or retaining walls not forming part of this development consent and approved plans if it is:

- (a) Within 900mm of a property allotment boundary
- (b) Results in a cut or fill greater than 600mm
- (c) If the retaining wall height is greater than 600mm (including the height of any earth batters)
- (d) Is located within 1.0 metre of any registered easement, and/or other service pipe such as a sewer main, stormwater main, or water main. (D454)

E. Prior to the issue of an Occupation Certificate

(E1) Street number

A street number shall be displayed in a prominent location at the front of the property in the interest of public safety and the delivery of goods, parcels, and emergency services. (E424)

(E2) Fire safety certificate

On completion of the development, 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)

(E3) Irrigation installation

The site being landscaped in accordance with the approved Landscape Plan, prior to occupying the development. The applicant shall install a watering system (e.g. micro irrigation, sprays, under-ground pop-up sprinklers) to ensure the health and minimise maintenance of landscaped areas. Installation must be undertaken by an appropriately licensed person in accordance with an approved plan complying with the provisions of the *Local Government (Water, Sewerage and Drainage) Regulation 1993*. (E035)

(E4) Plumbing/Drainage Certificate

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) Clearing site

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

(E6) Stormwater and sewerage plan

A plan showing full details of stormwater and sewerage drainage lines and inlets is to be submitted to Council, prior to the issue of the occupation certificate. (E439)

(E7) Carpark construction

The car park closest to the main entrance of the hospital shall be constructed in accordance with the amended Site Plan as required by Condition B6. All car spaces, access lanes and driveways must be always kept available for these purposes and maintained thereafter to prevent nuisance from dust, mud, drainage, sediment loss and the like. (C005 modified)

F. Use of Site Area

(F1) 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)

(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) Landscaped areas

Landscaping is to be maintained:

- (a) In accordance with the approved plan,
- (b) In a healthy state, and
- (c) 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)

(F4) Removal of graffiti

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

(F5) Trade Waste

Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council. (F039)

(F6) 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:

- (a) Deal with each essential fire safety measure in the building premises, and
- (b) Be given:
 - (i) Within 12 months after the last such statement was given, or
 - (ii) 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:

- (c) 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
- (d) Prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building. (F605)

G. Reasons for Conditions

(G1) Reasons for conditions

The above conditions have been imposed: -

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*.
- (b) Having regard to Council's duties of consideration under Section 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.
- (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 to ensure full compliance with the conditions of this Development Consent. Please contact the Albury City'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) 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 before excavating or erecting structures (this is the law in NSW). ⁽¹¹³⁰⁾

(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. ⁽¹¹³¹⁾

(H4) Alterations after consent

Any alterations to the proposed development contemplated after the consent is issued shall be subject to a development application for the modification of the Development Consent. ⁽¹⁰⁰⁵⁾

(H5) Public Safety

All approved works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS17423. ⁽¹⁰²⁷⁾

(H6) Stormwater affected land

The applicant is advised that the site area is located within an area that has been identified as being affected by stormwater flows during high rainfall 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. ⁽¹¹³⁵⁾

(H7) Essential Energy

Essential Energy makes the following general comments as to potential safety risks arising from the proposed development:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is overhead and underground electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations 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*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. 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).
5. Given there is electricity infrastructure in the area, 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) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines/Underground Assets*.

* * *

A handwritten signature in black ink, appearing to be 'Duffy', is written over the 'DRAFT' text.