

DEVELOPMENT CONSENT

Approval Number: 10.2021.38113.1

Endorsed Date of Consent: DRAFT

Centrum Architects
376 Punt Road
SOUTH YARRA VIC 3141

Subject Land

Lot 8, 9 and 10; Section 112; DP 758013,
229 North Street
EAST ALBURY NSW 2640

Description of Development

Alterations & Additions to Community Facility (Lauren Jackson Sports Centre Redevelopment - Stage 1)

Attached to Approval:

1. Conditions
2. Plans and documentation endorsed with Consent.

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.

Conditions attached to Development Consent 10.2021.38113.1

A. General

(A1) Approved plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	REVISION	DATE
203619	Existing Site Plan	02A	15/03/2021
203619	Existing Ground Floor Plan	03A	15/03/2021
203619	Demolition Plan	04A	15/03/2021
203619	Proposed Site Plan	05A	15/03/2021
203619	Proposed Site Plan	06A	15/03/2021
203619	Proposed Ground Floor Detail	07A	15/03/2021
203619	Proposed Ground Floor Detail	08A	15/03/2021
203619	Proposed Roof Plan	09A	15/03/2021
203619	Perspective Impression	10A	15/03/2021
203619	Aerial Perspectives	11A	15/03/2021
203619	Aerial Perspectives	12A	15/03/2021
203619	Elevations	13A	15/03/2021
203619	Outdoor Shaded Structure Elevations	14A	15/03/2021
203619	Outdoor Tank Enclosures	15A	15/03/2021

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

(A2) 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:

- (a) The removal of any tree/s not indicated on the approved plans and any tree/s located greater than three (3) metres from the building perimeter;
- (b) The erection of any advertising sign, not being classified as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or *Albury Local Environmental Plan 2010*. (A035)

(A3) Separate application for future development stages

This development consent relates to Stage 1 of the development only. A separate development application is to be submitted to AlburyCity Council for any future stages of the development. (A050)

(A4) Prior to works

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

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

(A5) Building Code of Australia

All aspects of the building design are to comply with the applicable Performance Requirements of the Building Code of Australia (BCA) so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed-to-Satisfy provisions, or
- (b) Formulating 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). (A100)

(A6) Building Upgrading and Additions

The additions and alterations to the buildings are to reflect compliance with the National Construction Code (NCC), Volume 1. To comply, this may require minor reconfiguration to the floor plan and elevations. The documentation and construction drawings are to be amended to reflect the above requirements prior to making an application for a construction certificate. The application for a construction certificate is to include a supporting NCC, Vol. 1 compliance report prepared by suitably qualified persons. (A998)

(A7) Fire safety for structural alterations

The structural alterations to the building are to not unduly reduce or compromise:

- (a) The existing level of fire protection afforded to persons accommodated in or resorting to the building, or
- (b) The existing level of resistance to fire of the building, or
- (c) The existing safeguards against the potential spread of fire to adjoining buildings. (A500)

The modelling and review of the above requirements is to give consideration to the building works occurring under this development consent and any future stages of the development to occur under a separate development application.

(A8) Allotment/boundary confines

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

(A9) Previous development consent

The development shall be undertaken and the facility operated in compliance at all times with any relevant previously issued Development Consents for the site. (A070)

(A10) Plant/ equipment or features on roof

No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building(s) without the written consent of Council. (A400)

(A11) 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)

(A12) 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)

(A13) 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 demolition work on the site. The DMP shall:

- (a) Detail demolition vehicles access to and egress from the site during demolition in accordance with the 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) Include a Waste Management Plan in accordance with the details provided in Condition (A12);
- (i) Detail the methods of implementation and communication to all contractors of the requirements of the Waste Management Plan for the site;
- (j) Outline the process for seeking requests for adjustment to the demolition working hours set by the conditions of this consent and its justification, duration and purpose;
- (k) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan; and
- (l) any other information that could impact on the surrounding infrastructure, public open space and residents.

Demolition works shall not commence until the plan has been approved by Council.

Any amendments to the Demolition Management Plan shall be provided to Council for consideration and agreement prior to any amendments being implemented. (A991)

(A14) Demolition Waste Management Plan

A Waste Management Plan (WMP) for the demolition must be submitted to Albury City Council as part of the Demolition Management Plan required by Condition (A11). The Waste Management Plan must, as a minimum:

- (a) identify all waste (including excavation and demolition waste materials) that will be generated by the work on the site, and
- (b) identify the quantity of waste material in tonnes and cubic metres to be:
 - i. reused on-site, and
 - ii. recycled on-site and off-site, and
 - iii. disposed of off-site, and
- (c) if waste materials are to be reused or recycled on-site, specify how the waste material will be reused or recycled on-site, and
- (e) if waste materials are to be disposed of or recycled off-site, specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken, and
- (f) identify locations of adequate waste receptacle area and on-site storage facilities for material to be reused on-site, or separated for recycling off-site;
- (g) Detail the process for implementation of the Waste Management Plan prior to commencement of works and means of communicating the requirements of the Waste Management Plan to all contractors involved in the demolition;
- (h) Require that all waste receptacles are lidded or covered to prevent waste becoming airborne;
- (i) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan.

All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements. (A992)

(A15) Construction Management Plan

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

- (a) Construction vehicles access to and egress from the site in accordance with an approved Traffic Management Plan during construction, and
- (b) Parking for construction vehicles, and
- (c) Locations of site office, accommodation and the storage of major materials related to the project, including any areas for the storage of salvaged materials to be reused on the site, and
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets, and
- (e) Location and extent of any proposed builder's hoarding and work zones,
- (f) Location and type of waste receptacles required during construction, and
- (g) Noise management requirements for plant and equipment, and
- (h) The means of communication with neighbouring residents in regard to construction activities, and
- (i) The process for managing any request for adjustment to the construction working hours set by the conditions of this consent and its justification, duration and purpose, and

- (j) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan.

Construction works shall not commence until the plan has been approved by Council.

Any amendments to the Construction Management Plan shall be provided to Council for consideration and agreement prior to any amendments being implemented. (A993)

(A16) 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 buildings and construction of the new buildings at least 1 week prior to the commencement of works on site. The plan shall:

- (a) Be prepared by a RMS accredited consultant, and
- (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, and
- (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, and
- (d) Include Traffic Control Plans for any public roads surrounding the development site required to manage access and egress from the site, and
- (e) Implement a public information campaign to inform any road changes well in advance of each change, and
- (f) 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, and
- (g) Include a table detailing the Plan version number, date of adoption and date/s of any revisions to the Plan.
- (h) All construction traffic is to utilise legal points of entry/egress associated only with the subject property. No construction traffic is to be permitted to the rear of the PCYC from Keene Street.

The TMP is to be complied with throughout the demolition process and construction works and form part of both the Demolition Management Plan and the Construction Management Plan. (A994)

(A17) Occupation Certificate

The building is not to be used or occupied until the Principal Certifying Authority has issued an Occupation Certificate certifying that the development is fully compliant with the development consent and has been constructed in accordance with the Construction Certificate. (E030)

B. Prior to the Issue of a Construction Certificate

(B1) Access and vehicle manoeuvring

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

(B2) Buildings clear of pipeline

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

(B3) Non-reflective roofing and cladding materials

The roof and cladding colour or colours of the building and associated structures shall not be reflective, the ensure that the building and structures do not reflect light in a manner which could impact airport operations. (D006 Modified)

(B4) External lighting

The site is located in proximity to Albury Airport and in an area where development may impact upon Airport operations. To minimise impacts upon the operation of the Airport, any external lighting installed on the building and/or the site must not direct light upwards which will exceed 0 candelas when measured at 3° above the horizontal. Appropriate siting, orientation, shielding or other suitable measures are to be implemented to ensure compliance with this requirement. Details are to be shown on the plans submitted with any application for a Construction Certificate.

(B5) Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application. (B110)

(B6) Motorcycle parking

Motorcycle parking is required to be provided at a rate of 1 space per 30 carparks (or part thereof). The proposed location and design of the motorcycle spaces must be undertaken in consultation with Albury City Council planning staff. Plans that depict the final design and location of the motorcycle spaces are required to be submitted and endorsed by Council. Details of these additional facilities are to be included on any plans lodged for the Construction Certificate for the building.

C. Prior to any work commencing on the site area

(C1) Prior to commencement of Construction Works

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

- (a) Provide *Notice of commencement of work and appointment of Principal Certifying Authority*; to the Council.
- (b) Notify the adjoining owners that work will commence.
- (c) Notify *the Council* of the name, address, phone number and licence number of the builder.
- (d) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the builder's name or Owner builder details (as applicable), licence number, phone number and site address.
- (e) Protect and support any neighbouring buildings.
- (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 2000*. (C426)

(C2) Erosion and Sediment Control

Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The control measures must be in accordance with Albury City Council's adopted Erosion and Sediment Control Guidelines for Building Sites.

Erosion and sediment control measures must address and incorporate general site management material handling practices, soil stabilisation, wind erosion, access measures and shall provide for:

- (a) The diversion of uncontaminated run-off around cleared or disturbed areas
- (b) The erection of a silt fence to prevent debris escaping into drainage systems or waterways
- (c) The prevention of tracking of sediment by vehicles onto roads
- (d) The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
- (e) Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction. (C430)

(C3) 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)

(C4) Sewer - 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)

(C5) On-site waste storage

An adequate waste receptacle area shall be provided on-site to store all waste pending disposal. Such area shall be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience. (C655)

(C6) 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*. The approval is to be obtained prior to commencement of work.
- (b) The Plumbing application is to include plans of the following:
 - i. Sanitary plumbing and drainage
 - ii. fire services, incorporating appropriate backflow prevention devices in accordance with AS/NZS 3500.1:2018
 - iii. Stormwater with pipe sizes, grades and invert levels, catchment areas for pits and point of discharge.
 - iv. The 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 to the requirements of the Plumbing and Drainage Act and to the Local Government Act of NSW.
- (d) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

(C7) Airport safety during construction

The site is located within the Obstacle Limitation Surface (OLS) Plan area for Albury Airport. Construction activities in this area have the potential to affect the operations of the airport and therefore Air Services Australia, or the Albury Airport Operations Supervisor, must be notified at least 24 hours prior to use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may result in potential incursions into the OLS. Information to be provided should include, as a minimum, the location of the development, the type and intended height of the equipment to be used and the duration of the potential incursion. (C055)

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 Certifier. (D027)

(D2) Demolition and Construction Mode of work

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

(D3) 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) Demolition involving asbestos

Prior to commencement of demolition works, a portaloo with appropriate washing facilities is to be located on the site and,

- (a) Measures are to be in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement", and
- (b) Removal of asbestos being undertaken only by a contractor who holds a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence"
- (c) All asbestos wastes being disposed of at a facility licensed by the Department of Environment and Conservation. Upon completion of tipping operations and within fourteen (14) days, the applicant must lodge with Council, all receipts issued by the receiving tip as evidence of proper disposal, Works on site are to comply with the WorkCover "Guide to Working with Asbestos" and the National Code of Practice for the Safe Removal of Asbestos. Further information can be obtained from the WorkCover web site at www.workcover.nsw.gov.au and the National Occupational Health and Safety Commission web site at www.nohsc.gov.au. (C424)

(D5) 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)

(D6) 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 3500.3.2018*, and does not impede or direct natural surface water runoff so as to cause nuisance to adjoining properties. The works are to be carried out in accordance with the approved stormwater design prepared by a suitably qualified hydraulic consultant/engineer. (B528)

(D7) Redundant vehicle crossing

Redundant vehicle crossing(s) are to be removed and replaced with Council's standard kerb and gutter and foot paving. (D414)

(D8) Airport height restrictions

No part of any structure, vehicle or lifting equipment used within the site area shall infringe into the Obstacle Limitation Surface (OLS) for Albury Airport. (D416)

(D9) No footpath 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)

(D10) 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)

(D11) 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)

(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)

E. Prior to the issue of an Occupation Certificate

- (E1) **Street number**
A street number shall be displayed in a prominent location at the front of the property in the interest of public safety and the delivery of goods, parcels and emergency services. (E424)
- (E2) **Parking area construction**
The new vehicle parking and manoeuvring areas being fully constructed, drained and maintained thereafter so as to prevent nuisance from dust, mud, drainage, sediment loss and the like. Such areas shall at a minimum be provided with a bitumen seal or equivalent surface on a suitable hard standing pavement. (E484)
- (E3) **Clearing site**
The site is to be cleared of all building refuse and spoil immediately after completion of the works. (E001)

F. Use of Site Area

- (F1) **External lighting**
In addition to the lighting restrictions imposed Condition (B4), 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 transport facilities, roads and properties to prevent light spill and glare. (F018)
- (F2) **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)
- (F3) **Security alarms**
All security alarms or similar devices installed on the site must be of a silent type in accordance with any current standard published by Standards Australia and be connected to a security service. (F012)
- (F4) **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, all external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to Council (F033 Modified)
- (F5) **Illumination of Signage**
The building identification signage on the northern building façade may be illuminated (backlit) in accordance with the following requirements;
- (a) Illumination of signage must be consistent with any other signage and lighting conditions specified in this consent;
 - (b) The signage must conceal all cables in the sign;
 - (c) Must not have any moving/flashing images or light;
 - (d) Must comply with the relevant Australian Standards for the control of outdoor lighting;
 - (e) Illumination is limited to the approved hours of 8:00pm until 7:00am, seven (7) days a week;
 - (f) The intensity of any illumination associated with the sign is to be limited (and be adjustable) in the interest of amenity and shall not cause glare or distraction to motorists or adjoining properties.

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 City Development Team on 02 6023 8285 if there is any difficulty in understanding or complying with any of the above conditions. (I010)

(H2) Dial Before you Dig

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

(H3) Telstra assets

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

(H4) Alterations after consent

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

(H5) Disability Discrimination Act, 1992

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

* * *

SCHEDULE 1

APPROVAL CONDITIONS OF OTHER AUTHORITIES

(S1) **Essential Energy**

The development is to be carried out in accordance with the following conditions of Essential Energy:

- (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
- (c) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole/s) at all times, to prevent accidental damage.
- (d) Any proposed landscaping, if in the vicinity of the existing overhead powerlines, must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- (e) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the properties. Any activities within these locations must be undertaken in accordance with 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 properties encroach on the electricity infrastructure.
- (f) 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).
- (g) 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*. (A0040)

(S2) **Infrastructure 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:	\$23,731.20	(Hot Key 227)
Section 64 – Sewer:	\$49,839.30	(Hot Key 228)
TOTAL:	\$73,570.50	

Contributions are due prior to the release of the Construction Certificate and will be calculated or recalculated at the rate applicable under the plan current at the time of payment. A copy of the Albury Infrastructure Contributions Plan 2014 is available for inspection at Council Offices or by visiting Councils website <http://www.alburycity.nsw.gov.au> (B306)