



**Land and Environment  
Court**  
of New South Wales

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DX 264, Sydney

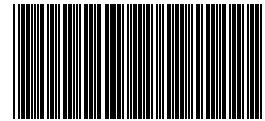
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Your Ref:



D0001O4KZU

27 January 2023

### NOTICE OF ORDERS MADE

Case number 2021/00329677  
Case title R and G Creations Pty Ltd v Shoalhaven City Council

On 27 January 2023 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Applicant is granted leave to amend Development Application Number DA20/1466 to rely on the amended plans and documents identified in Annexure A.
- (2) In accordance with s 8.15(3) of the Environmental Planning and Assessment Act 1979, the Applicant is to pay the Respondent's costs thrown away as a result of the amendments referred to in order (1) above, as agreed or assessed.
- (3) The appeal is upheld.
- (4) Development Application Number DA20/1466 for the demolition of existing motel and construction of a 28 unit Residential Flat Building with swimming pool, associated parking, landscaping and stormwater works on Lot 1 DP 518702, Lot 2 DP 518702 and Lot 3 DP 523625 known as 8-12 Princes Highway, Mollymook NSW 2539, is approved subject to the conditions set out at Annexure B.

For the Registrar

## **Annexure B**

### **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** DA20/1466

**Development:** Demolition of existing motel and construction of a 28-unit Residential Flat Building with swimming pool, associated parking, landscaping and stormwater works.

**Site:** Lot 3 DP 523625, Lot 1 and Lot 2 DP 518702 at 8-12 Princes Highway, Mollymook

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 27 January 2023

**Date from which consent takes effect:** The date this consent is registered on the NSW Planning Portal.

#### **TERMINOLOGY**

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the Environmental Planning and Assessment Act 1979.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land comprised of Lot 3 DP 523625, Lot 1 and Lot 2 DP 518702 at 8-12 Princes Highway, Mollymook.

The conditions of consent are as follows:

## PART A: GENERAL CONDITIONS

### 1. General

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. In the event of any inconsistency between the approved plans/documentation and a condition of consent, the condition prevails.

Stamped Approved plans/documents	Ref/sheet no.	Prepared by	Dated
Drawing Schedule	18-0040.1 D22/426370	Edmiston Jones Architects	
Site Context	DA01A -DA01C Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
Site Analysis	DA02A Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
Project Storey Board	DA02B Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
Site Plan	DA03 Rev P6 D22/426370	Edmiston Jones Architects	27/10/22
Lower Ground Landscape Plan	DA04 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Ground Floor	DA05 Rev P6 D22/426370	Edmiston Jones Architects	27/10/22

First Floor	DA06 Rev P8 D22/426366	Edmiston Jones Architects	27/10/22
Second Floor	DA07 Rev P6 D22/426366	Edmiston Jones Architects	5/10/22
Third Floor	DA08 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Roof	DA09 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Elevations 1	DA10 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Elevations 2	DA11 Rev P6 D22/426366	Edmiston Jones Architects	5/10/22
Sections	DA12 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Shadow Diagram	DA13 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – Ventilation Diagram 1	DA14 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – Ventilation Diagram 2	DA15 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22

Winter Solar Access – Ventilation Diagram 3	DA16 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
3D View 1	DA17 Rev P6 D22/426370	Edmiston Jones Architects	27/10/22
Landscape Sections	DA18 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Planting Schedule & Details	DA19 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Planting Plan – Lower Ground Floor	DA20 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Planting Plan – First Floor	DA21 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Planting Plan – Third Floor	DA22 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Area Plan – Ground Floor	DA23 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Area Plan – First Floor	DA24 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Area Plan – Second Floor	DA25 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Area Plan – Third Floor	DA26 Rev P5	Edmiston Jones Architects	7/09/22

	D22/426370		
Winter Solar Access – 9am from sun angle views	DA27 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – 10am from sun angle views	DA28 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – 11am from sun angle views	DA29 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – 12pm from sun angle views	DA30 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – 1pm from sun angle views	DA31 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – 2pm from sun angle views	DA32 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
Winter Solar Access – 3pm from sun angle views	DA33 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
View Line Analysis 1	DA34 Rev P3 D22/426370	Edmiston Jones Architects	7/09/22
View Line Analysis 2	DA35 Rev P3 D22/426370	Edmiston Jones Architects	7/09/22
Building Height Envelope	DA36 Rev P4 D22/426370	Edmiston Jones Architects	7/09/22

Site Context Ground	DA37A Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
Site Context First	DA37B Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
Site Context Second	DA37C Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
Site Context Third	DA37D Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
View Diagrams	DA38A Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
View Diagrams	DA38B Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
Construction Detail	DA39 Rev P1 D22/426366	Edmiston Jones Architects	31/08/2022
Stormwater Management Plans  Sheets 1 to 6	U18173_ENG.dwg D22/460297 Issue C	Rygate and West Incorporating Bullock & Walters	3/10/22
Stormwater Management Strategy	Project No. 496 Rev G D22/460294	Southeast Engineering & Environmental	5 September 2022
Schedule of Dwellings	18-0040 D22/426355	Edmiston Jones Architects	5/10/22

Sepp 65 Verification Statement	Job No: 18-0040 D22/426361	Edmiston Jones Architects	26/09/22
Waste Minimisation and Management Plan	PROJECT No: 18-0040 D22/426349	Edmiston Jones Architects	07/11/22
BASIX Certificate	1337378M_03 D22/426374	www.basix.nsw.gov.au	7/09/22
NATHERS Certificate	#HR-WJ3FY5-01 D22/426372	Eco Certificates Pty Ltd	7/09/22
Geotech Investigation	Report No: 19/3255 D20/191664	STS Geotechnics Pty Ltd	Nov 2019
Response to Traffic Related Waste Collection Matters Without Prejudice	Report Re 19582 D22/472824	Varga Traffic Planning Pty Ltd	09/11/22

*Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.*

## **2. Prescribed Conditions**

The development must comply with the [Prescribed Conditions of Development Consent](#), Part 4 Division 2, *Environmental Planning and Assessment Regulation 2021*, as applicable.

## **3. Occupation / Use**

The development must not be occupied or used before an Occupation Certificate has been issued by the Certifier or other satisfactory agreements have been made with Council (i.e. a security).



#### **4. Shoalhaven Water - Certificate of Compliance**

A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

#### **5. Shoalhaven Water – Application for Certificate of Compliance.**

Prior to commencement of work, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained. Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit <https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice> to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.

Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a “Water Development Notice” document detailing all requirements which must be met.

*Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.*

#### **6. Shoalhaven Water – Prior to the Commencement of Any Work**

Prior to the Commencement of any work, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Commencement of Any Works” must be complied with. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

#### **7. Shoalhaven Water – Prior to the Commencement of Demolition**

- (a) Prior to the Commencement of Demolition, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Commencement of Demolition Works” must be complied with. Written notification must be issued by Shoalhaven Water and provided to the Certifier.
- (b) Appropriate signage must be erected in areas such as the exit point of the elevators or stairwells to indicate the location of the units.

## PART B: CONCURRENCE CONDITIONS

### 8. Transport for NSW

The concurrence conditions of Approval issued by Transport for NSW, Reference No: STH18/00100/07 dated 4 December 2020 and email comments dated 17/10/2022, are included as conditions of this consent and must be complied with. Refer to **Attachment A**.

## PART C: PRIOR TO THE COMMENCEMENT OF DEMOLITION

### 9. Toilet Facilities - Temporary

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an onsite effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

### 10. Asbestos – Notification of Neighbours

Seven (7) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council.

### 11. Demolition

Demolition work must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable.

### 12. Demolition - Completion of Works

Demolition work, once commenced, must be completed within three (3) months.

### **13. Demolition - Decommissioning of Services**

Prior to the commencement of demolition work:

- (a) all existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off.
- (b) internal water lines must be disconnected from the existing water meter currently servicing the property.
- (c) the capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3547.
- (d) the developer must provide the Certifier with evidence of compliance with the above requirements.

### **14. Public Safety and Protection of Public Property – Site Safety Fence**

Prior to the commencement of work a Site safety fence must be installed in accordance with SafeWork NSW guidelines and AS 2601 *Demolition of structures*. The fence must be kept in place until completion of the works.

### **15. Dilapidation Report**

Prior to the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9 metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost.

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the *Principal Certifier* and the *Principal Certifier* may waive the requirement in relation to the relevant property.

*Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.*

## PART D: PRIOR TO THE COMMENCEMENT OF WORKS

### 16. Construction Certificate

A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.

### 17. Appointment of Principal Certifier

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

### 18. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form [‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority.’](#)

### 19. Warning Notice - Construction

In addition to any signage that may be required under the *Environmental Planning and Assessment Act 1979*, or any other Act, the occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:

- (a) bears a notice containing the words “This swimming pool is not to be occupied or used”
- (b) is located in a prominent position in the immediate vicinity of that swimming pool
- (c) continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.

### 20. Asbestos Removal

Asbestos removal must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable, by a person holding the relevant licence issued by SafeWork NSW.

A licence is not required to remove less than 10m<sup>2</sup> of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m<sup>2</sup>.

Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.

Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:

- (a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the *Work, Health and Safety Regulation 2017* for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.
- (b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.
- (c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.

## **21. De-watering of the Excavation Cavity**

Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property.

Full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance must be presented in the final plan submitted to the Principal Certifying Authority prior to works commencing. It may be necessary to engage with Shoalhaven Water in the preparation of the plan.

All necessary licences must be held with sufficient share component and water allocation to account for all water taken from groundwater as a result of an aquifer interference activity.

## **22. Run-off and Erosion Controls**

Prior to the commencement of site work, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas.
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- (c) preventing the tracking of sediment by vehicles onto roads.
- (d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

*Note: all implemented measures must not cause water pollution as defined by the [Protection of the Environment Operations Act \(POEO\)](#).*

### 23. Access Driveway Design Standards - Urban

Prior to the commencement of work within the road reserve, engineering design plans for works within the road reserve must be prepared by a professional engineer, (as defined in the National Construction Code) and approved by Council. The layback/footpath crossing design must comply with the following:

- (a) Council's Engineering Design Standard Drawings.
- (b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 150mm compacted road base with centrally placed slab of minimum 3 metres width and minimum 150mm depth.
- (c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.

### 24. Works within the Road Reserve

Prior to undertaking work within an existing road reserve, the developer must obtain the consent of Council under section 138 of the *Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

- (a) Any civil works design required by this consent.
- (b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- (c) Name and contact information of the person responsible for all relevant works.
- (d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.

Where the Traffic Control Plan requires a reduction of the speed limit, an 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

## PART E: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 25. Local Infrastructure Contributions

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,100.93	25	\$27,523.25	\$0.00	\$27,523.25
05 CFAC 2010	Southern Shoalhaven Branch Library	\$553.98	25	\$13,849.50	\$0.00	\$13,849.50

CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,153.01	25	\$28,825.25	\$0.00	\$28,825.25
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$871.44	25	\$21,786.00	\$0.00	\$21,786.00
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	25	\$33,722.50	\$0.00	\$33,722.50
CW CFAC 5007	Shoalhaven Regional Gallery	\$74.05	25	\$1,851.25	\$0.00	\$1,851.25
CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	25	\$3,637.50	\$0.00	\$3,637.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	25	\$5,321.50	\$0.00	\$5,321.50
CW MGMT 3001	Contributions Management & Administration	\$605.06	25	\$13,651.68	\$0.00	\$13,651.68

Sub Total: \$150,168.43  
 GST Total: \$0.00  
 Estimate Total: \$150,168.43

The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.

Contributions Plan 2019 can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

## 26. Long Service Levy

Prior to the issue of a Construction Certificate any long service levy payable under the [Building and Construction Industry Long Service Payments Act 1986](#) and prescribed by the [Building and Construction Industry Long Service Payments Regulation 2017](#) must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.

## 27. Design Changes

The following design changes are to be included on the construction certificate plans and documents prior to issue of Construction Certificate:

Design Changes	Reason
<p>(a) The proposed west-facing windows to bedrooms 2 and 3 of Unit 17, bedroom 2 of Unit 18, bedroom 2 of Unit 19, and bedrooms 1 and 2 of Unit 20 are to have fitted to them 450mm wide external shading devices to their northern edge and window head to match the detail of shading devices to northern windows.</p>	<p><i>The western windows are now noted with 'vertical shading to window (shown dashed)' [DA11 P6], however the exact location and dimension of this shading does not appear to be clearly indicated in elevation, plan [DA07 P6] or model [DA17 P5 and DA33 P5].</i></p> <p><b>To provide shading and glare control.</b></p>
<p>(b) The achievement of the 1:10 typical balustrade detail [3 DA04 P5] must take precedence over drawings of a smaller scale [for example Section AA DA12 P5] to ensure no horizontal element facilitates climbing</p>	<p><i>The 1:10 balustrade detail remains the same as the previous issue [DA04 P5]. It does not appear to resolve the fixing and drainage issues previously raised, however these are matters that could be dealt with at construction certificate stage. The 'foothold' issue is still apparent in other drawings [eg DA12 P5].</i></p> <p><b>To meet NCC requirements for barrier climbability.</b></p>
<p>(c) All habitable rooms are to achieve a finished floor-to-ceiling height of 2.7m for the full walkable extent of the room.</p>	<p><i>The 1:25 typical wall section remains the same as the previous issue [DA39 P1]. It does not appear to resolve the issues of terraces over habitable spaces previously raised.</i></p> <p><b>To achieve sufficient amenity within the apartment and sense of space.</b></p>
<p>(d) The RL of the lift overruns as shown on the roof plan [DA09 P5] must not be increased.</p>	<p><i>The RL of the lift overruns remain the same. The potential issue of the thin concrete lid remains.</i></p> <p><b>To maintain the maximum height of these elements.</b></p>
<p>(e) A flood-compatible door or suitable alternative treatment is to be included on the plans at the lobby entrance to the courtyard that prevents the ingress of surface water from the courtyard to the building.</p>	<p><i>To prevent water runoff from entering the building from the Courtyard.</i></p>



(f)	Provide a timber batten screening fence along all sides of the waste bin holding zone with a sliding gate. The timber batten screening fence is to be a height from finished surface level of at least 1.35m and no greater than 1.5m;	<i>To screen the temporary waste bin holding area from the Princes Highway.</i>
(g)	Increase the surface area of the waste bin holding zone	<i>To provide sufficient room to enable the manoeuvring of bins within the timber batten screening enclosure.</i>
(h)	Increase the height of the solid wall denoted as '1.2m high solid wall for screening cars entering site' for the courtyard to Unit 10, shown on drawing First Floor, Drawing No. DA06, revision P8, so that its top of wall height is at the same relative level as the top of wall height for the timber batten screening fence (amended in height in accordance with condition 30(f) above;	<i>To provide appropriate visual privacy for the adjacent unit.</i>

## 28. Stormwater & Easement

- (a) Prior to the issue of a Construction Certificate:
- (i) A 1.5m wide easement to drain water from the land (currently identified as) comprising Lot 3 in DP 523625 and Lots 1-2 in DP 518702 from its eastern (rear) boundaries to Seaview Street under s88B of the *Conveyancing Act 1919* is to be registered with NSW Land Registry Services (the easement). The easement must contain a provision that it cannot be varied, modified or released without the consent of the Shoalhaven City Council; and
  - (ii) The applicant must obtain development consent for a stormwater management system, enabling gravity drainage of stormwater from the land (currently identified as) comprising Lot 3 in DP 523625 and Lots 1-2 in DP 518702 from its eastern (rear) boundaries within the easement to the existing Council stormwater pipe located within the eastern side of Seaview Street. Where a pipe for the stormwater

management system is to be laid through the easement, it shall be a minimum 225mm in diameter. Any pipework within Seaview Street must be a minimum reinforced concrete 375 mm diameter in accordance with Council's design specification D5.

## **29. Alternative to Stormwater Drainage Easement**

- (a) Where all of the following circumstances apply, the applicant may proceed with the development in accordance with condition 29(b) instead of condition 28;
  - (i) reasonable endeavours have been made to obtain an easement to drain water from all relevant downstream owners pursuant to condition 28(a)(i) to facilitate a stormwater management system to be connected from the site to Seaview Street;
  - (ii) evidence is provided to the Council to demonstrate that reasonable endeavours have been made to obtain such an easement. Evidence of reasonable endeavours means evidence that reasonable offers, based upon at least three (3) recent valuations prepared by suitably qualified valuers for the easement, and a written offer that includes a guarantee of compensation for any damage to existing property and replacement or repair of any structures/ buildings or landscaping impacted by the physical work required to be carried out to achieve the infrastructure in the proposed easement, have been made and rejected or not accepted within a minimum 90 day period; and
  - (iii) the Council has provided written advice to the applicant for the purposes of this clause that it is satisfied that reasonable endeavours have been made to obtain an easement to drain water to Seaview Street.
- (b) When this condition applies, the development is to be carried out in accordance with the following plans (except where amended by other conditions of this consent):
  - (i) The Stormwater Management Strategy prepared by Southeast Engineering and Environmental dated 5 September 2022 (Rev G) (Council ref: D22/460297); and
  - (ii) Stormwater Management Plans Sheets 1 to 6 U18173\_ENG.dwg Issue C Rygate and West Incorporating Bullock & Walters dated 3 October 2022 (Council ref.D22/460297).
- (c) For the purposes of this condition 29, the expression '*all relevant downstream owners*' means the registered proprietor(s) of those properties situated between the site and Seaview Street which can physically be traversed by a stormwater pipeline designed to Council's specifications and

which enables the gravity drainage of stormwater from the site to the existing stormwater network within the Seaview Street road reserve.

### 30. Consolidation of Land

Prior to the issue of a Construction Certificate Lot 3 DP 523625, and Lots 1 & 2 DP 518702 must be consolidated and registered with Land and Property Services NSW. Evidence of registration to be provided to the certifier.

### 31. Transport for NSW

Prior to the issue of a Construction Certificate, the developer must demonstrate to the satisfaction of TfNSW that the excavation adjacent to the Princes Highway road reserve complies with the TfNSW *Technical Direction: Excavation adjacent to Transport for NSW Infrastructure* (GTD2020/001) dated 2 July 2020 (<https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/documents/technical-directions/gtd-2020-001.pdf>) and will not impact upon the adjacent Princes Highway road reserve.

This includes, but is not limited to, details for the proposed wall support system that is adjacent to the western site boundary showing the closest distance between the excavation face and the road kerb/edge, design calculation of the soil retaining walls system, prediction of ground movement for each stage of construction and impact assessment of construction work on TfNSW infrastructure and drawing showing the geotechnical instrumentation and monitoring plan.

Notes:

- *The required information and a copy of the development consent should be emailed to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au)*
- *The TfNSW review relates purely to the impact on the TfNSW assets. It should not relieve the Developer/Builder/Designer and their Engineers of their obligations with respect to any statutory requirements and professional duty.*

### 32. Evidence

A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.

### 33. Street Numbering of Dwellings

Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy.

The allocated primary address of the property is 10. Although the development includes 8-12 Princes Highway number ranges, these can no longer be used.

The allocated numbers must be shown on the engineering plans with the Construction Certificate. Where plans and details are provided to service suppliers, numbers must be in accordance with the following:

**Lower Ground Floor:**

Unit 1 – LG01/10 Princes Highway, Mollymook

Unit 2 – LG02/10 Princes Highway, Mollymook

Unit 3 – LG03/10 Princes Highway, Mollymook

**Ground Floor**

**Unit 4 – Unit 13**

G01/10 to G10/10 Princes Highway, Mollymook, to be allocated in a logical and sequential manner

**First Floor**

**Unit 14 – Unit 23**

101/10 to 110/10 Princes Highway, Mollymook, to be allocated in a logical and sequential manner

**Second Floor**

**Unit 24 – Unit 28**

201/10 to 205/10 Princes Highway, Mollymook, to be allocated in a logical and sequential manner

**34. Waste Storage Rooms**

Prior to the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage rooms have been designed to be constructed in accordance with the [Waste Minimisation and Management Guidelines](#), and that:

- (a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting.
- (b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections.
- (c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned.
- (d) the room to be provided with artificial light controllable within the room and adequate ventilation.
- (e) the rooms are to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

### **35. Retaining Walls - Design**

Prior to the issue of a Construction Certificate for approved retaining walls exceeding 0.6m in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following:

- (a) For retaining walls exceeding 0.6m in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and
- (b) For retaining walls less than 0.6m in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.
- (c) Retaining walls, footings and drainage must be contained wholly within the development site.

Construction within a registered easement is prohibited.

Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or be approved by way of Complying Development prior to construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### **36. Shoalhaven Water – Prior to the Issue of a Construction Certificate**

Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Issue of a Construction Certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

### **37. Universal Design Features**

The Silver Standard Units must be stamped by a qualified the Liveable Housing Australia Assessor. All details are to be shown on Construction Certificate drawings.

### **38. Car Parking Design Standards**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The car parking and access design must comply with the following:

- (a) The approved architectural plans.
- (b) All relevant provisions of AS2890.

- (c) A minimum number of 48 spaces must be provided on site.
- (d) For areas not subject to waste servicing, constructed in accordance with the following:
  - (i) for light vehicular loading.
  - (ii) to a coloured, patterned or stamped concrete standard.
  - (iii) with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete.
- (e) Constructed in accordance with the following:
  - (i) for heavy vehicle loading
  - (ii) with a concrete pavement designed and constructed for a minimum traffic loading of 1 x 106 ESA.
  - (iii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1 x 106 ESA.
- (f) Bordered in accordance with Council's Standard Drawings by:
  - (i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.
  - (ii) a concrete edge strip (min 150mm wide and 300mm deep).

### **39. Bicycle Parking**

Secure Bicycle parking spaces are to be provided to the basement car park to be used by residents in accordance with the Australian Standard.

### **40. Footpath Design Standards**

Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The footpath design must comply with Council's Engineering Design Specifications Section D8 – Cycleway and Footpath Design.

### **41. Residential Apartment Noise Attenuation**

A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from any internal or external noise source and when constructed will achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and

Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the plans for Construction Certificate.

#### 42. Storage

In addition to storage in the kitchens, bathrooms and bedrooms, the following storage is to be provided per dwelling type:

- (a) 1 bedroom apartment – 6m<sup>3</sup> of storage space
- (b) 2 bedroom apartment - 8m<sup>3</sup> of storage space.
- (c) 3 bedroom apartment - 10m<sup>3</sup> of storage space.

At least 50% of this storage is to be located within the dwelling (excluding the garage). Where located in a garage, the storage areas must not encroach upon allocated car parking spaces.

#### 43. Hydraulic Engineering Details for Water, Sewer & Drainage

Prior to the issue of a Construction Certificate, an approval to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under Section 68 of the Local Government Act 1993. The application is to include hydraulic details designed by a professional engineer (as defined by the National Construction Code) for **water, sewerage and stormwater** drainage for the development. The hydraulic detail must reference, without limitation, the following:

- (a) The relevant National Construction Code such as - NCC 2019 Volume 1, 2 & 3 (as relevant) Amendment 1;
- (b) Relevant Australian Standard/s and correct standard years;
- (c) Must also reference the relevant AS 1170 suit of standards.
- (d) List Signatory Qualification and Accreditation details;
- (e) Must be National Engineers Register (NER) or NSW Fair Trading Registered Engineer

The charged line to the above ground rainwater tank must have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm discharge pit connected to an approval disposal point to enable the line to be flushed. This is to prevent the line becoming blocked.

#### 44. Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- (a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- (b) The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- (c) Generally, in accordance with development consent, referred to in condition 28(a)(ii) (unless condition 29(b) applies).

#### **45. Stormwater – Internal Charged Lines**

Prior to issue of a Construction Certificate, the Certifier must be satisfied that any charged stormwater line on the design plans is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed and prevent blockage.

#### **46. Soil and Water Management Plans (SWMP)**

Prior to the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.

All implemented measures must:

- (a) not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- (b) be maintained at all times.
- (c) not be decommissioned until at least 70% revegetation cover has been established.

#### **47. Existing Infrastructure**

Any required alterations or repair of damaged infrastructure will be at the developer's expense.

*Note: it is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure this will potentially prevent unexpected costs and expenses.*

#### **48. On-Site Detention – Development**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

- (a) The on-site stormwater detention (OSD) design must comply with the approved stormwater plans and strategy.



- (b) Stormwater discharge from the Site to Princess Highway kerb must not exceed the pre-development application discharge rate.

#### **49. WSUD Devices – Private Property**

Prior to the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's web site.

The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.

#### **50. WSUD Measures – Water Quality, Retention and Reuse**

Prior to the issue of a Construction Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council.

The stormwater treatment, retention and reuse design must comply with / provide the following:

- (a) Chapter G2 of Shoalhaven Development Control Plan 2014: Sustainable Stormwater Management and Erosion/Sediment Control (SDCP Ch G2).
- (b) SDCP Ch G2 Supporting Document 1: Sustainable Stormwater Technical Guidelines
- (c) Shoalhaven Council's Engineering Design Specification D5 Stormwater Drainage Design.
- (d) Identify the location, size and design specifications for each stormwater treatment device, detention and retention structure, and stormwater outlet controls required to prevent erosion or nuisance flows to adjoining land.
- (e) Rainwater tanks in accordance with BASIX requirements.
- (f) Retention storage designed in accordance with Table 2 in Section 5.2.2 of SDCP Ch G2.
- (g) A WSUD strategy that is able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance.

**PART F: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

NIL.

**PART G: DURING WORKS****51. Hours for Construction**

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

**52. Swimming Pool Safety During Construction**

- (a) A child-resistant barrier must be erected during the construction of the swimming pool. The barrier shall comply with the requirements of the *Swimming Pools Act 1992*; *Swimming Pools Regulation 2018*; *AS1926.2 Swimming pool safety - Location of safety barriers for swimming pools* and *AS1926.1 Swimming pool safety-Safety barriers for swimming pools*.
- (b) In addition to any signage that may be required under the Environmental Planning and Assessment Act 1979, or any other Act, the occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:
  - (i) bears a notice containing the words "This swimming pool is not to be occupied or used".
  - (ii) is located in a prominent position in the immediate vicinity of that swimming pool.
  - (iii) continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.

**53. Swimming Pool Safety During Construction**

A child-resistant barrier must be erected during the construction of the swimming pool. The barrier must comply with the requirements of the *Swimming Pools Act 1992* and *Regulations*

2018, Building Code of Australia and AS1926.1 *Swimming pool safety-Safety barriers for swimming pools*.

#### **54. Noise**

The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

#### **55. Aboriginal Objects Discovered During Excavation**

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) All excavation or disturbance of the area must stop immediately.
- (b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- (c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- (d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

#### **56. Archaeology Discovered During Excavation**

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area.

Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

#### **57. Survey Report – Height**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum must be prepared by a Registered Surveyor as follows:

- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.

- (b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
- (c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) must be provided to the Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

## **58. Survey Certification**

A survey must be undertaken by a registered surveyor and provided to the Certifier on completion of the ground floor slab formwork prior to the concrete being poured.

The surveyor must certify all of the following:

- (a) the distance of the structure to all boundaries of the allotment are in accordance with the approved plans,
- (b) the height of the floor level/s in relation to ground level (existing) are in accordance with the approved plans.

## **59. Maintenance of Site and Surrounds**

- (a) During works, the following maintenance requirements must be complied with:
  - (i) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
  - (ii) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
  - (iii) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
  - (iv) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
  - (v) During construction:
    - A. all vehicles entering or leaving the site must have their loads covered, and
    - B. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

- (b) At the completion of the works, the work site must be left clear of waste and debris.

## 60. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

**Note:** “Waste” is defined in the *Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act)*.

## 61. Earthworks and Excavation

Approved earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.
- (c) that is fill brought to the site, must contain only virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 to the *Protection of the Environment Operations Act 1997 (POEO Act)*.
- (d) Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.
- (e) that is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (f) be protected against erosion and subsequent sediment movement prior to any works commencing at the site. All sediment controls must be maintained at all times and must not be decommissioned until at least 70% revegetation cover has been established
- (g) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018.

**62. Contamination - Unexpected Finds**

If unexpected contaminated soil and/or groundwater is encountered during any works:

- (a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
- (b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- (c) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.
- (d) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

**Note:** An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

## **PART H: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**63. Compliance**

The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with council (i.e. a security).

**64. Redundant Driveways and Crossings**

Prior to the issue of an Occupation Certificate all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing kerb and gutter. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

**65. Water Sensitive Urban Design Elements**

The registered proprietor must not make or permit or suffer the making of any alterations to any stormwater treatment measures/ water sensitive urban design (WSUD) elements which is, or must be, constructed on the lot(s) burdened without the prior consent in writing of Shoalhaven City Council.

*The expression “stormwater treatment measures/ water sensitive urban design elements” means the infiltration systems, porous pavement, sediment basins, bio-retention swales, bioretention basins, rain gardens, landscaped or vegetated swales, vegetated buffers, swale/ buffer systems, sand filter, wetlands, ponds, retarding basins, aquifer storage and recovery, rainwater reuse tanks, stormwater reuse tanks, gross pollutant traps, pit inserts, silt/ oil arrestors or other proprietary products including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins or surfaces graded to direct stormwater to the stormwater treatment measures/ water sensitive urban design elements.*

**66. Fire Safety**

Prior to the issue of a partial or whole Occupation Certificate, a final fire safety certificate is to be issued to Council and Fire & Rescue NSW by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates—

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

**67. Private Waste Collection Service**

Prior to the issue of an Occupation Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council (Waste Services).

The agreement must ensure:

- (a) the removal of all waste from the developed property.
- (b) the service is functional and meets the operational requirements for the developed property.
- (c) the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

**68. Private Waste Servicing Restriction – Easements and Restrictions on Use of Land**

An Instrument must be prepared under section 88B of the *Conveyancing Act 1919* which will provide for the following Restrictions on the land prior to the release of an Occupation Certificate:

- (a) Waste servicing and cleaning and maintenance of the bin enclosures for the development is required to be provided and maintained by a private waste and or cleaning contractor for the life of the development.
- (b) The Instrument must contain a provision that it cannot be varied, modified or released without the consent of Shoalhaven City Council.

A draft 88B Instrument must be submitted to Council for approval before an Occupation / Subdivision Certificate is issued.

#### **69. Air-Conditioning Systems - Noise Controls**

Prior to the Issue of an Occupation Certificate, air conditioning must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997 (POEO Act)*

Domestic air conditioners must not emit noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open—

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

#### **70. BASIX**

Prior to the issue of an Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with clause 75 of the *Environmental Planning and Assessment Regulation 2021*.

#### **71. Colours and Materials**

The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.

#### **72. Landscaping Compliance**

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.

The Certifier must be satisfied that any required Street trees have been installed in accordance with requirements.

#### **73. Letter Boxes**

A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.



#### **74. Retaining Walls – Certification**

Prior to the issue of an Occupation Certificate, the Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.

*Note: This condition does not prevent a partial occupation certificate to be issued for the parts of the development that have been completed.*

#### **75. Registration of Swimming Pool**

The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and prior to the issue of an Occupation Certificate, the swimming pool is to be registered at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

*Note: Penalties may apply if a swimming pool is not registered. If you are unable to access the internet, Shoalhaven pool owners can contact Council during business hours on (02) 4429 3111 or alternatively, register in person at Council's Nowra or Ulladulla Office and our Customer Service Officers will assist you to register your pool. There is a fee for this service.*

#### **76. Warning Notice**

Prior to the issue of an Occupation Certificate, a Warning Notice (sign) must be erected in a prominent position in the immediate vicinity of the swimming pool as required by section 17(1) of the *Swimming Pools Act 1992*. The sign must comply with part 3, clauses 10 and 11 of the *Swimming Pools Regulation 2018*. Details must be provided to the Certifier for approval.

#### **77. Shoalhaven Water – Certificate of Compliance**

Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.

If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

#### **78. On-site Detention System**

Prior to the issue of the Occupation Certificate, the developer must:

- (a) create a restriction on use under the *Conveyancing Act 1919* over the on-site detention system and provide it to the Certifier as follows:
- (b) The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the

authority benefited. The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures. Name of the authority having the power to release, vary or modify the restriction referred to is Shoalhaven City Council.

- (c) Create a positive covenant under the *Conveyancing Act 1919*, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule.
- (d) Provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

#### **79. Works as Executed Plans**

Prior to the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to Council and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:

- (a) Council's Development Engineering Construction Specification.
- (b) Show compliance with the approved design plans of all road and drainage works
- (c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
- (d) Show the extent, depth and final levels of filling.
- (e) Show any retaining walls including footings and agricultural drainage lines.
- (f) Show the location of all underground service conduits.
- (g) Include all deviations from the approved Civil Engineering Plans.

#### **80. Works in the Road Reserve - Evidence of completion**

Prior to the issue of a full Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter provided by council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.

**81. Dilapidation Report – Evidence**

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.

**PART I: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE**

NIL.

**PART J: ONGOING USE OF THE DEVELOPMENT****82. Overland Stormwater Flow, Redirecting and/or Concentrating Stormwater**

All excavation, backfilling and landscaping works must not result in:

- (a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff shall be collected and directed to a legal point of discharge.
- (b) the redirection and/or concentration of stormwater flows onto neighbouring properties.

**83. Fire Safety – Annual Statement**

A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An [application form](#) is available on Council's website.

**Note:** *An annual fire safety statement is a declaration by, or on behalf of a building owner that an accredited practitioner – fire safety (APFS) has:*

- (a) *assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building*
- (b) *inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 3 of Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*

*Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.*

#### **84. Landscaping – Noxious and Environmental Weeds**

The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.

#### **85. Maintenance of Stormwater Infrastructure**

The approved stormwater design and any associated on site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.

#### **86. Waste Vehicle Tug**

A pole mounted amber/yellow flashing light must be installed and maintained on the waste vehicle tug in accord with the relevant Australian Standard. The pole is to be of suitable height to enable the warning light to be visible without any obstruction from the driver to other motorists or pedestrians.

The light must be wired in such manner to the transmission of the vehicle tug for the life of the development so that it remains in operation during all waste tug vehicle operations/manoeuvres.

#### **87. Waste Bin Holding Zone & Waste Collection**

- (a) The 'waste bin holding zone' must only be used for the temporary storage of bins and bin tug in accordance with the Varga Traffic Planning Pty Ltd report, dated 9 November 2022, Response to Traffic Related Waste Collection Matters Without Prejudice.
- (b) Waste collection is to be undertaken by a private waste collection service.

#### **88. Management**

Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers

- (b) Responsibility for cleaning and maintaining waste storage room
- (c) Responsibility for the transfer of bins to the nominated collection point
- (d) Method of communication to new tenants and residents concerning the developments waste management system.
- (e) Cleaning up and management of bulky waste

## **PART K: OTHER COUNCIL APPROVALS AND CONSENTS**

Prior to the issue of a Construction Certificate, an application to carry out water supply work and stormwater work, must be obtained from Council under section 68 of the *Local Government Act 1993*.

Consent is given under Section 68 of the Local Government Act 1993 for, sewerage and to operate a system of sewage management as detailed in the approved documentation, subject to the following conditions:

### **(1) APPROVAL TO CONNECT TO THE RETICULATED SEWERAGE SYSTEM**

Approval for Sewerage, Plumbing and Stormwater Drainage is granted subject to the following conditions:

- (a) All plumbing and drainage work must comply with the Plumbing Code of Australia and AS/NZS 3500.1 Water services– 3500.2 Sanitary Plumbing and Drainage– 3500.4 Heated Water Services and 3500.3 Stormwater Drainage.
- (b) In accordance with the *Plumbing and Drainage Act 2011*, plumbers and drainers must submit the following documents to Shoalhaven City Council and to the person for whom the work was carried out.
  - (i) Notice of Work no later than two (2) business days prior to the commencement of any work.
  - (ii) A Certificate of Compliance for drainage works must be provided within seven days (7) after the external drainage works have been completed.

A sewer service diagram, one for each dwelling, must be provided within seven days (7) of the drainage works have been completed.

### **(2) INSPECTIONS**

Council, as the water authority, must be given at least 24 hours' notice to allow for the inspection of:

Type of Inspection:	Stage of Construction:
Internal Drainage	All internal drainage pipework, including stackwork, installed and under test as per AS 3500.2 Section 15, including any required bedding material as per AS3500.2 Section 5, and prior to any backfilling of the drainage lines. All pipework must be visible to the inspector.
Hot and Cold-Water Service (appropriately colour coded or identification markings)	All pipework installed and under hydraulic / pressure test, as per AS 3500.1 Section 18 - 18.3 – 18.3.1 prior to the installation of any insulation or any internal lining. Non – Drinking Water Service – Rainwater Lines to be installed as per AS 3500.1 Section 9.
External Drainage	Pipework installed and under test as per AS 3500.2 Section 15, including any required bedding material as per AS3500.2 Section 5. All pipework must be visible to the inspector.
Final Inspection of Drainage Works	All drainage works, including stormwater installed as per AS 3500.3 where Council is the Principal Certifier, to be completed prior to the issue of an Occupation Certificate.

### (3) BEFORE COMMENCING CONSTRUCTION

The builder must locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position

### (4) YARD GULLY

Must be installed as per AS3500.2 – Section 4. A minimum height of 150mm must be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height must be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in National Construction Code. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level must be 75mm, except where the gully riser is located in a path or a paved area where it must be finished at a level so as to prevent the ponding and ingress of water into the drainage system.

### (5) WORKS AS EXECUTED - STORMWATER DRAINAGE

Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.

The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines.

Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).

## PART L: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

### STATUTORY REQUIREMENTS

The development proposal, subject to the recommended conditions, is consistent with:

- (a) the objects of the Environmental Planning and Assessment Act, 1979.
- (b) the aims, objectives and provisions of the applicable environmental planning instruments,
- (c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- (d) the aims, objectives and provisions of relevant Council policies.

### PUBLIC NOTIFICATION

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2021* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

### SUBMISSIONS

Any submissions received during the public notification period are available on [DA Tracking](#).

### COMMUNITY VIEWS

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

### SUITABILITY OF THE SITE

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

### **IMPACTS OF THE DEVELOPMENT**

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- (a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- (b) the amenity and character of land adjoining and in the locality of the development is protected.
- (c) any potential adverse environmental, social or economic impacts of the development are minimised.
- (d) all traffic, car parking and access arrangements for the development will be satisfactory.
- (e) the development does not conflict with the public interest.

## **PART M: GENERAL ADVICE**

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

### **DISABILITY DISCRIMINATION ACT 1992**

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*.



## **DISCLAIMER –CONVEYANCING ACT 1919 – DIVISION 4 – RESTRICTIONS ON THE USE OF LAND**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

### **DBYD ENQUIRY - 'DIAL BEFORE YOU DIG'**

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

### **EXISTING AND PROPOSED SWIMMING POOL/ SPA BARRIER**

Existing and proposed swimming pools or spas on the premises must comply with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and comply with all the relevant Australian Standards.

## **ATTACHMENT A**

### **TRANSPORT FOR NSW REQUIREMENTS**

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#### **Email Advice from TfNSW to Shoalhaven City Council 17/10/2022**

Further to your email below and our phone discussions, Transport for NSW (TfNSW) notes:

- the development application is subject to an appeal in the Land and Environment Court;
- the last advice TfNSW provided was a no objection with suggested conditions letter (refer to the TfNSW letter dated 4 December 2020 – copy attached to this email);
- the plans have been revised since the above TfNSW advice was provided. The revisions, in part, include a reduced number of units (35 to 28), a revised car parking layout and revised waste storage and collection requirements. In addition, the Council has advised that the Waste Minimisation and Management Plan (WMMP) prepared by Edmiston Jones (dated 28 September 2022) will be amended to reduce the size of the waste bins from 1,100 litre to 660 litre. The abovementioned WMMP contains no details to demonstrate that a waste collection vehicle will not adversely impact the adjacent travel lane of the Princes Highway;

- no changes are proposed to the developments vehicle access/connection with the Princes Highway road reserve (i.e. sufficient width to enable the simultaneous entry and exits of vehicles); and
- Council are seeking comments on the amended waste service arrangements that are now being proposed as part of the Land and Environment Court proceedings which involve the collection of the ongoing waste (general and recycling) from the kerb side.

Having regard to the above, TfNSW provides the following comments concerning ongoing waste pickup:

- (a) It would not be supportive of 56 garbage bins (28 general waste and 28 recycle bins) being placed along the Princes Highway frontage of the site for collection;
- (b) Any collection from the Princes Highway (i.e. larger 660-litre bins) will need to demonstrate that collection can occur wholly within the kerb side parking lane without adversely impacting upon the safety and efficiency of the adjoining travel lanes in the Princes Highway;
- (c) Waste collection, if occurring from the Princes Highway, would need to occur outside the area of the Basic Left (BAL) turn treatment that is to be provided at the development sites access (refer to Attachment 1 of the TfNSW letter dated 4 December 2020); and
- (d) The collection of 660-litre bins would be undertaken by a bin tug bringing the bins from the basement car park area to a storage area within the development sites frontage and then manually transported across the Princes Highway footpath area to the collection vehicle within the Princes Highway kerbside lane (noting the comments above). This enables compliance with the road rules referenced in your email below. The latest plans provided to TfNSW (DA03, DA05 Revision P5 dated 31/08/22 and DA06 Revision P6 dated 05/10/22) do not show a waste storage area within the developments sites frontage (i.e. within the development site).

On the basis that each of the above points can be complied with and the Council's Waste Management Section raises no concerns, TfNSW would not object to ongoing waste pick up from the kerb side parking lane.

In addition to the above and the suggested conditions provided in its letter dated 4 December 2020, TfNSW provides the following comments:

- it is suggested that the 'No Stopping' signage in front of No 5, 7 and 9 Princes Highway, Ulladulla that is shown on the plans displaying the Basic Right (BAR) turn treatment and that are referenced in the TfNSW letter dated 4 December 2022 be changed to 'No Parking' signage; and
- noting that the revised plans for the ground floor/basement car parking (Drawing No. DA05 Revision P5 dated 31/8/22) appear to show the basement car parking up to the development sites western/Princes Highway boundary which appears to differ from

the setback shown on the updated first floor plan (Drawing No. DA06 Revision P6 dated 5/10/22) it is suggested that an additional condition as detailed below be included in any development consent issued to ensure the stability of the Princes Highway road reserve is not adversely impacted by required basement excavation.

Prior to the issue of a Construction Certificate, the developer must demonstrate to the satisfaction of TfNSW that the excavation adjacent to the Princes Highway road reserve complies with the *TfNSW Technical Direction: Excavation adjacent to Transport for NSW Infrastructure (GTD2020/001)* dated 2 July 2020 (<https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/documents/technical-directions/gtd-2020-001.pdf>) and will not impact upon the adjacent Princes Highway road reserve. This includes, but is not limited to, details for the proposed wall support system that is adjacent to the western site boundary showing the closest distance between the excavation face and the road kerb/edge, design calculation of the soil retaining walls system, prediction of ground movement for each stage of construction and impact assessment of construction work on TfNSW infrastructure and drawing showing the geotechnical instrumentation and monitoring plan.

*Notes:*

- *The required information and a copy of the development consent should be emailed to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au)*
- *The TfNSW review relates purely to the impact on the TfNSW assets. It should not relieve the Developer/Builder/Designer and their Engineers of their obligations with respect to any statutory requirements and professional duty.*

Regards

**Andrew Lissenden**

Development Services, South

Regional and Outer Metropolitan

**Transport for NSW**

P 0418 962 703 E [andrew.lissenden@transport.nsw.gov.au](mailto:andrew.lissenden@transport.nsw.gov.au)

[transport.nsw.gov.au](https://transport.nsw.gov.au)

Level 4, 90 Crown Street

Wollongong NSW 2500



Transport  
for NSW



Our ref: STH18/00100/07  
Contact: Andrew Lissenden 0418 962 703  
Your ref: DA20/1466 (CNR-9814)

4 December 2020

Bryan Netzler  
Shoalhaven City Council  
BY EMAIL: council@shoalhaven.nsw.gov.au

**DEVELOPMENT APPLICATION DA20/1466 (CNR-9814) – LOT 1 AND 2 DP 518702 AND LOT 3 DP 523625 (NO.8) PRINCES HIGHWAY, MOLLYMOOK – RESIDENTIAL FLAT BUILDING (CONTAINING 35 APARTMENTS) ASSOCIATED PARKING, LANDSCAPING AND STORMWATER WORKS**

Dear Bryan

Transport for NSW (TfNSW) refers to the additional information provided by Varga Traffic Planning in an email dated 26 November 2020 that relates to the above development application (DA).

TfNSW has completed an assessment of the submitted information while focussing on the impact to the state road network (i.e. the Princes Highway). TfNSW notes:

- The additional information has been provided to address concerns raised by TfNSW in its letter dated 28 October 2020 and email dated 12 November 2020;
- The proposed access arrangements are as shown in **Attachment 1** (i.e. provision of a basic right (BAR) turn treatment, basic left (BAL) turn treatment and associated 'No Stopping' signage;
- Advice is being provided to assist the Council in its assessment under Section 101 of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP 2007). TfNSW's role under the above section is to provide advice to Council to help inform their decision; and
- TfNSW concurrence under Section 138 of the *Roads Act 1993* is required for the works that are proposed within the Princes Highway road reserve (e.g. proposed new driveway, physical closure of the existing driveway).

Having regard for the above, TfNSW will not object to the DA subject to the requirements outlined in **Attachment 2** being included in the conditions of any development consent issued. In addition, TfNSW offers the comments in **Attachment 3** to assist the Council in its assessment and determination of the DA.

If you have any questions please contact myself on 0418 962 703.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona'.

Fiona McLauchlan  
A/Senior Manager, Regional Customer Services  
Community and Place | South Region

Cc: Bryan.Netzler@shoalhaven.nsw.gov.au; and  
chris@vtp.net.au

## Attachment 1

Basic Right (BAR) Turn TreatmentBasic Left (BAL) Turn Treatment

Transport for NSW

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

2 of 4



## Attachment 2

**1. Prior to the issuing of the Construction Certificate, the developer must:**

- a) Apply for Section 138 consent under the *Roads Act 1993* from Council for all works within the Princes Highway road reserve (i.e. alterations to the existing southern driveway, closure of the existing northern driveway and installation of 'No Stopping' signage).
- b) Ensure that the plans submitted as part of the application for Section 138 consent comply with the following:
  - i) The single access provided must be generally in compliance with the drawing with reference Project No. 19582 Drawing Title: BAL Treatment dated 2020-11-26 (i.e. enabling the simultaneous entry and exit of a vehicle at access point); and
  - ii) Ensure any pavement design on the state road network is in accordance with Austroads standards;
- c) Demonstrate to the satisfaction of Council the post-development stormwater discharge from the subject site that is going into the Princes Highway drainage system, does not exceed the pre-development application discharge.

**2. Prior to the commencing works within the road reserve, the developer must:**

- a) Obtain Section 138 consent under the *Roads Act 1993* for the works within the Princes Highway road reserve from Council.

*Notes:*

- *Provided Council is satisfied the works have been designed in accordance with the relevant Council standard and the requirements in point 1b) above, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.*

- b) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) before commencing roadworks on the Princes Highway or any other works that impact a travel lane of the Princes Highway.

*Notes:*

- *For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>*
- *The applicant will need to create an account (this may take a few days to register), before submitting the ROL application. The applicant must submit the ROL application 10 business days before commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*
- *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.*

**3. Prior to the issuing of the Occupation Certificate, the developer must:**

- a) Upgrade the junction of the sites access/driveway with the Princes Highway to the satisfaction of Council, generally in accordance with Attachment 1 and the plans approved as part of the Section 138 consent issued. This includes the installation of 'No Stopping' signage for the length of the BAR treatment (one at each end and one in the middle) and BAL treatments (one at either end).

*Notes:*

- *The pavement design on the Princes Highway must be in accordance with Austroads standards.*
- *All works need to be completed at no cost to TfNSW.*

- b) Physically close any other existing access points to the Princes Highway (i.e. adjacent to the northern property boundary) by reinstating the kerb and gutter.

**Attachment 3**

General comments for Councils consideration:

1. On-site Manoeuvring: Council should satisfy itself that the internal parking configuration is satisfactory. Specifically, that a B99 passenger vehicle can enter the underground car park (i.e. top of the ramp) when a B85 vehicle is exiting (i.e. top of the ramp) as detailed in Part (c) of Section 2.5.2 in AS2890.1.
2. Consideration of Impacts: TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act 1979*, it is the consent authority's responsibility to consider the environmental and other impacts of any road works which are ancillary to the development. This includes any works which form part of the DA and/or any works which are deemed necessary to include as requirements in the conditions of development consent.

## Attachment B

# ENDEAVOUR ENERGY REQUIREMENTS

RE: Urgent referral for s34 conciliation conference Shoalhaven City Council DA20/1466 8-12 Princes highway Mollymook

CD Cornelis Duba <Cornelis.Duba@endeavourenergy.com.au>  
To: Peter Johnston  
Cc: Council Email

Reply Reply All Forward  
Fri 26/08/2022 7:18 PM

EE CNR-9814 SHOALHAVEN DA20-1466 RE 8 - 12 PRINCES HIGHWAY MOLLYMOOK.pdf  
EE STANDARD DA CONDITIONS V4 JULY 2022.pdf

Hello Peter

I refer to your below email of 26 August 2022 regarding Development Application DA20/1466 at 8 - 12 PRINCES HIGHWAY MOLLYMOOK 2539 (Lots 1 & 2 DP 518702, Lot 3 DP 523625).

It appears this referral occurred in the early days of using the NSW Planning Portal. From Endeavour Energy's DA Register the notification CNR-9814 was received via the Portal on 8 July 2020 with a request for information made to Council via the Portal on 17 July 2020 but for which the information was not received. As the task was still on the 'dashboard', to clear the task the attached submission was made via the Portal on 22 March 2021.

In regard to your questions, Endeavour Energy's submission should answer these but I have also provided brief answers below and attached a copy of Endeavour Energy's standard conditions which are now being used for submissions to concurrence and referrals received via the NSW Planning Portal.

Questions

1. Is adequate power available to serve this facility?

There is likely to be some spare capacity in the existing local network but it may not be sufficient to facilitate the proposed development. The applicant can engage an Accredited Service Provider (ASP) or make a Technical Review Request to Endeavour Energy for additional advice. However, even if there is currently spare capacity, it is not able to be reserved ie. an application for connection of load will need to be completed.

2. Would a substation be required for a 28 unit development with swimming pool on this site?

Not of its own accord but it depends if there is sufficient spare capacity available in the existing local network. In some instances, the augmentation of an existing nearby distribution substation may be an option.

3. Does the substation need to be relocated to the basement or somewhere else on the property? And if so, where would be EE's preferred location?

Substations are generally not allowed in a building basement unless there is no other option available and requires the granting of a dispensation. Padmount substations must generally be located at ground level with direct access from a public road.

The amended Architectural Plans show provision for a possible padmount substation towards the front north western corner of the site but appears is not in a deep soil zone. This creates issues for the installation of the substation culvert footing and earthing electrodes. If the substation is to be located on a suspended slab, there are significant additional engineering requirements.



Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

I trust the foregoing is sufficiently addresses the Council's concerns but should you wish to discuss this matter, or have any additional questions, please do not hesitate to contact me or the contacts identified in Endeavour Energy's submission in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

Kind regards  
Cornelis Duba  
Development Application Specialist  
Network Environment & Assessment  
M: 0455 250 981  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
31 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)





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The General Manager  
Shoalhaven City Council

22 March 2021

**ATTENTION: Melodee Hill**

Dear Sir or Madam

I refer to the referral of 8 July 2020 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-9814 for Shoalhaven City Council Development Application DA20/1466 at 8 - 12 PRINCES HIGHWAY MOLLYMOOK 2539 (Lots 1 & 2 DP 518702, Lot 3 DP 523625) for 'Proposed Residential Flat Building consisting of 35 apartments associated parking landscaping and stormwater works'.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (and extract from Google Maps Street View) there are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage overhead power lines to the road verge / roadway.
- Low voltage overhead service conductors coming from the pole on the road verge to the customer connection point for the existing premises on the site as well as to the adjoining property. The low voltage overhead service conductor going to the northern adjoining 6 Princes Highway (Lot 2 DP 523625) appears to encroach the site.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the Electricity Supply Act 1995 (NSW).

In regard to the low voltage overhead service conductor which appears is encroaching the site going to the adjoining property, these service mains encroachments are old legacies that are rarely covered by any easements. According to Endeavour Energy's regional Services, they occur in older above ground areas of the network but are not allowed for a new development unless provided with a suitable easement.

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51 Huntingwood Drive, Huntingwood, NSW 2148  
PO Box 811, Seven Hills, NSW 1730  
T: 133 718

endeavourenergy.com.au

ABN 11 247 365 823

Although not held under easement, these are protected assets and deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW). Essentially this means the owner or occupier of the land cannot take any action in relation to the presence in, on or over the land of electricity works ie. the electricity infrastructure cannot be removed to rectify the encroachment. The encroachment can be rectified but would need to be done with the agreement of the adjoining / benefitting owner and at the cost of the applicant. Conversely, if the adjoining site was to be redeveloped, the encroachment would need to be rectified by and at the cost of the adjoining owner.

These protected assets are managed as if an easement is in place meaning that near / underneath the overhead low voltage service conductors:

- No buildings or structures should be installed.
- The surface level should not be altered.

In accordance with Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', as shown in the following extracts of Table 1 – 'Minimum easement widths', the low voltage overhead power lines require a 9 metre minimum easement width ie. 4.5 metres to both sides of the centre line of the poles / conductors.

Table 1 - Minimum easement widths

	Voltage	Asset Type	Construction	Minimum Easement (m)
Overhead Assets	400V–22kV	Bare Construction	All	9
		ABC		
		CCT		

ABC = Aerial Bundled Cables CCT = Covered Conductor Thick

This easement width in some circumstances may not be warranted ie. depending on the span (the longer the span the greater the sag and blowout of the overhead power lines), type of conductor, access, property type and use etc. However if the easement width cannot be reasonably provided, as a minimum any building or structure (including fencing, signage, flag poles etc.) whether temporary or permanent must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132 kV) as specified in:

- Australian/New Zealand Standard AS/NZS 7000 – 2016: 'Overhead line design' as updated from time to time.
- Service and Installation Rules of NSW' which can be accessed via the following link to the Energy NSW website:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules> .

These distances must be maintained at all times and regardless of the Council's allowable building setbacks etc. under its development controls. As a guide only please find attached a copy of Endeavour Energy Drawing 86232 'Overhead Lines Minimum Clearances Near Structures'. As indicated above in regard to the width of the easement, some of these factors will similarly impact on the minimum clearances.

If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (please refer to the below point 'Network Capacity / Connection'. This will require the provision of a detailed survey plan showing the location of the conductors to enable the assessment / modelling of the clearances for which there are software packages available. If the safety clearances are inadequate, either the parts of the building or structure encroaching the required clearances or the overhead power lines will need to be redesigned to provide the required clearances.

Even if there is no issue with the safety clearances to the building or structure, ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kV. Work within the safe approach distances requires an authorised or instructed person with technical knowledge or sufficient experience to perform the work required, a safety observer for operating plant as well as possibly an outage request and/or erection of a protective hoarding.

Endeavour Energy's recommendation is that whenever reasonably possible buildings and structures be located and designed to avoid the need to work within the safe approach distances for ordinary persons eg. not having parts of the building normally accessible to persons in close proximity of the overhead power lines; the use of durable / low maintenance finishes. Alternatively, in some instances the adoption of an underground solution may be warranted ie. particularly for low voltage which can be more readily (in shorter distances) and comparatively economically be undergrounded.

Consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' which includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

In addition the developer / builder should consider 'tiger tailing'/matting the low voltage overhead service lines to provide a distinct visual of the location of overhead construction ie. these are still not regarded as insulated conductors and safe approach distances need to be maintained.

Subject to the foregoing and the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental does not appear to address in detail the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.

## LOCAL ENVIRONMENTAL PLAN (LEP)


SLEP 2014 Clause	Provisions	Comments	Compliant
7.11 Essential services	<p>(1) Development Consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,  (b) the supply of electricity and  (c) the disposal and management of sewage.</p>	All essential services are provided to this site.	Yes



Applicants should not automatically assume that the presence of electricity infrastructure in the locality and/or similar nearby development means that adequate supply is immediately available to facilitate their proposed development.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development.

Distribution substations are required to transform the high voltage of the distribution feeder (usually at 11,000 volts / 11 kV) to the secondary system voltage (400/230 volts) to supply customers / developments. Distribution substations are divided into ground mounted substations most commonly being a padmount substations installed a complete unit on a concrete foundation / plinth and usually associated with underground distribution and pole mounted substations where there is overhead distribution.

Older / above ground areas of the network using pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 16 kilovolt amperes (kVA) up to a maximum of 400 kVA. Newer areas of the network utilising padmount substations can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA). Accordingly there is a significant variation in the number and type of premises able to be connected to a substation ie. a single distribution substation may serve one large building, or many homes.

As shown in the below site plan from Endeavour Energy's G/Net master facility model, whilst pole mounted substation no. 72311 is located approximately 21 metres to the south and is likely to have some spare capacity, it may not be sufficient to facilitate the proposed development. As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed.

Accordingly an extension and / or augmentation of the existing local network may be required. However the extent of the works will not be determined until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an appropriate application based on the maximum demand for electricity for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Straightforward applications can be completed online and permission to connect may be provided immediately if submitting a complying application.

For more complex connections, advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/> .

Alternatively the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works> .

The new low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW' which can be accessed via the following link to the Energy NSW website:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules> .

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

- Network Asset Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development.

## **5.11 Reticulation policy**

### **5.11.1 Distribution reticulation**

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed<sup>2</sup> areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

<sup>2</sup> A "treed" area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown

#### **5.11.1.1 Urban areas**

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- Streetlighting

With the increase in both vehicular and pedestrian traffic resulting from the overall development occurring in the area, although the existing streetlighting is designed for an urban environment, the streetlighting may need to be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or email [mainsenquiry@endeavourenergy.com.au](mailto:mainsenquiry@endeavourenergy.com.au).

- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings, material stockpiles etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.

Inadequate connection to the earth to allow a leaking / fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury. The earthing system is usually in the form of an earth electrode consisting of earth rods or mats buried in the ground. It should be designed by a suitably qualified electrical engineer / ASP following a site-specific risk assessment having regard to the potential number of people could be simultaneously exposed, ground resistivity etc.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Prudent Avoidance

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.



Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

*Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.*

*The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Vegetation Management

The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Particularly for overhead power lines, ongoing vegetation management / tree trimming is a significant network cost and falling trees and branches during storms are a major cause of power outages.

Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.

Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Endeavour Energy's recommendation is that existing trees which are of low ecological significance in proximity of overhead power lines be removed and if necessary replaced by an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning.

- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the *Dial Before You Dig 1100* service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. all electrical apparatus shall be regarded as live until isolated and proved de-energised by approved means.

Depending on the extent of the demolition works, the low voltage service conductor and customer connection may need to be isolated and/or removed during demolition. Please refer to the below point 'Removal of Electricity Supply' for further information.

Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Please find attached copies of Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au) .

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours / 7 days. Endeavour Energy's contact details should be included in any relevant risk and safety management plan.



I appreciate that not all the foregoing issues may be directly or immediately relevant or significant to the Development Application. Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

In regard to the 'Additional information requested' on the NSW Planning Portal, whilst the information has not been uploaded in the NSW Planning Portal, Endeavour Energy noted the provision of Revised Statement of Environmental Effects and Revised Plans on the Council's 'Applications On-Line' portal. Accordingly the additional information request has been cancelled in the NSW Planning Portal. foregoing is based on the documents available on the Council's website. Provided there are no further significant revisions the recommendations and comments provided herein will remain valid.

Days Elapsed	Submitted Date	Reference Number	LGA name	Site Address	Status	Application Type
255	8/07/20	A-11240	SHOALHAVEN	8 PRINCES HIGHWAY MOLLYMOOK 2539	Additional information requested	Agency Concurrence and Referral

With the current easing of the COVID-19 health risk, whilst a significant number of Endeavour Energy staff are returning to the office, they are at times still working from home. Although working from home, access to emails and other internal stakeholders can still be somewhat limited and as a result it may take longer than usual to respond to enquiries. Thank you for your ongoing understanding during this time.

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

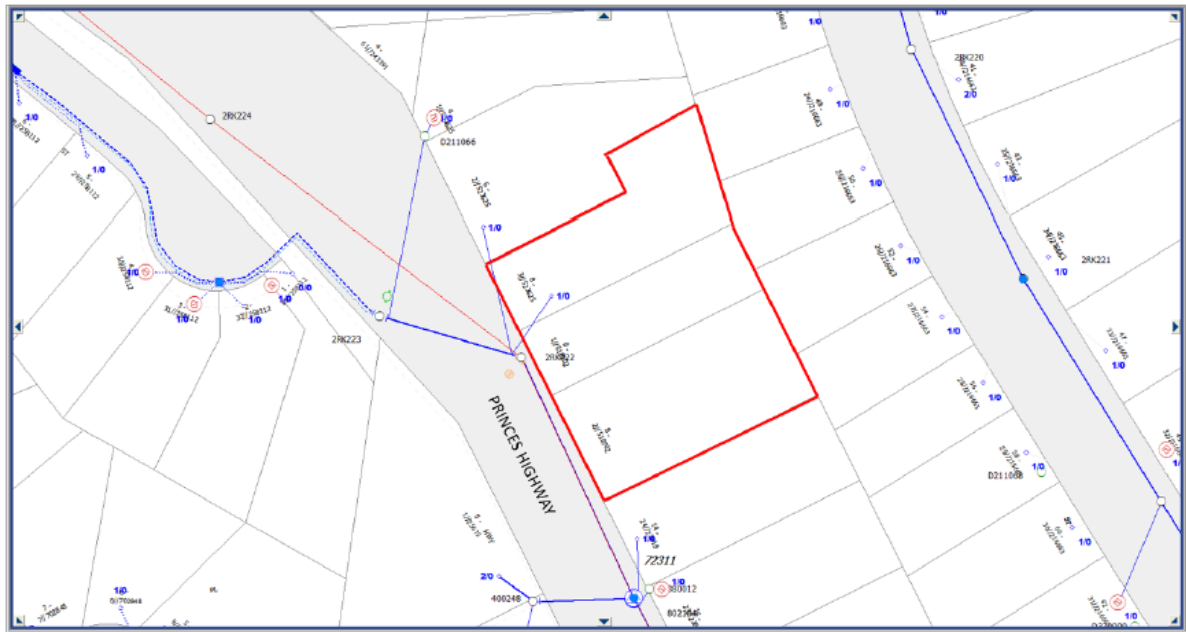
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**Annexure A**

	<b>Plans/documents</b>	<b>Ref/sheet no.</b>	<b>Prepared by</b>	<b>Dated</b>
1.	Drawing Schedule	18-0040.1 D22/426370	Edmiston Jones Architects	undated
2.	Site Context	DA01A -DA01C Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
3.	Site Analysis	DA02A Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
4.	Project Storey Board	DA02B Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
5.	Site Plan	DA03 Rev P6 D22/426370	Edmiston Jones Architects	27/10/22
6.	Lower Ground Landscape Plan	DA04 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
7.	Ground Floor	DA05 Rev P6 D22/426370	Edmiston Jones Architects	27/10/22
8.	First Floor	DA06 Rev P8 D22/426366	Edmiston Jones Architects	27/10/22
9.	Second Floor	DA07 Rev P6 D22/426366	Edmiston Jones Architects	5/10/22
10	Third Floor	DA08 Rev P5	Edmiston Jones Architects	7/09/22

		D22/426370		
11	Roof	DA09 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
12	Elevations 1	DA10 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
13	Elevations 2	DA11 Rev P6 D22/426366	Edmiston Jones Architects	5/10/22
14	Sections	DA12 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
15	Shadow Diagram	DA13 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
16	Winter Solar Access – Ventilation Diagram 1	DA14 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
17	Winter Solar Access – Ventilation Diagram 2	DA15 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
18	Winter Solar Access – Ventilation Diagram 3	DA16 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
19	3D View 1	DA17 Rev P6 D22/426370	Edmiston Jones Architects	27/10/22
20	Landscape Sections	DA18 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22

21	Planting Schedule & Details	DA19 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
22	Planting Plan – Lower Ground Floor	DA20 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
23	Planting Plan – First Floor	DA21 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
24	Planting Plan – Third Floor	DA22 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
25	Area Plan – Ground Floor	DA23 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
26	Area Plan – First Floor	DA24 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
27	Area Plan – Second Floor	DA25 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
28	Area Plan – Third Floor	DA26 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
29	Winter Solar Access – 9am from sun angle views	DA27 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
30	Winter Solar Access – 10am from sun angle views	DA28 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
31	Winter Solar Access – 11am from sun angle views	DA29 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22

32	Winter Solar Access – 12pm from sun angle views	DA30 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
33	Winter Solar Access – 1pm from sun angle views	DA31 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
34	Winter Solar Access – 2pm from sun angle views	DA32 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
35	Winter Solar Access – 3pm from sun angle views	DA33 Rev P5 D22/426370	Edmiston Jones Architects	7/09/22
36	View Line Analysis 1	DA34 Rev P3 D22/426370	Edmiston Jones Architects	7/09/22
37	View Line Analysis 2	DA35 Rev P3 D22/426370	Edmiston Jones Architects	7/09/22
38	Building Height Envelope	DA36 Rev P4 D22/426370	Edmiston Jones Architects	7/09/22
39	Site Context Ground	DA37A Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
40	Site Context First	DA37B Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
41	Site Context Second	DA37C Rev P2 D22/426370	Edmiston Jones Architects	7/09/22

42	Site Context Third	DA37D Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
43	View Diagrams	DA38A Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
44	View Diagrams	DA38B Rev P2 D22/426370	Edmiston Jones Architects	7/09/22
45	Construction Detail	DA39 Rev P1 D22/426366	Edmiston Jones Architects	31/08/2022
46	Stormwater Management Plans Sheets 1 to 6	U18173_ENG.dwg D22/460297 Issue C	Rygate and West Incorporating Bullock & Walters	3/10/22
47	Stormwater Management Strategy	Project No. 496 Rev G D22/460294	Southeast Engineering & Environmental	5 September 2022
48	Schedule of Dwellings	18-0040 D22/426355	Edmiston Jones Architects	5/10/22
49	Sepp 65 Verification Statement	Job No: 18-0040 D22/426361	Edmiston Jones Architects	26/09/22
50	Waste Minimisation and Management Plan	PROJECT No: 18-0040 D22/426349	Edmiston Jones Architects	07/11/22
51	BASIX Certificate	1337378M_03 D22/426374	<a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>	7/09/22

52	NATHERS Certificate	#HR-WJ3FY5-01 D22/426372	Eco Certificates Pty Ltd	7/09/22
53	Response to Traffic Related Waste Collection Matters Without Prejudice	Report Re 19582 D22/472824	Varga Traffic Planning Pty Ltd	09/11/22