



Direct Telephone Number: (02) 9269 2756
Reference Code: 2009/31682

19 June 2013

Mr Nathan Burr
Senior Development Planner
Wyong Shire Council
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**RE: DA 212/2013 – DRAFT CONSENT CONDITIONS FOR CROWN AGREEMENT (AUSGRID)
FOR CONSTRUCTION OF NEW REGIONAL SUPPORT DEPOT AND ASSOCIATED WORKS
AT NOS. 1 - 17 OURIMBAH CREEK ROAD, OURIMBAH**

Dear Nathan,

I refer to your email of 7 June 2013 forwarding draft conditions of consent for DA 212/2013 for Ausgrid's agreement pursuant to section 89 (1) (b) of the Environmental Planning and Assessment Act, 1979.

Ausgrid agrees to the Council attaching all draft conditions to Consent No. 212/2013, except for:

- As this project will be deemed Crown building work under Section 109R of the Environmental Planning and Assessment Act 1979, we request that all references made to a Construction Certificate, Occupation Certificate & Principal Certifying Authority be deleted;
- As per your email advice of 14 June 2013, we request that all references to a Subdivision Construction Certificate be replaced with *application for an approval or amendment of an approval to construct* – Water Authority approval for water and sewer works, *application for an approval or amendment of an approval to construct* – Roads Authority approval for works within roads and footpaths, and *application for an approval or amendment of an approval to construct* - Local Approval for site drainage, as appropriate in the relevant conditions;
- Draft condition 3. As there is no connection between the works envisaged under the previously approved DA 115/2013 and this DA 212/2013, we believe that the two consents should stand independently and request that this condition be deleted;
- Draft condition 7. We request that the requirement for security palisade fencing 3.0m high along the boundary of the site fronting both Pacific Highway and Ourimbah Creek Road be amended to read, security palisade fencing 3.0m high along the boundary of the site fronting Pacific Highway and the south eastern corner (Admin precinct) boundary of the site fronting Ourimbah Creek Road;
- Draft condition 7. As the car park will be designed to Australian Standards and located within private property, we request that the requirement for a detailed design road safety audit (RSA) of the car park design be deleted;

- Draft condition 10. This appears to be a formatting error as no wording follows, we request that this condition be deleted;
- Draft condition 13. We request that the requirement to drain any proposed underground tanks or open above ground basins into the existing swale drainage channel along the Pacific Highway be amended to read, drain any proposed underground tanks or open above ground basins into the existing swale drainage channel and the landscape setback area along the Pacific Highway;
- Draft condition 13. We request that the emergency overflow outlet at RL 18.5m AHD be amended to read, emergency overflow outlet at RL 19.5m AHD;
- Draft condition 17. Refer to separate comments below relating to Section 306 Notice;
- Draft condition 18. We request that the requirement to submit a trade waste application prior to commencement of works should be amended to read, prior to the commencement of use and moved to the appropriate section of the document;
- Draft condition 19. As the requirement for a construction environmental management plan will be addressed under the previously approved DA 115/2013, we request that the requirement under this DA 212/2013 be deleted;
- Draft condition 21. We request that the requirement to pay contributions to Council under S94A of the EP&A Act prior to the commencement of use, be moved to the appropriate section of the document;
- Draft condition 22. As the requirement for a dilapidation report was addressed under the previously approved DA 115/2013, we request that the requirement under this DA 212/2013 be deleted;
- Draft condition 24. As the requirement for a plan of management was addressed under the previously approved DA 115/2013, we request that the requirement under this DA 212/2013 be deleted;
- Draft condition 35. As the requirement for tree and vegetation protection was addressed under the previously approved DA 115/2013, we request that the requirement under this DA 212/2013 be deleted;
- Draft condition 53. As the maintenance of landscaping areas is an operational matter, we request that this condition be deleted; and
- Draft condition 61. As any business requirements related to spray painting will be designed and constructed in accordance with applicable standards and codes, we request that this condition be deleted.

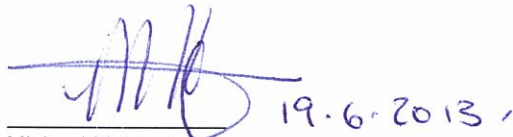
Ausgrid agrees to the Council attaching all Section 306 water management conditions to Consent No. 212/2013, except for:

- As this project will be deemed Crown building work under Section 109R of the Environmental Planning and Assessment Act 1979, we request that all references made to a Construction Certificate, Occupation Certificate & Principal Certifying Authority be deleted;

- As per your email advice of 14 June 2013, we request that all references to a Subdivision Construction Certificate be replaced with *application for an approval or amendment of an approval to construct* – Water Authority approval for water and sewer works, *application for an approval or amendment of an approval to construct* – Roads Authority approval for works within roads and footpaths, and *application for an approval or amendment of an approval to construct* - Local Approval for site drainage, in the relevant conditions;
- Water condition 12. As the requirement to submit a trade waste application is addressed in draft consent condition 18 above, we request that this water condition be deleted;
- Water condition 19. We request that the requirement to submit protection methods to Council prior to the issue of the Construction Certificate should be amended to read, details of proposed protection methods are to be submitted to Council;
- Water condition 20. We request that the requirement to submit design plans for all works to Council for approval prior to the issue of the Construction Certificate should be amended to read, design plans for all works must be submitted to Council; and
- Water condition 21. We request that in the matter of the transfer of water assets to Council, the condition be reworded to reflect development by the Crown.

If you have any questions or require any further information please do not hesitate to contact our Town Planning consultant Doug Sneddon of Doug Sneddon Planning Pty Ltd on telephone (02) 4328 3851.

Yours sincerely



Michael McHugh
Manager – Property & Fleet
Ausgrid