

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2023.40347.1 PAN-353452
Applicant	Housing Plus 271 Bernhardt Street EAST ALBURY NSW 2640
Description of Development	Group Home - Seven (7) Residences, Retaining Walls, Car Parking, Vegetation Removal & Demolition
Property	Lot 1 DP 38393 271 Bernhardt Street EAST ALBURY
Determination	DRAFT Consent Authority: Southern Regional Planning Panel
Date of determination	DRAFT
Date from which the consent operates	DRAFT
Date from which the consent lapses	DRAFT
Approval bodies that have given general terms of approval	Not applicable

Under Section 4.18(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act), notice is given that the above development application has been determined by the granting of consent using the power in Section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The following matters were taken into consideration in making this decision:

- The relevant matters listed in Section 4.15 of the Act and any additional relevant matters in a statutory context, including *Albury Local Environment Plan 2010* and *Albury Development Control Plan 2010*;
- The prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- The objects of the Act;
- All information submitted to Council during the assessment of the Development Application;
- The findings and recommendations in Council's Assessment Report; and
- The views of the community about the project.

Right of appeal / request a review of determination

If you are dissatisfied with this determination:

Request a Review

You may request a review of the consent authority's decision under Section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under Section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under Section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW Planning Portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



David Christy

Service Leader City Development

Person on behalf of the consent authority

For further information, please contact AlburyCity's Officer, Sharna Holland, contact phone number (02) 6023 8111.

Terms and Reasons for Conditions

Under Section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions proscribed under Section 4.17(11) of the EP&A Act. The terms of conditions and reasons are set out below.

GENERAL

A. GENERAL CONDITIONS

(A1) Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
2	B	Survey	Housing Plus	17/11/2023
3	B	Proposed Demolition Plan	Housing Plus	17/11/2023
4	B	Proposed Site Plan	Housing Plus	17/11/2023
5	B	Proposed Earthworks Plan	Housing Plus	17/11/2023
6	B	Retaining Wall Details	Housing Plus	17/11/2023
7	B	Retaining Wall Details	Housing Plus	17/11/2023
8	B	Proposed Floor Plan	Housing Plus	17/11/2023
9	B	Proposed Roof Plan and Driveway Section	Housing Plus	17/11/2023
10	B	Proposed Area Calculation	Housing Plus	17/11/2023
11	B	Proposed Site Elevations	Housing Plus	17/11/2023
12	B	Proposed Site Elevations and Sections	Housing Plus	17/11/2023
13	B	Proposed Core Building	Housing Plus	17/11/2023
14	B	Proposed Communal Building	Housing Plus	17/11/2023
15	B	Proposed Unit 1, Bin & Storage Room Building	Housing Plus	17/11/2023
16	B	Proposed Unit 2, 3 and 4 Building	Housing Plus	17/11/2023
17	B	Proposed Unit 5, 6 and 7 Building	Housing Plus	17/11/2023
18	B	Proposed Bin & Storage Room	Housing Plus	17/11/2023

Approved documents			
Document title	Version number	Prepared by	Date of document
Arborcultural Impact Assessment Report	2	Northern Tree Care	1 November 2023

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

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

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development. (A001)

(A2) Building work requirements

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*.

Condition reason: To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*. (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.

Condition reason: To ensure the building is safe to occupy. (A080)

(A4) National Construction Code of Australia

All aspects of the building design are to comply with the applicable Performance Requirements of the National Construction Code of Australia 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 a Performance 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).

Condition reason: To ensure compliance with the National Construction Code. (A100)

(A5) 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 completion of the development.

Condition reason: To protect public assets. (A450)

(A6) Development within allotment boundaries

All buildings and structures shall be contained wholly within the confines of the allotment boundaries.

Condition reason: To ensure the development is sited within the allotment boundaries. (A999)

(A7) Exterior finishes

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.

Condition reason: To maintain the amenity of the surrounding area. (BW3-002)

(A8) 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.

Purpose	Hot key	Total
Section 64 - Water	227	\$10,501.74
Section 64 - Sewer	228	\$18,372.47
		\$28,874.21

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.

Condition reason: To ensure compliance with the *Albury Infrastructure Contributions Plan 2014*. (A303)

(A9) **Vegetation protection**

The development must not remove or damage 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.

Condition reason: To protect and retain vegetation. (A015)

(A10) **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 the building site 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.

Condition reason: To ensure the development is connected to essential services and protect existing infrastructure. (E487 & B069)

(A11) **Council easements**

Existing ground levels within the drainage easement shall not be altered by cut or fill unless approved as part of this consent. Any fill, stockpiles and building materials shall not be placed within any easement without the prior approval of Council.

Condition reason: To protect Council's infrastructure. (A440)

(A12) **Street address**

Prior to the issue of the Construction Certificate, the developer/owner shall obtain a street address for each dwelling from Council.

Condition reason: To ensure the street address for the development is consistent with Council's numbering. (A999)

(A13) **Water main**

Lot 1 DP 38393 (271 Bernhardt Street) has an existing 20 mm water service connection which is supplied with potable water from a DN100 water main located on Bernhardt Street. All customer and fire service flows must be generated from this single point of connection. The applicant must engage a suitably qualified hydraulic engineer to determine the sizing of the service connection

required to ensure sufficient water pressure and flow (customer and fire service) is provided to the proposed development. Details shall be submitted to Albury City Council for approval prior to the application of a Construction Certificate.

Condition reason: To protect Council's infrastructure.

(A14) Sewer main

Renewal of the 150 mm sewer main that traverses Lot 1 DP 38393 (271 Bernhardt Street) is required prior to building works commencing. Please liaise with Albury City's Water and Wastewater department prior to the application of a Construction Certificate regarding the requirements for this renewal.

Condition reason: To protect Council's infrastructure.

(A15) Existing Fire Hydrant Bernhardt Street

The existing fire hydrant located on Bernhardt Street shall be relocated clear of the access by council staff at the expense of the developer.

Condition reason: To protect Council's infrastructure.

(A16) Air gap required

A physical, registered air gap will be required upstream of all firefighting, pump arrangements. No in-line booster pumps shall be permitted.

Condition reason: To protect Council's infrastructure.

(A17) Onsite fire hydrant

A fire hydrant for water supply and fire protection will be required to be installed on site given the topography and distance to Bernhardt Street.

Condition reason: To protect life and property in the event of a fire.

(A18) Upgrade to existing sewer man

The existing sewer mains and property connection be accurately located in relation to the proposed development by field survey. Footings in the vicinity of the sewer main and property connection being designed in accordance with Albury City's Standard Drawing No STD-S-50 so that no load is imparted to the pipes. The sewer main is to be replaced with class 20 UPVC pipe from the existing manhole to a new manhole with clear maintenance access.

Detailed engineering design shall be submitted to Council's Engineering team for approval prior to the application of a Construction Certificate, and on completion "Works-as-executed" plans being provided prior to the issue of an Occupation Certificate.

Works are to be supervised by the applicants privately engaged engineer. Any existing manhole onsite are to be raised to FSL with access for future maintenance.

Condition reason: To protect Council's infrastructure. (A999)

(A19) Earthworks over 300mm

Any land fill exceeding 300mm, will be subject to the submission of a 'land fill' plan and shall include existing contours, drainage channels, elevations and finished design contours. Adjoining properties that will be affected by the disturbance, and measures to be taken to ensure the land filled areas will not adversely affect neighbouring properties, shall be included on the plan. All earthworks shall be contained fully within the lot. The land fill plan shall be submitted to Council's Engineering team for approval prior to the application of a Construction Certificate.

Fill is to be placed in layers not exceeding 300mm of loose material and is to be compacted to 98% of standard compaction. Tests are to be taken on every layer and are to be verified by a NATA registered soils laboratory. Test locations will be nominated by Council's Engineering Supervisor and 'Works As Executed (WAE)' plans shall be submitted to Council prior to the issue of the Occupation Certificate.

Condition reason: To avoid potential flooding due to level alterations. (A995)

BUILDING WORK

B. BEFORE 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 valued at \$250,000 and over and is calculated at the rate of 0.25% of the current value of works.

Condition reason: To ensure the long service levy is paid. (BW1-105)

(B2) **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.

Condition reason: To ensure access and sanitary facilities are designed to comply with the BCA and relevant standards. (B110)

(B3) **Revised Landscape Plan**

Prior to issue of a Construction Certificate, a revised landscaping plan is to be submitted that identifies the inclusion of the accessible access ramp, as shown on the approved Site Plan. 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 is to also indicate the following information:

- a) Site boundaries and location of all retaining walls and fencing;
- 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.
- e) Inclusion of shade trees or vegetation along western boundary.

The landscape plan is to be submitted to Albury City Council for approval prior to application for a relevant Construction Certificate

Condition Reason: To ensure landscaping is appropriate for the microclimate and is sustainable. (B024)

(B4) **Vehicle manoeuvring and car parking areas**

Prior to the issue of a Construction Certificate, a revised car parking plan is to be submitted that identifies a minimum of seven (7) car spaces, inclusive of one (1) accessible space, are provided within the site that are designed to comply with AS2890.1 and AS2890.6. The minimum dimensions for a two-way internal roadway are to be 5.8m and landscaped areas are to be protected from vehicle activity by a minimum height 100mm kerb or similar barrier. A 1m minimum clearance shall be provided for the car parking bays where the side doors are opening to structural walls.

All parking spaces and manoeuvring areas must be designed to allow cars 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.

Plans are to be submitted to Albury City Council for approval prior to application for a relevant Construction Certificate.

Condition Reason: To ensure appropriate vehicle access, pavement sealing, and drainage is provided. (B414 & E484 modified)

(B5) Stormwater drainage design

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

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

Details including easements to be created are to be included with the plans and specifications to accompany any Construction Certificate or Subdivision Works Certificate.

Condition reason: To ensure stormwater drainage is managed in accordance with the relevant standards. (BW1-538)

(B6) 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:

The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements;
 - iii. Location of parking for construction vehicles; and
 - iv. Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 – Protection of trees on development sites;
 - ii. An applicable Development Control Plan;
 - iii. An arborist's report approved as part of this consent.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition Reason: To protect public interest, the environment and amenity of the locality.

(B7) Soil and Water Management Plan

Prior to issue of a Construction Certificate, an Erosion and Sediment Control Plan (ESCP) prepared in accordance with Albury City Council's Soil and Water Management Policy 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) Prevent site vehicles tracking sediment and other pollutants from the site area.
- b) Protect retained vegetation by a suitable barrier.
- c) Divert in an approved manner upslope water around cleared and/or disturbed areas.
- d) Prevent debris escaping off-site by use of on-site sediment barriers.
- e) Provide for stockpiles and building material that don't create nuisance or pollution.

- f) Prevent dust nuisance.
- g) Ensure maintenance of all erosion control measures at operational capacity until the site is effectively rehabilitated.

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

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways. (BW1-053)

(B8) Retaining wall 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.

Condition reason: To ensure the engineering design considers relevant legislative requirements. (BW1-498)

(B9) Bin storage room

An adequate waste receptacle area shall be provided on-site to store all waste pending disposal. The waste receptacle area shall be enclosed, screened on all sides, constructed of impervious coated/treated walls, floor, and ceiling surface to the satisfaction of Council. The floor of such area shall be smooth, graded and drained to a floor waste connected to the sewer. The waste receptacle area is to be equipped with a suitably located tap and hose (hose cock must be protected from the waste bins).

Condition reason: To protect public interest, the environment and amenity of the locality. (D656)

(B10) Tree Management Plan

The applicant is required to submit a tree management plan (TMP) before any works can commence on site. The TMP shall include;

- a) the identification on site of a tree protection zone (TPZ),
- b) methods of construction to minimise damage to the root zone of the tree and crown reduction to Australian Standards.

Where possible, no excavation or soil level changes should take place within the TPZ as specified in the Australian Standard – Protection of trees on development sites (AS 4970-09).

The tree management plan is to be submitted to Albury City Council for approval prior to application for a relevant Construction Certificate.

The approved TMP is to be submitted to the Principal Certifying Authority, a minimum of 2 days prior to the commencement of site works. All tree protection measures are to be carried out and comply with the submitted TMP before the commencement of any works on site and shall remain on site until the end of construction.

Condition reason: To protect public interest, the environment and amenity of the locality.

(B11) Waste Management Plan

A revised Waste Management Plan is to be prepared and submitted to Council prior to the application of a Construction Certificate. The plan shall address at a minimum the following information:

- a) Identify how regularly waste will be collected from the site
- b) To maximise recycling, the waste receptacle area must be equipped with separate waste bins to allow for the sorting and separation of waste into the following waste streams – organic, recyclables and general waste. Each waste stream must be separated and clearly labelled.
- c) Any waste storage bins shall be fitted with closing lids and shall be collected by licensed contractors between the hours of 9:00am and 5:00pm.

Condition reason: To protect public interest, the environment and amenity of the locality.

(B12) Site Management Plan

Prior to the issue of a Construction Certificate, a Site Management Plan shall be formalised outlining the operations of the group home. The Plan is to be prepared and submitted to AlburyCity Council for approval, and at a minimum, shall address the following:

- a) Hours of operation
- b) Staff
- c) Crime and safety risks for the site
- d) Vehicle and pedestrian access
- e) Emergency procedures

Condition reason: To ensure safety to residents and maintain the amenity of the locality.

(B13) Structures near existing assets

No structure shall encroach onto, or exert any load on, the utilities within easements without approval from AlburyCity. Structures located within an easement, or adjacent to existing infrastructure, must extend to a minimum of 300mm below the invert of the existing asset, in accordance with Albury City Guidelines.

Condition reason: To protect Councils infrastructure. (BW1-458)

(B14) Location of existing assets

Any existing sewer, stormwater or water mains on the property must be accurately located. All designs for structures or footings within the vicinity of these assets must adhere to, and be approved, in accordance with Albury City Guidelines.

Condition reason: To protect Councils infrastructure. (BW1-456)

(B15) Overland flow path

The existing overland flow path shall remain unchanged from existing levels and shall not be impeded by any structure or asset. Engineering details shall be submitted to Council for approval, to demonstrate that the overland flow up to Q100 can be achieved throughout the property without adversely affecting any existing properties, prior to the application of a Construction Certificate.

Condition reason: To protect existing overland flow path which conveys surface stormwater in extreme weather events. (A998)

(B16) Stormwater management

Stormwater shall be retained onsite through onsite storage to maintain pre-development flows. Engineering details shall be submitted to Council for approval, prior to the application of a Construction Certificate.

Condition reason: To ensure the development does not alter existing stormwater beyond pre-development flows to protect the function of Council's drainage network. (A997)

(B17) Stormwater treatment

Prior to discharge of stormwater from the site, stormwater shall be treated to remove contaminants as per the minimum requirements listed in the below table. Details of the proposed treatment system, including MUSIC modelling, and the stormwater discharge point for the site into Council's existing piped network, shall be submitted to Council's Engineering team for approval prior to the application of a Construction Certificate. Discharge velocity and flows of treated water shall be to predevelopment flow and calculations shall be prepared by suitability qualified engineer.

Gross Pollutant Removal	90%
Total Suspended Solids	49%
Hydrocarbons	90%
Total Nitrogen	26%
Total Phosphorus	40%

Condition reason: To protect Council's infrastructure and the environment. (A996)

C. BEFORE BUILDING WORK COMMENCES

(C1) Prior to commencement of Construction Works

Two days before any site works or building 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, trees, 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
- i) The vegetation/tree protection measures are to be certified by the relevant Council officer prior to the commencement of works

Condition reason: To ensure construction works are appropriately notified. (BW2-426)

(C2) Water/Sewer & Drainage Approval

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* prior to commencement of work.

The Plumbing application shall:

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

Condition reason: To ensure all plumbing and drainage work meets the relevant legislative requirements. (BW2-045)

(C3) Water meter location

The water meter shall be located so as not to be subject to damage and shall be easily and readily accessible by Council. The meter must have a clearance of 300mm from adjacent objects and finished ground level. Where necessary, appropriate barriers, bollards and/or caging must be installed to ensure protection of the water meters.

Condition reason: To protect public infrastructure. (BW2-428 modified)

(C4) Sewage Disposal

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

Condition reason: To ensure sewage can be discharged appropriately. (BW2-433)

(C5) No filling without Council approval

No fill material is to be imported to the site without the prior approval of AlburyCity Council. No recycling of material for use as fill material is to be carried out on the site without the prior approval

of Council. No filling is to be placed on the site that is likely to cause surface water flooding of any adjoining property.

Condition reason: To ensure fill material is of suitable quality. (BW2-406)

(C6) **Internal water service**

The proposed and/or existing internal water service is to be of adequate size and of a design adequate to service the development in accordance with the requirements of AS3500 and NSW Code of Practice. Any necessary upgrading of the existing service is to be at the developers cost.

Condition reason: To ensure the site has an adequate water supply. (C040)

D. DURING BUILDING WORK

(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.

Condition Reason: To ensure inspections are carried out in an appropriate manner. (BW3-027)

(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.

Condition Reason: To ensure development is carried out in a safe and inoffensive manner. (BW3-033)

(D3) **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
- 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.

Condition reason: To ensure construction work is carried out at appropriate times. (BW3-422)

(D4) **Termite protection**

The structural members of the building, which are subject to attack by subterranean termites, shall be protected in accordance with AS3660.1-2014 – *Termite management Part 1: New building work*. A durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating the following:

- a) Method of protection
- b) The date of installation of the system
- c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority for Agricultural and Veterinary Chemicals Label
- d) The need to maintain and inspect the system on a regular basis.

Condition Reason: To ensure termite management is carried out with new building work. (BW3-036)

(D5) **Driveway across nature strip**

A full width light industrial (STD-R-38) type driveway shall be constructed across the footway clear of the property side boundary in accordance with a permit obtained from Council's Planning and Engineering Unit. Redundant vehicle crossing(s) are to be removed and replaced with Council's standard kerb and gutter and foot paving.

Condition reason: To ensure that access to the property is in accordance with Council requirements. (BW3-405)

(D6) 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*.

Condition reason: To ensure surface water and stormwater is appropriately managed in accordance with the relevant standards. (BW3-478 modified)

(D7) Service supply

During construction, each residence shall be provided with independent services i.e. electricity, gas, telecommunications, sewer and water, all in accordance with the requirements of the relevant authority.

Condition reason: To ensure the development is provided with essential services during construction. (D546 modified)

(D8) No disturbance of nature strip

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

Condition reason: To provide safe pedestrian movement during works. (BW4-466)

(D9) Boundary Fencing

All boundary fencing and access gates shall be no greater than 1.8 metres in height (above the sites finished ground level) and constructed in a material and colour that is complementary to the development.

Condition reason: To ensure boundary fencing is compatible with the surrounding area and complementary to the development. (E999)

(D10) Regular waste removal

All waste materials stored on-site must be contained in a designated area, such as a waste bay or bin, to ensure that no waste material enters the stormwater system or neighbouring properties during construction works on site. The waste storage area shall be fully enclosed when the site is unattended, particularly at night and over the weekend.

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.

Condition Reason: To protect public interest, the environment and existing amenity of the locality. (BW3-066 modified)

(D11) 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 or,
- 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) or,
- 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

Condition reason: To ensure areas of excavation and/or filling are safely constructed and stabilised.
(BW3-454)

(D12) Separate water and sewer services

Each individual dwelling shall:

- a) Be provided with a separate metered water service. The water meters are to be located within 450mm of the front boundary and in accordance with Council's Water Metering Guide.
- b) Have only one connection to the main line of sanitary house drain with a property vertical shaft provided at the point of connection to Council's sewer main.
- c) Any drain located under or inside a building/tenancy shall only serve fixtures within that building/tenancy and
- d) Each individual dwelling unit is to be provided with its own:
 - i. Inspection shaft immediately upstream of the junction with the main line of the sanitary house drain.
 - ii. An Overflow Relief Gully
 - iii. An open upstream vent. (D556)

Condition reason: To ensure dwellings are serviced independently. (BW3-462 & BW3-473 modified)

(D13) Maintenance of soil erosion and pollution controls

All measures specified in the 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.

Condition reason: To protect public interest, the environment and existing amenity of the locality.
(BW3-522 modified)

(D14) Landfill/engineering works

On completion of all landfill and engineering works, a certificate from a geotechnical engineer must be submitted to Council, confirming that the site is suitable for development.

Condition reason: To ensure the subject land is suitable for development. (BW3-456)

(D15) Sediment control

During construction, runoff detention and sediment interception measures are to be applied to the site area so as to reduce flow velocities and prevent sediment escaping from the site or entering any downstream drainage easement.

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways. (BW3-524)

(D16) 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.

Condition Reason: To ensure construction work is carried out in accordance with approved plans and appropriate details are exhibited. (BW3-015)

(D17) Electrical fittings flood proofed or relocated

Electrical fittings (wirings, connection, etc) to be flood proofed or located a height of 0.5m above the 1 % AEP so as to ensure safety of building occupants.

Condition Reason: To minimise risk to life and property. (D445)

(D18) Tree removal at developer's expense

Council accepts the proposed removal of the twenty-two (22) trees, as identified on the Demolition and Tree Removal 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*.

Condition Reason: To protect public interest, the environment and existing amenity of the locality. (BW3-037)

(D19) Protection of trees

All trees to be retained on the site and within adjoining properties where encroachment will occur, shall have a tree protection zone (TPZ) identified and protective measures installed prior to commencement of works in accordance with Australian Standards AS 4970-09 *Tree Protection on Development Sites*.

Condition Reason: To protect public interest, the environment and existing amenity of the locality. (BW3-040 modified)

E. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(E1) 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*.

Condition reason: To protect public interest, the environment and existing amenity of the locality. (BW4-035)

(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*.

Condition Reason: To ensure building construction is compliant with the National Construction Code and Australian Standards. (BW4-600)

(E3) 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.

Condition reason: To ensure the property is identifiable for emergency purposes. (BW4-424)

(E4) **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.

Condition Reason: To record the location of the internal site drainage. (BW4-439)

(E5) **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.

Condition Reason: To ensure plumbing and drainage works are certified. (BW4-433)

(E6) **Bicycle parking**

Bicycle parking racks for a minimum of four (4) bicycles must be provided in an accessible location with passive surveillance near the core building.

Condition Reason: To encourage alternate transport modes.

(E7) **Easements for drainage, water, sewer, and services**

Drainage, water, sewer, and service easements not less than 3.0 metres wide being created where required and/or as directed by Council so that adequate access to, and protection of, services will be ensured.

Condition Reason: To protect Council infrastructure and ensure access is maintained. (SW4-414)

F. OCCUPATION AND ONGOING USE

(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.

Condition reason: To protect public interest, the environment and existing amenity of the locality. (BW5-018)

(F2) **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 development.

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.

Condition Reason: To protect public interest and amenity of the locality. (BW3-012)

(F3) **Carpark and vehicle manoeuvring**

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.

Condition Reason: To protect public interest, the environment and existing amenity of the locality. (BW4-006 modified)

(F4) **Waste removal**

The waste receptacle area shall be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety, and public convenience.

Waste shall be collected by licensed contractors in accordance with the approved Waste Management Plan, between the hours of 9am and 5pm.

Condition reason: To protect the amenity of the local area.

(F5) **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.

Condition Reason: To ensure access to Council infrastructure is maintained. (BW5-493)

(F6) **Plant and equipment noise**

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

Condition Reason: To maintain the amenity of the residential locality. (BW5-033)

(F7) **Air conditioning noise**

In accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*, an air conditioner must not be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

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

Condition Reason: To maintain the amenity of the residential locality. (BW5-029)

DEMOLITION WORK

G. BEFORE DEMOLITION WORK COMMENCES

(G1) **Prior to commencement of Demolition Works**

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

- a) Notify the adjoining owners that work will commence
- b) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the demolition contractor's name, licence number, phone 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 stormwater system, natural water courses and neighbouring properties from uncontrolled stormwater.
- h) Implement erosion and sediment control measures.
- i) Provide temporary safety fencing to restrict access to the site during works and until satisfactory inspection by Albury City Council.
- j) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 2021*.

Condition reason: To ensure demolition work is carried out in accordance with Australian Standards and to protect the public and the environment. (DW1-427)

(G2) **Demolition works**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures".

Prior to demolition, all services are to be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements. All demolition and excavated material is to be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site is to be provided to Albury City Council prior to commencement of demolition.

Condition reason: To ensure demolition work is carried out in accordance with Australian Standards and relevant service authority's requirements. (DW1-420)

(G3) Asbestos removal and demolition

Prior to undertaking demolition works, the applicant is to undertake an investigation with regard to the presence of asbestos containing materials within the building. Removal and disposal of the asbestos containing material is in accordance with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (General) Regulation 2009*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Contaminated Land Management Act 1997*.

Condition reason: To protect public health and the environment. (DW1-424)

(G4) Disconnection of water and sewer

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.
- 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.

Condition reason: To ensure relevant legislative standards are maintained. (C429)

H. DURING DEMOLITION WORK

(H1) Mode of work

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.

Condition reason: To protect the amenity of the area, the environment and public health. (DW2-032)

(H2) Dust suppression

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

Condition reason: To protect the amenity of the area, the environment and public health.

(H3) Asbestos management

Asbestos that is removed from a site must be taken to a waste management facility that is approved to accept asbestos. The asbestos must be declared to the waste management facility prior to disposal.

Condition reason: To protect the amenity of the area, the environment and public health. (DW2-425)

I. ON COMPLETION OF DEMOLITION WORK

(I1) Clearing site

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

Condition reason: To ensure waste material is appropriately disposed or stored. (BW4-001 modified)

(I2) Site maintenance upon completion

The site area being maintained so as to control and prevent dust, the transport of soil, sediments and pollutants off the site. Should the site remain vacant for longer than six months such area shall be grass planted and adequately maintained to prevent unsightly conditions.

Condition reason: To protect public interest, the environment and amenity of the locality. (DW3-030)

(I3) **Surface water drainage**

The land must be graded to divert surface water to the legal point of adequate discharge and clear any structures and adjoining premises.

Condition reason: To ensure surface water drainage is appropriately managed. (BW3-478 modified)

NOTES

J. ADVISORY AND ANCILLARY MATTERS

(J1) **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)

(J2) **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). (I130)

(J3) **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)

(J4) **Alterations after consent**

Any alterations or works contemplated after the consent is issued, shall be subject to a development application for the modification of the Development Consent. (I005)

(J5) **Road and Public Domain Works – Council approval required**

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

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

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

(J6) **Disability Discrimination Act, 1992 & Building Code of Australia**

The person with the benefit of this consent is responsible for ensuring that the change of building use (Building Code of Australia Classification), will satisfy the requirements of the Disability Discrimination Act, 1992 and Disability (Access to Premises – Buildings) Standards 2010.

Any building alterations which may be required by the Principal Certifier in order to satisfy the Building Code of Australia or the "Access Standards" may result in the need for further approval. (I025 modified)

(J7) **Disposal of asbestos at Albury Waste Management Centre**

The costs associated with the disposal of asbestos at the Albury Waste Management Centre site must be determined by contacting the officer on duty at the Albury Waste Management Centre. The contractor involved with the disposal of the asbestos at the Albury Waste Management Centre site is to advise the weigh bridge office at least 24 hours prior to entry to enable specific burial of the waste. The weighbridge office may be contacted on (02) 6043 5860 during office hours. (I125)

(J8) **Overland Flow**

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 in the event of stormwater entering the premises. (1135)

(J9) **No structures within easements**

The owner of the land is advised that any structures located within an easement or implied easement may be required to be removed should maintenance works be required to utilities and replacement of these structures will be at the landowner's expense. (1999)

(J10) **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. As part of the Development if required, an easement/s are/is created for any existing electrical infrastructure (located within the property or adjoining the property as required). The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location 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.
6. 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).
7. 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* and *Code of Practice – Work near Underground Assets*.

* * *

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Albury City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environmental Protection Authority

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by Section 2.7 of the EP&A Act.

Local planning panel means – not applicable, Albury has no local planning panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under Section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage systems means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirement of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel