

Reference: 66086
Contact: Robert Duncan

DEVELOPMENT CONSENT

Approval Number: 10.2006.27296.7

Endorsed Date of Consent: 23 April 2007

Amended: 5 March 2008

Amended: 31 July 2014

Amended: 27 May 2015

Amended: 11 July 2016

Amended: 19 July 2017

As Amended: 15 April 2019

Kensington Gardens Lifestyle Estates
C/- Habitat Planning
1/622 Macauley Street
ALBURY NSW 2640

Subject Land

Lot 1000 DP1215073 & Lot 2 DP874732
100 Table Top Road
THURGOONA NSW 2640

Description of Development

Modification of Consent - Retirement Village, Community Centre & Inground Swimming Pool

Attached to Approval:

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

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under the *Environmental Planning and Assessment Act 1979* Section 4.55(2)

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 substantially commenced within five (5) years from the endorsed date of consent. The applicant's attention is drawn to the provisions of Section 4.53 of the Act which may vary the above date of the lapsing of the Consent.

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Michael Keys
Director
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 10.2006.27296.7

A. General

(A1) Development Description

Approval is granted only to carrying out the development described in detail below:

- Construction of a Community Centre & Swimming Pool,
- Internal road works as described and provided for in the approved plans excepting that area
- hatched on submitted plans and located within area described as being subject to inundation.
- Roundabout on Old Sydney Road and site access driveway.
- Stormwater discharge to existing overland flow path.
- Open Space landscaping to Northern boundary and Western boundary adjoining Old Sydney
- Road and internal areas surrounding Community Centre.
- Internal pathways through site including linkages to existing public facilities on adjoining land.

(A2) Staged Development – (modified by Development Consent 10.2006.27296.7)

This approval relates to the works described in Condition A1 provided above and the overall concept plan for the proposed 281 Unit Retirement Village. Subsequent stages of this approval are to be the subject of separate Development Applications and to be in accordance with the overall concept for the proposed retirement village as approved.

(A3) Staged Development

Development of future stages of the proposed development concept are subject to separate approval and require additional details pertaining to the following works/items:

- i. Proposed detention / retention system for stormwater management
- ii. All dwelling sites proposed within the land indicated as susceptible to inundation by floodwaters on the eastern boundary
- iii. Open space development and community facilities proposed on Lot 6542, DP 810286.
- iv. Individual dwelling units including requirements for compliance with the BASIX regulation.

(A4) Development Application – (modified by Development Consent 10.2006.27296.7)

Development being carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application receipted on 29/9/2006 except where varied by the plans/information submitted to AlburyCity Council and amended plans received 27/2/2008, 28/5/2014, 17/3/2015, 2/6/2016, 27/6/2016, 27/4/2017, 10/7/2017 and 6/3/2019 and subject to the following conditions.

(A5) Prior to Works – general

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

- (a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) 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 81A(2)(b) 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 81A(2)(c) of the Act.
- (d) Submit to Council a copy of the insurance certificate as required by the Home Building Act 1989.

(A6) Compliance – Building Code of Australia (Class 2-9)

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

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
 - (i) Complies with the performance requirements, or
 - (ii) Is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) A combination of (a) and (b).

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

(A7) **State Environmental Planning Policy (Seniors Living) 2004**

As required by Clause 20(2) of State Environmental Planning Policy (Seniors Living) 2004, only the kinds of people referred to below may occupy the approved accommodation areas:

- (a) 'seniors' or 'people who have a disability',
- (b) people who live within the same household with 'seniors' or 'people who have a disability',
- (c) staff employed to assist in the administration of and provision of services to the approved housing.

For the purposes of this condition, *State Environmental Planning Policy (Seniors Living) 2004* defines:

- 'seniors' – as "people aged 55 years or more", and
- 'people who have a disability' – as "people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life".

(A8) **Road and Access way Design**

In consideration of current traffic volumes and likely traffic generated by the development the access way, intersection with Old Sydney Road and car parking area is to be designed and constructed in accordance with the following conditions imposed by the NSW RTA:

- (a) The proposed driveway off Old Sydney Road is to be constructed with a width of 6-9 metres in accordance with AS 2890.1-2004 to accommodate the largest vehicle likely to service the site.
- (b) The access location on Old Sydney Road is to have a Safe Intersection Sight Distance (SISD) in each direction in accordance with the RTA's Road Design Guide for the prevailing speed limit.
- (c) The swept path of the largest vehicle entering / exiting the subject site and manoeuvrability through the site is to be in accordance with current Australian Standards and Council's satisfaction.
- (d) Layout of the car park including internal roadway widths, aisle widths, parking bay dimensions is to be in accordance with AS 2890.1-2004. Consideration is to be given to provide disable car parking at community clubhouse.
- (e) Internal site and car parking area is to be strategically and appropriately sign posted and line marked to assist in directing vehicles around and through the facility.
- (f) Any redundant driveway along Old Sydney Road is to be removed.
- (g) Suitable provision is to be made on site for all construction vehicles to alleviate any need to park on Old Sydney Road.
- (h) All vehicles are to be able to enter and exit the subject site in a forward direction.
- (i) Install street lighting at the site entrance.
- (j) Provision is to be made for the community bus to be able to pick up and receive passengers at the community to cater for future public transport needs.
- (k) Construct shared footpaths for pedestrians and link with existing pathways.
- (l) All works associated with the development shall be at no cost to the NSW RTA.

(A9) **Safety and Security**

The safety and security of the development is to be enhanced in accordance with advice from NSW Police and is to incorporate the following measures:

- (a) Signage for both pedestrians and motorists is to be clear, legible and of a sufficient size to allow motorists to safely navigate into the site.
- (b) Lighting, which may include the use of sensor lighting is to be installed throughout the retirement village, including roads, pathways, doorways and entrance points is to match or surpass Australian Standards.
- (c) Any trees and screens are to be located so as to have minimal impact on sightlines of windows and doors from the Community Centre.
- (d) Landscaping is to be kept low and maintained to minimise secluded areas and to allow full open visibility.

(A10) **Entrance**

The entrance intersection shall be designed to the requirements of the Regional Development Committee requirements:

- (a) The entry shall be designed as part of a single lane roundabout on Old Sydney Road to Council's specifications. The cost of the roundabout is to be shared between the applicant and the applicant for the proposed development on Lot PT 365 DP802549.

- (b) A 2.0m wide footpath is to be provided from the development site. Such footpath is to be provided from the front boundary of the site to the proposed roundabout and linked to the existing footpath on the Western side of Old Sydney Road.

(A11) Fencing and Landscaping

Any proposed fencing material is to be designed to allow for overland flow of stormwater across and into the site. Fencing and landscaping must not impede overland flow paths.

(A12) Threatened Species Corridor

The Threatened Species Corridor on the Northern site boundary is to be provided and maintained in accordance with the following reports and information provided with the application:

- (a) Tree Survey Report and Vegetation Management Plan, Dated August 2006 and prepared by G Datson.
- (b) Assessment of Significance for Threatened Species – Carlyle Gardens Proposed Retirement Village Old Sydney Road, Thurgoona. Dated September 2006 and prepared by I Davidson.

B. Prior to the Issue of a Construction Certificate

(B1) Easements - footings and easements

Any existing sewer main, stormwater main or water main located on the land is to be accurately located and, if necessary, building footings in the vicinity of the asset are to be designed so that no load is imparted to the asset. Easements are to be provided to all existing public utility services traversing the subject land in accordance with approved plans submitted to and approved by Council or supply authority. (B456)

(B2) Floodwater flow/no Impediment of Floodwaters

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

(B3) Soil and Water Management

Prior to issue of a Construction Certificate, a Soil and Water Management Plan is to be submitted to Council for approval. Two copies of the plan are to be provided. Once Council has approved the plan it will form a part of this Development Consent. The plan is to demonstrate the capacity of drainage infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the proposed development. Reference must be made to the publication – *Soil and Water Management Policy*, prepared jointly by Albury, Hume and Wodonga Councils, undated. (B522)

(B4) Development – 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. (B538)

(B5) Developer Contributions - S94 and S64 contributions table

Under the provision of Section 94 of the Environmental Planning and Assessment Act and Section 64 of the *Local Government Act*, Council requires the dedication of land and/or the payment of a monetary contribution towards the provision of public services and amenities that are required as a result of development. The contribution for the Community Centre has been assessed as \$35,175.00, if paid before the adoption of any subsequent plans, and is made up as follows:

<u>SERVICE/FACILITY</u>	<u>AMOUNT PAYABLE</u>	<u>ACCOUNT NO</u>	<u>HOTKEY</u>
Water Supply	\$ 14,875.00	00044.0820.800	177
Sewerage	\$ 20,300.00	00225.0822.800	184
Roads and Traffic Management Facilities	N/A at this stage	01690.0802.800	193
Open Space and Recreational Facilities	N/A at this stage	01936.0810.800	194
Community Facilities	N/A at this stage	00335.0812.800	195

Contributions are due prior to the release of the Construction Certificate, and will be calculated or recalculated at the rate applicable under the plans current at the time of payment. A copy of the Developer Contribution Plans is available for inspection at Council Offices.

Where transfer of credits is available from the Albury Wodonga Corporation evidence of such transfer and nomination of the use of such credits for this payment is to be provided in lieu of cash payment for the Contributions.

The contributions listed above apply only to the 1st Stage of Development approved under this consent. Additional payments and contributions may be levied on the subsequent stages and this will be assessed upon receipt of further applications.

(B6) Access - emergency service vehicles accommodated

Evidence being produced with the construction plans, from operators of emergency services, i.e. Fire Brigade and Ambulance, as to the adequacy of access to building sites and community buildings, for emergency services. (B001)

(B7) Site Levels and Catchment

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

(B8) Access – pedestrian pathways

Paths providing direct pedestrian and disabled access from the carpark to the Community Centre building is to be separated from the driveway. Points where the access paths cross the car park need to be managed via thresholds or the like to improve safety for pedestrians and are to be designed to the satisfaction of Council's Traffic Engineer.

(B9) Construction Certificate - masonry fence

An application for a masonry fence greater than 1.0 metre in height must address the manner of its construction, as part of the Construction Certificate detail. (B442)

(B10) Easements - 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)

(B11) Flooding - minimum habitable floor level

The minimum habitable floor level for the structure is to be RL 171.5m AHD (i.e. 0.5m above the 1 in 100 year flood level) and certification is to be provided by a Registered Surveyor showing compliance with this condition prior to construction of the walls above ground floor slab level. (B482)

(B12) Flooding - no impediment of floodwaters

The proposed structure being designed and constructed so as not to impede the free flow of flood waters so as to ensure that other properties are not adversely affected by the development. (B484)

(B13) Retaining Walls – qualified design

An appropriately qualified person shall design retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures. Details are to be included with the plans and specifications to accompany any Construction Certificate. (B498)

(B14) Roads – internal roads

Internal roads are to be designed in accordance with Council's standards for road construction. Road widths and intersections are to be designed in accordance with standard design standards and submitted for approval.

(B15) Roads – internal traffic calming measures

Traffic calming measures on internal roads (particularly in relation to pedestrian crossing points) are to be implemented in consultation with, and to the satisfaction of, Council's traffic engineer.

(B16) Subdivision – stormwater drainage detention

A stormwater drainage detention system is to be provided to the subdivision. The system is to be designed to reduce developed discharges to pre-development discharges for all storms up to and including the 1:100 year event. The weir and wall of the basin are to be designed to withstand the effects of a 1:500 year event. (B542)

(B17) Water Supply and Sewerage Services

Provision of water supply and sewerage services to the site area and to the dwelling units comprised thereon in accordance with Council's *Engineering Guidelines for Subdivision and Development* and the provisions of the *Local Government (Water, Sewerage and Drainage) Regulation*. (B552)

(B18) Lot Consolidation – Created by Consent 10.2006.27296.4

LOT 1 and 2 DP: 874732 shall be consolidated under one (1) allotment under one (1) title prior to the release of any Construction Certificate for a Dwelling House identified on the common allotment boundary.

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, 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)

(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 AlburyCity 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) **Construction - licensed plumber**
All plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the *NSW Code of Practice, Plumbing and Drainage*. The licensed plumber's details shall be forwarded to Council prior to commencement of any plumbing work. (D030)
- (C4) **Demolition - compliance and disposal to approved landfill site**
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. (C420)
- (C5) **Sewer - trade waste**
A Trade Waste Application being submitted to Council prior to commencement of the work, for permission to discharge trade waste to Council's sewer and any conditions imposed thereon or works required are to be complied with so as to prevent harm to public assets and waterways. (C436)
- (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* is to be obtained prior to commencement of work.
(b) All plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the most current NSW Code of Practice, Plumbing and Drainage.
(c) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)
- (C7) **Services - 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 full cost to the applicant. (C040)
- (C8) **Compliance - no filling without prior 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. (C406)
- (C9) **Hydraulic Plans**
The applicant is to submit hydraulic plans of the proposed plumbing and drainage installation for approval prior to commencement of work i.e. fire, water, house drainage, lawn watering and irrigation, stormwater and any water services intended for reuse. (A998)
- (C10) **Traffic & Pedestrian Management Plan**
A Traffic and Pedestrian Management Plan is to be prepared by a suitably qualified person and submitted to Council for approval. The plan shall address, but not be limited to, the following matters:-
(a) ingress and egress of vehicles to the site;
(b) loading and unloading, including construction zones;
(c) pedestrian and traffic management methods.

D. During Construction

- (D1) **Construction – inspections**
Inspections are to be conducted in accordance with Clause 109E(3)(d) 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) **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 - asbestos**

Prior to undertaking demolition works the applicant is to undertake an investigation with regard to the presence of asbestos containing materials within the building. If necessary the applicant is to consult with the Environment Protection Agency (the EPA) if unsure of the presence of asbestos. The removal of asbestos is to be done by persons holding a current removalist's licence issued by WorkCover NSW and disposed of at a facility approved by the EPA.

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)

(D4) **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.

In the event that the demolition/construction relates to works inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise then the works are not restricted to the hours stated above. The provisions of the Protection of the *Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works. (D422)

(D5) **Construction - termite protection**

The structural members of the building, which are subject to attack by subterranean termites, shall be protected in accordance with AS3660.1-200 – *Termite Risk Management; 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. (D036)

(D6) **Stormwater - surface water**

The land surrounding any structure must be graded to divert surface water to the legal point of adequate discharge, and clear of any structures and adjoining premises. Roof water runoff is to be directed to the legal point of discharge via a sealed line of adequate capacity. (D478)

(D7) **Maintenance of Soil Erosion and Sediment Pollution Control**

All measures specified in Council's *Engineering Guidelines for Subdivision and Development* and, *Soil and Water Management Guidelines for Subdivision* to control soil erosion and sediment pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained. (D522)

(D8) **Fire Hydrants**

Locations of fire hydrants are to comply with AS2419 and be delineated by blue pavement markers in the centre of the road. (D554)

(D9) **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)

(D10) Separate House Drainage Connections

During construction each lot is to be provided with a separate and distinct house drainage service connected to the common sewer main, with plumbing work complying with the *Local Government (General) Regulation 2005*. (D498)

(D11) Construction - landscape general

All landscape works are to be constructed in accordance with the stamped approved plan.

Landscaping is to be maintained:

- In accordance with the approved plan, and
- In a healthy state, and
- In perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation that died or was removed. (D012)

(D12) Soil and Water Management - spray-grass

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

(D13) Access - internal road construction

The internal road shall be constructed and maintained in order to minimise visual impact and to prevent sediment and stormwater nuisance on adjoining land. (D400)

(D14) Easements - footings and easements

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

(D15) Flooding - electrical fittings flood proofed or relocated

Electrical fittings (wirings, connection, etc.) to be flood proofed or relocated to a height of at least RL171.5m AHD. (G460)

(D16) Protection of Trees – street trees

Street trees and trees in the Old Sydney Road reserve shall be suitably protected by way of tree guards, barriers or other measures as necessary to protect root systems, trunks and branches during excavation and construction activities. Any tree within the road reserve that is damaged or removed during construction shall be replaced, to the satisfaction of Council.

(D17) Protection of Trees – on site trees

All trees that are on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary to protect root systems, trunks and branches during excavation and construction activities

E. Prior to the Issue of Occupation Certificate

(E1) Soil and Water Management - irrigation installation

The site being landscaped in accordance with the particulars submitted, prior to occupying the development and being maintained at all times to enhance environmental quality. The applicant shall install a watering system (e.g. micro irrigation, sprays, under-ground pop-up sprinklers) to ensure the health and 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*.

(E2) Access - driveway drain

The adjacent footpath being protected from surface water by the construction of a grated drain across the driveway within the boundary connected to an approved drainage system.

(E3) Amenity - unit/street numbers

Unit identification numbers shall be clearly displayed on the buildings or property as well as the street numbers being clearly displayed on the kerb in the interest of public safety.

- (E4) **Compliance - plumbing/drainage certificate**
Prior to occupation, a Plumbing and Drainage Certificate must be obtained. All plumbing and drainage work must comply with the approval granted by Council and the provisions of the *Local Government (Water, Sewerage and Drainage) Regulation 1993*.
- (E5) **Soil and Water Management - parking area construction**
The 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.
- (E6) **Water Meter**
A suitable and appropriate water meter is to be provided at an agreed location to measure and quantify the amount of water consumed by the development. Such meter is to be suitably sized to account for proposed development and be located at an easily accessible point of supply to enable access for maintenance and/or reading.
- (E7) **Mechanical Ventilation**
Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- (a) The Building Code of Australia;
 - (b) Australian Standard 1688 and other relevant Codes;
 - (c) The development approval and any relevant modifications;
 - (d) Any dispensation granted by the NSW Fire Brigade.

F. Use of Site Area

- (F1) **Amenity - garbage storage**
Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of Council.
- (F2) **Use of Site - loud speakers**
No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music, the ringing of telephones or similar purpose.
- (F3) **Access - loading/ unloading**
The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay/s, and must not disrupt the circulation and parking of vehicles on the land.
- (F4) **Car Parking - parking bay marking**
All parking and loading bays shall be permanently marked out on a pavement surface.
- (F5) **Environmental - sound proofing of plant and equipment**
All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to Council.
- (F6) **Sewer - no discharge to sewer**
Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council.
- (F7) **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.
- (F8) **Food premises – operational food safety compliance**
As per the *Food Act 2003* and *Food Regulation 2004*, the proprietor of any food business is to ensure that the requirements of Standard 3.2.2 and 3.2.3 of the *Australia New Zealand Food Standards Code* are met at all times. (These can be downloaded from www.foodstandards.gov.au/foodstandardscode)
(F654)

(F9) **Food Premises - registration with NSW Food Authority and inspection by Environmental Health Officer**

Prior to the commencement of food handling operations, and in addition to any construction inspections, approvals etc., the premises must:

- “Be notified” with the NSW Food Authority (this can be done by the proprietor of the business free of charge at www.foodnotify.nsw.gov.au) and
- Have a satisfactory inspection by an AlburyCity Environmental Health Officer prior to selling any food. To arrange an inspection call Customer Service on (02) 60238111. (F675)

(F10) **Lighting and Ventilation**

Adequate lighting and ventilation shall be provided for customers, employees and security. Lighting and ventilation equipment shall be maintained in a clean and good working order. (F680)

(F11) **Lighting**

Any lighting of the site must not cause glare or nuisance to nearby traffic or residences.

G. Reasons for Conditions

(G1) **Reasons for Conditions**

The above conditions have been imposed:

- (a) To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979.
- (b) Having regard to Council’s duties of consideration under Section 79C and 80A 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 2000.
- (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.

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 Planning and Economic Development Group, AlburyCity Council (phone 02 6023 8285) if there is any difficulty in understanding or complying with any of the above conditions.

(H2) **State Environmental Planning Policy (Seniors Living) 2004**

It is noted that development standards concerning access and useability for residential care facilities are not specified in *State Environmental Planning Policy (Seniors Living) 2004*. For relevant standards, see the Commonwealth aged care accreditation standards and the *Building Code of Australia*

(H3) **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.

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