



Albury City

Reference: 67286  
Contact: Marius Shepherd

# DEVELOPMENT CONSENT

Approval Number: 10.2020.37386.1

Endorsed Date of Consent: DRAFT

Blueprint Planning  
Unit 3  
576 Kiewa Street  
ALBURY NSW 2640

## Subject Land

LOT: 201 DP: 1243276, LOT: 203 DP: 1243276, LOT: 60 DP: 1115982  
580 Smollett Street ALBURY, 584 Smollett Street ALBURY, 470 Wodonga Place ALBURY

## Description of Development

Eight (8) Storey Mixed Use Development (Twenty Five (25) Residential Apartments, Commercial Premises & Carparking), Five (5) Storey Carpark, Solar Panels & Demolition Work, Vegetation Removal & Lot Consolidation

## Attached to Approval:

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

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development application has been determined by the granting of consent subject to the conditions referred to in this Notice and attached hereto.

This Consent shall become effective from the endorsed date of consent.

This Consent shall lapse unless development, the subject of this Consent, is commenced within five (5) years from the endorsed date of consent as sanctioned under Section 4.53 of the Act.

David Christy  
**Service Leader City Development  
Infrastructure, Planning and Environment**

## Right of Appeal

If you are dissatisfied with this decision, Section 8.10 of the *Environmental Planning and Assessment Act 1979* (the Act) gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you received this notice.

Alternatively, you may request a review of the decision under Section 8.2 of the *Environmental Planning and Assessment Act 1979*, within 6 months of the date of this notice (note: Section 8.2 is not applicable to integrated or designated development). This applies if the matter was determined by a Council officer under delegation of Council. A fee is payable. For further information please contact the Council on (02) 6023 8285.

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# Conditions attached to Development Consent 10.2020.37386.1

## 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 25/02/2020 as amended by further information and plans submitted on 02/06/2020 and subject to the following conditions. (A001)

### (A2) Plans to be amended

The development plans are to be amended to indicate the following in regard to the respective building where relevant:

- Drawing No. 580DA06J (Leffler Simes)
  - Efficient access to and egress from proposed parking spaces 10 and 18 showing appropriate vehicle turning templates. The loss of any parking spaces to achieve efficient access and egress will be acceptable.
- Drawing Nos. 584DA04 - 08 (Leffler Simes)
  - The easternmost marked parallel parking space in the exit driveway (west of the crossover to Townsend Street) must be removed to allow for the exit lane to be relocated to the south to improve the sight distance to pedestrians on Townsend Street to the north of the exit driveway. (Drawing No 584DA04)
  - Central pedestrian pathway(s) shall be shown and line-marked on each floor providing safe pedestrian access from all aisles to the lifts and stairs
  - Efficient access to and egress from and to all ramps on each floor showing appropriate vehicle turning templates
  - Designated motorcycle and bicycle parking arrangements shall, as a minimum, comply with *Austrroads Guide to Traffic Management Part 11: Parking* and must be clearly shown and detailed on the plans lodged with the Construction Certificate. Details to be included on the plans include the location and number of motorcycle and bicycle parking spaces, including dimensions and location of satisfactory access and manoeuvring areas to enable use of those spaces. Allocation of the proposed parallel parking spaces for motorcycle spaces will be acceptable.

### (A3) Access from Smollett Street

Only left-in access to the site will be permitted from Smollett Street. The developer shall at his own cost design and construct, to Council's satisfaction, a median island to prohibit any right-turn into the site from Smollett Street.

### (A4) Residential storage

In addition to storage in kitchens, bathrooms and bedrooms, each residential apartments shall be provided with a minimum of 10m<sup>3</sup> storage, clearly indicated on the plans. At least 30% of this storage is to be located within the apartment.

### (A5) Sewer main to be relined

The sewer mains under and near the Carpark Building are to be relined at the developer's cost. The sections to be relined are as below:

- The 300 mm pipe between MH 38101 and MH 33217 which includes four segments with a total length is 56.5m.
- The 150 mm pipe between MH 33222 and MH 33219 which includes two segments with a total length is 69m.

Details with regard to the relining works shall be agreed to with Council's Wastewater Team prior to the issue of a Construction Certificate for the Carpark Building.

### (A6) Prior to works

Prior to commencing any building construction works for each respective building, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with where relevant:

- (a) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act



**(A12) 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)

**(A13) Sewer lead**

The Sewer lead location for 481 Townsend Street Albury (Lot 15 in DP758013) shall be confirmed prior to construction of the Carpark Building. If this sewer lead's existing location is found to be located within the Carpark Building, relocation shall occur at the developer's expense prior to commencement of building works. (A999)

**(A14) Encroachment over Council Land**

As the proposed awning structure of the Mixed Use Building encroaches over Council's road reserve, the following matters must be completed prior to the issue of the relevant Construction Certificate:

- The owner/s shall obtain consent for the awning structure encroachment from Council under section 68 of the *Local Government Act 1993*.
- The owner/s shall also complete a Licence Agreement with Council in accordance with Council's Licence Agreement – Encroaching Structures.
- The owner shall supply plans and elevations of the proposed awning defining the extent of the proposed encroachment with the application for a Licence Agreement.

An initial licence fee will be payable for the creation of the licence in accordance with Section 4.7 of Council's *Encroachment on Council Land Policy 2016*.

All costs associated with the required consents and licenses including, without limitation, the preparation of the Licence Agreement, Council's legal costs and any costs associated with the ongoing management, repair and maintenance of the Encroachment shall be borne by the encroaching owner. (A991)

**(A15) Traffic and public safety during works**

No work which requires the use or occupation of any adjacent road (by way of scaffolding, cranes, parking of any vehicle or storage of materials and placement of equipment) is to be undertaken unless and until a Traffic Control Plan prepared by a suitably qualified person has been prepared, submitted and approved by Council. A separate approval will also be required if any equipment, scaffolding or hoardings are required to be placed on the footpath or the roadway for any of the works. (A992)

**(A16) Demolition Management Plan**

The proponent shall submit, for approval by Albury City Council, a detailed Demolition Management Plan (DMP) at least 1 week prior to the commencement of any demolition work on the site. The DMP shall:

- (a) Detail demolition vehicles access to and egress from the site during demolition in accordance with an approved Traffic Management Plan;
- (b) Identify parking/storage on site for vehicles and plant required for the works;
- (c) Detail how materials and equipment will be delivered and removed from the site;
- (d) Identify locations of site office, accommodation and the location of stockpiles (if any) created by the project;
- (e) Outline protection measures for adjoining properties, pedestrians, vehicles and public assets, if required;
- (f) Include noise management requirements for plant and equipment;
- (g) Outline the means to minimise and manage dust generation from the demolition works;
- (h) Detail the methods of implementation and communication to all contractors of the requirements of the Waste Management Plan for the site;
- (i) Outline the process for seeking requests for adjustment to the demolition working hours set by the conditions of this consent and justification for any such variation, duration and purpose;
- (j) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan; and
- (k) any other information that could impact on the surrounding infrastructure, businesses and residents.

Any amendments to the Demolition Management Plan shall be provided to Council for consideration and agreement prior to any amendments being implemented.

**(A17) Construction Management Plan**

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

- (a) Construction vehicles access to and egress from the site in accordance with an approved Traffic Management Plan 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 from the demolition works;
- (f) Detail the methods of implementation and communication to all contractors of the requirements of the Waste Management Plan for the site;
- (g) Location and extent of any proposed builder's hoarding and work zones;
- (h) 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. (A993)

**(A18) Traffic Management during Demolition and Construction**

A detailed Traffic Management Plan (TMP) shall be prepared, submitted to and approved by Albury City Council, as the road authority, for the traffic management during demolition of the existing improvements at least 1 week prior to the commencement of works on site for the relevant demolition and/or building construction works. The plan shall:

- (a) Be prepared by a RMS accredited consultant;
- (b) Include the route plan for truck and plant access and egress for removal of demolition waste from the site and the route plan for delivery of plant, equipment and materials to the site;
- (c) Detail the process for implementation of the Traffic Management on site and on surrounding roads (if required) and means of communicating the requirements of the Traffic Management Plan to all contractors involved in the demolition and construction works;
- (d) Implement a public information campaign to inform any road changes well in advance of each change;
- (e) Nominate contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic engineer or the NSW Police;
- (f) Any required temporary road closures shall be confined to weekends and off-peak times and are subject to the approval of Council. Prior to implementation of any road closures during demolition, Council shall be advised of these closures and a Traffic Control Plan shall be submitted to Council for approval. This plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures; and
- (g) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan.

The TMP is to be complied with throughout the demolition process and form part of the Demolition Management Plan and the Construction Management Plan.

**(A19) External cladding materials**

External cladding materials must not comprise *external combustible cladding* (as defined by the *Environmental Planning and Assessment Regulation 2000*) and all external cladding materials for the building shall comply with the requirements of the *Building Products (Safety) Act 2017*. Details of the external cladding materials shall be included with the application for the Construction Certificate for the relevant building.

**(A20) Occupation Certificate**

The site and buildings shall not to be used or occupied until the Principal Certifying Authority has issued an Occupation Certificate certifying that the development has complied fully with the relevant clauses of the development consent and has been constructed in accordance with the Construction Certificate for the relevant building. (E030 Modified)

(A21) **Easement creation**

Drainage, water, sewer and service easements not less than three (3) metres wide being created where required and/or as directed by council so that adequate access to, and protection of, services will be ensured. (G414)

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

(B1) **Site levels and catchment**

Site levels to AHD and full calculations for all drainage design shall be submitted with the construction plans for the relevant building, for checking and approval, together with catchment plan, showing the total catchment and the sub-areas used in the calculations. (B051)

(B2) **Soil and Water Management**

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

The plan shall include measures to:

- a) Prevent site vehicles tracking sediment and other pollutants from the site area.
- b) Protect retained vegetation by a suitable barrier.
- c) Divert upslope water in an approved manner 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 plan must be kept on-site at all times and made available to Council's Officer on request. (B053 Modified)

(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. (B456)

(B4) **Access driveway drain**

The adjacent footpaths being protected from surface water.

(B5) **Stormwater drainage**

All stormwater runoff from the proposed development is to be collected on-site and conveyed to a lawful point of adequate capacity in a manner that is consistent with the latest version of *Australian Standard 3500.3.2*, and does not impede or direct natural surface water runoff so as to cause nuisance to adjoining properties. (B528)

(B6) **Vehicle manoeuvring**

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property. (B414)

(B7) **Car parking provision**

All off-street parking spaces are to be provided, line marked, signposted and maintained for the development, generally in accordance with the approved plans and subject to Condition (A2). All parking is to comply with AS2890.1–2004 *Parking facilities - Off-street car parking*, the *Building Code of Australia* and the *Commonwealth Disability Discrimination Act*. Appropriate directional arrows shall be painted in each aisle on each floor where parking is provided clearly indicating direction of traffic flow. Parking spaces for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to all pedestrian accessways/entrances to the building.

Prior to issue of the relevant Construction Certificate for a building stage containing carpark facilities, a AS/NZS 2890.1:2004 Parking facilities - Off-street car parking design compliance report is to be provided to the principal certifying authority.

**(B8) Geotechnical Report**

A geotechnical report for the proposed development, prepared by a suitably qualified and experienced geotechnical engineer shall be submitted to Council prior to the issue of the Construction Certificate for the relevant building. The report is to state that proper investigation has been made into the site; that the site is capable of accommodating the proposed development; that the building will not be affected by landslip or subsidence above or below the site when the buildings are erected, and that adequate design allowance has been made for drainage.

**(B9) Dust control**

Effective dust control measures shall be introduced and maintained at all times. Full details of proposed methods of dust control must be included in the Demolition Management Plan and the Construction Management Plan for the relevant building. (B027)

**(B10) Easements - clear of pipeline**

Buildings being located clear of any pipeline or Council easement. Footings of any building adjacent to an easement or pipeline to be a minimum of 300mm below the invert of the pipe and may rise by 300mm for each 300mm removed there from. (B460)

**(B11) Garbage storage and collection**

Provision must be made on the land for the storage and collection of garbage and other solid waste in accordance with a submitted Waste Management Plan and in accordance with any requirements of Council's Waste Management Team.

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

**(C1) Prior to commencement of Demolition Works**

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

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

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

**(C2) Tree Preservation Order**

The development must not remove any tree unless prior approval of the AlburyCity Council has been obtained. (Tree's less than 4.5 metres in height or having a branch spread less than 3 metres are exempt.) Any existing street tree within Council's road reserve shall not be removed or damaged during construction. This requirement does not apply to trees indicated to be removed on the site layout plan submitted with the Development Application. (C015)

**(C3) Street tree protection**

Prior to commencement of demolition and construction, existing street trees are to be protected by the establishment of an exclusion zone to prevent damage from parking of vehicles on the exposed ground surrounding the trees, impact by construction vehicles accessing or egressing the site, any adjacent site

or ground works, storage of materials or placement of plant and equipment. These measures are to be maintained for the duration of all demolition, construction and landscaping works. (D039 Modified)

**(C4) Demolition compliance and disposal to approved landfill site**

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "The Demolition of Structures". Prior to demolition, all services are to be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements. All demolition and excavated material is to be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site is to be provided to Albury City Council prior to commencement of demolition. (C420)

**(C5) Demolition and 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](http://www.workcover.nsw.gov.au) and the National Occupational Health and Safety Commission web site at [www.nohsc.gov.au](http://www.nohsc.gov.au). (C424)

**(C6) Prior to commencement of Construction Works**

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

- (a) Provide *Notice of commencement of work and appointment of Principal Certifying Authority*; to the Council.
- (b) Notify the adjoining owners that work will commence.
- (c) Notify *the Council* of the name, address, phone number and licence number of the builder.
- (d) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the builder's name, licence number and site address.
- (e) Provide a temporary on-site toilet.
- (f) Protect and support any neighbouring buildings.
- (g) Protect any public place from damage, obstruction or inconvenience from the carrying out of the consent.
- (h) Implement measures to protect existing trees.
- (i) Implement controls to prevent soil erosion and pollution.
- (j) Prevent any substance from falling onto a public place.
- (k) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 2000*. (C426)

**(C7) Trade Waste**

- (a) Any premises proposing to discharge into Council's sewerage system, waste water other than domestic sewerage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council's Trade Waste Officer prior to commencing work onsite.
- (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 prior to work commencing onsite. The development will be required to meet discharge standards in accordance with Council's Trade Waste Policy. (C436)

(C8) **Water/Sewer & Drainage Approval**

- a) All plumbing or drainage works will require an approval under Section 68(1) (Table Part B Water supply, sewerage and stormwater drainage work) of the *Local Government Act 1993* is to be obtained prior to commencement of work.
- b) The Plumbing application is to include a plan of fire & all other hydraulic services. The of stormwater drainage layout is to show pipe sizes, invert levels, grades to the approved point of discharge and the calculations used to determine the overall design. Hydraulic services plans are to be prepared by a suitably qualified Hydraulics Consultant.
- c) 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
- d) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

**D. During Construction or Works**

(D1) **Construction Inspections**

Inspections are to be conducted in accordance with section 6.5 (1)(b) for building work and/or section 6.5 (2)(b) for subdivision work of the *Environmental Planning & Assessment Act 1979* and Section 162A of the *Environmental Planning & Assessment Regulation 2000* and as required by the Principal Certifying Authority. (D027)

(D2) **Demolition and Construction Mode of work**

Demolition and construction work must be conducted in a manner so as not to be injurious to health and amenity by reason of, lack of environmental controls, lack of security fence or builders hoardings, noise, vibrations, smells, asbestos and lead contamination, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway and laneway interference, traffic movement, hours of operation, and the like. (D032 Modified)

(D3) **Demolition and Construction 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. (D422)

(D4) **Erosion and Sediment Control at building construction sites**

To minimise soil erosion during construction of each building, the landowner and builder are to ensure that the following measures are implemented in the sequences outlined:

- (a) A dish shaped diversion drain or similar structure is to be placed above the proposed construction site(s) to divert run-off to a stable discharge area, such as an area with a grass cover. This diversion drain is to be lined with turf or otherwise stabilised if it erodes after rainfall.
- (b) A sediment-trapping fence using a geo-textile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (e.g. "silt stop").
- (c) Vegetation is to be cleared from the construction site only – other areas are to remain undisturbed i.e. the removal of vegetation from any other part of the land, as part of this Development Consent, is not permitted.
- (d) Topsoil from the construction site or builder's sand is to be stockpiled in a location where it will not be eroded from the site, and is not to be stockpiled on the road reserve.
- (e) All erosion control measures will require maintenance after rainfall. They should be retained until the site has fully revegetated.
- (f) If soil or other materials are spilt accidentally onto the road or gutter, they shall be removed prior to the completion of the day's work.
- (g) Maintain control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Implementation, control and rehabilitation measures shall be in accordance with Council's Erosion & Sediment Control Guidelines for Building Sites. (D060)

**(D5) Driveways across footway**

Full width industrial type driveways at the access to and egress from the site must be constructed across the footway clear of the property side boundary in accordance with a permit obtained from AlburyCity's Engineering Group. (D405)

**(D6) Non-reflective cladding materials**

The roof and external cladding colour or colours of the building must be non-reflective. Neutral colours are to be used so as to preserve the visual amenity of the area. (D006 Modified)

**(D7) Footpath works**

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

**(D8) Separate water control cocks and water meters**

Separate water control cocks and water meters being provided to each tenement or sole occupancy unit to enable the isolation of any tenement or sole occupancy unit so as not to cause inconvenience to other tenements or units. All water meters are to be located in a central, accessible location on the ground floor of the building. (D462 Modified)

**(D9) Relief gullies/inspection shafts**

Separate overflow relief gullies and inspection shafts to be provided to each sole occupancy unit in addition to the provision of separate inspections shafts to each sole occupancy unit. (D474)

**(D10) Mud and soil tracking**

The tracking of mud and soil deposits from the site is to not occur during demolition or construction works. Suitable measures to prevent tracking are to be installed prior to the commencement of demolition works. These measures are to be maintained for the duration of all demolition, construction and landscaping works. (D045)

**(D11) NSW Workcover Authority**

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

**(D12) Adjustment to Public Utilities**

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. (E999 Modified)

**(D13) Footings and Easements**

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

**(D14) Surface water**

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

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

**(E1) Structural Certification of awning**

Certification by a structural engineer that the awning is structurally adequate and complies with Section B of Volume 1 of the Building Code of Australia must be lodged with the application for an Occupation Certificate for the Mixed Use building, or any part thereof. Upon issue of the Occupation Certificate for the Mixed Use Building, the Principal Certifying Authority shall provide a copy of the structural certification to Council with the approved Occupation Certificate documentation.

- (E2) **Encroachment over road reserve**  
Upon completion of building works and prior to the issue of an Occupation Certificate for the Mixed Use Building, a survey prepared by a Registered Surveyor detailing the awning as constructed (specifically, the height of the awning relative to footpath ground levels and the location of the awning relative to the back of kerb) must be provided to Council for attachment to the licence for that encroachment.
- (E3) **Street numbers**  
Street and commercial/retail tenancy numbers shall be displayed in a prominent location at the street frontages of the Mixed Use Building in the interest of public safety and the delivery of goods, parcels and emergency services. (E424 Modified)
- (E4) **Car park signs**  
A sign/signs to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking for the relevant building and must be located and maintained to the satisfaction of Council. The area of each sign must not exceed 0.3 square metres. (E442 Modified)
- (E5) **Fire safety certificate**  
On completion of the erection of the relevant building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the *Building Code of Australia*. (E600)
- (E6) **Fire Safety - fire protection**  
The following fire protection equipment being tested and certified as operating in accordance with the relevant Australian Standard(s): -  
(a) Fire hydrants  
(b) Fire hose reels  
(c) Fire extinguishers  
(d) Fire detection system  
(e) Emergency and exit lighting.
- (E7) **Landscaping irrigation installation**  
Prior to occupying the Mixed Use Building the relevant site and building being landscaped in accordance with the submitted Landscape Plan. During the installation of the landscaping, an automated watering system (e.g. micro irrigation, sprays, under-ground pop-up sprinklers) shall be installed to ensure the health of the landscaped areas and to 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*. The Body Corporate shall maintain all landscaping to the standard shown in the approved Landscape Plan and shall maintain the irrigation systems installed in the communal open space area and the ground level landscaped areas. (E035 Modified)
- (E8) **Certificate of Compliance for Plumbing/Drainage**  
Prior to occupation of the relevant building, the responsible Plumbing contractor is to submit to Council a Certificate of Compliance. All plumbing work is to comply with the relevant legislation. (E433)
- (E9) **Clearing site**  
The site is to be cleared of all building refuse and spoil immediately after completion of the works. (E001)
- (E10) **Footpath - no disturbance**  
The footpath or nature strip shall not be disturbed by any construction activities other than those essential for access to the site or installation of services. (E466)
- (E11) **Lot consolidation**  
The consolidation of Lot 201 and Lot 203 in DP 1243276 into one allotment under one title before occupation of the Mixed Use Building, so as to ensure that the siting of the development is satisfactory in relation to the land to be occupied.
- (E12) **Section 64 Contributions**  
Under the provisions of Section 64 of the *Local Government Act*, Council requires the payment of a monetary contribution towards the provision of public services and amenities as provided for in the

*Albury Infrastructure Contributions Plan 2014*. The contribution has been assessed, as of the date of this consent, as follows:

**Section 64 – Water:** \$191,629.44 (Hot Key 227)  
**Section 64 – Sewer:** \$246,427.65 (Hot Key 228)

**TOTAL:** \$438,057.09

**Contributions are due prior to the release of the Occupation Certificate for the Mixed Use Building (this condition does not relate to the Carpark Building) and will be calculated or recalculated at the rate applicable under the plan current at the time of payment.** A copy of the *Albury Infrastructure Contributions Plan 2014* is available for inspection at Council Offices or by visiting Councils website <http://www.alburycity.nsw.gov.au/>. (B306)

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

### **(F1) Gate structure to remain open**

The gate structures regulating access to the carpark building shall remain open during approved operating hours to allow free movement of traffic and prevent conflict with the pedestrian crossing.

### **(F2) External lighting**

Any external lights must be directed away from the adjoining/nearby residences and roads to prevent light spill and glare and distraction to motorists. (F018)

### **(F3) 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)

### **(F4) Commercial and Retail hours of operation and delivery times**

Any commercial or retail occupation of the building must be contained within the commercial and retail areas approved. Such occupation shall be restricted to hours of 7.00am and 9.00pm on any day. Delivery and service vehicles generated by the development are limited to 7.00am and 9.00pm Monday – Saturday, with no deliveries on Sundays. Any proposed variation of the above hours will require separate development approval. (F084 Modified)

### **(F5) BASIX Certificate**

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

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

### **(F6) Loading/unloading**

All loading and unloading of vehicles shall take place entirely within the site and, in a manner not injurious to amenity and traffic safety. All vehicles waiting to be loaded/unloaded shall be located within the boundaries of the subject site and under no circumstances shall loading/unloading operations be permitted within the public road. (F003)

- (F7) **Security alarms**  
All security alarms or similar devices (excluding fire alarms) installed on the land must be of a silent type in accordance with any current standard published by Standards Australia and be connected to a security service. (F012)
- (F8) **Garbage area maintenance**  
The garbage area(s) are to be maintained in a clean and tidy state at all times and collection of waste shall be undertaken in accordance with the Waste Management Plan approved under Condition (B13) and in accordance with any reasonable requirements of Council's Waste Management Team.
- (F9) **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. If required, relevant external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to Council (F033 Modified)
- (F10) **Visitor and disabled car parking bay marking**  
All parking and loading bays shall be permanently marked out on a pavement surface. Visitor parking spaces and disabled parking spaces shall be clearly line-marked to enable ease of identification of those spaces. (F421 Modified)
- (F11) **Graffiti and vandalism**  
The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired. (F027)
- (F12) **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.
- (F13) **Signs approval**  
No sign that requires Council's approval being displayed until Development Consent is issued. All signs shall be designed to complement development on-site and be maintained at all times in good order and condition. (F800)
- (F14) **Signs lighting**  
The approved sign must comply with the following requirements:
- The sign(s) must not contain any flashing light.
  - The sign(s) must not be illuminated by external or internal light except with the written consent of Council.
  - Where Council has approved lighting the intensity of any illumination associated with the sign being limited in the interest of amenity and shall not cause glare or distraction to motorists or adjoining properties. (F805)
- (F15) **Signs colours**  
Colours, which would conflict with or distract from the view of nearby traffic signs or traffic lights shall not be used. Colours are to be sympathetic to the character of the area. (F810)

## G. Reasons for Conditions

- (G1) **The above conditions have been imposed: -**
- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*
  - (b) Having regard to Council's duties of consideration under Section 4.13 and 4.17 of the Act
  - (c) To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites
  - (d) To improve the amenity, safety and environmental quality of the locality
  - (e) Having regard to environmental quality, the circumstances of the case and the public interest
  - (f) Having regard to the *Albury Development Control Plan 2010*
  - (g) To help retain and enhance streetscape quality

- (h) Ensure compatibility with adjoining and neighbouring land uses and built form
- (i) To protect public interest, the environment and existing amenity of the locality
- (j) To minimise health risk to neighbouring residents and workers. (H001)

## H. Advisory and Ancillary Matters

### (H1) Compliance

It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact the AlburyCity Planning & Environment Group on 02 6023 8285 if there is any difficulty in understanding or complying with any of the above conditions. (1010)

### (H2) Underground assets – Dial Before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 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) Disability Discrimination Act, 1992

It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act, 1992* (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone 02-9284 9600) in respect of your application. (1025)

### (H6) 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*". (1051)

### (H7) Waste Removal Service

If a commercial service (Waste Removal Contractor) is chosen for the entire development, no residents are eligible to receive vouchers to the Waste Management Centre. Only residents with a kerbside collection service whereby they pay a charge to be part of the domestic service will be eligible to receive vouchers.

### (H8) Advice on further approvals

The applicant's/landowner's attention is drawn to the need to obtain separate Council approval for any ancillary activity not approved by this consent, including:

- i. The erection or installation of any advertising sign which is not classified as *exempt development* under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, *State Environmental Planning Policy 64 (Advertising and Signage)*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*.
- j. Any commercial or retail *first use of premises* or *change of use of premises* which is not classified as *exempt development* under *State Environmental Planning Policy (Exempt and Complying Development) 2008*, including, but not limited to, any premises at which skin penetration is carried out, any food or

drink premises which exceeds the hours or capacity limitations of that SEPP or which includes cooking methods which are excluded from being *exempt development*.

- K. Any commercial or retail premises which does not comply with the hours of operation imposed for *exempt development*.
- L. Any proposed use or occupation of Council land (including air space above such land) which requires separate approval under the *Local Government Act 1993* or Council's *Commercial Activities on Footpaths & Roads Policy* or *Encroachment on Public Land Policy 2016*. (A035)

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