



28 March 2018

Chief Executive Officer
Lake Macquarie City Council
PO Box 1906
HRMC NSW 2310

Attention: Brian Gibson

BROOKS PARADE (B89): DA/11/2017, MIXED USE DEVELOPMENT, LOTS: 3, 4, 10 & 11 SEC: B DP: 585, LOTS: A & B DP: 400644, LOTS: 4 — 6 & 8 DP: 12898, LOTS: 1 & 2 DP: 353066, LOTS: A & B DP: 339105, 32 — 42 BROOKS PARADE, 2 — 10 SHARP STREET & 5 — 11 EDGAR STREET BELMONT

Reference is made to Council's referral letter dated 13 January 2017 and email dated 13 December 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands the development to be for the demolition of all existing structures and the construction of 130 residential units, 3 commercial units and associated car parking, with access to the site via Edgar Street and Sharp Street.

Roads and Maritime response

Roads and Maritime has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime note the continual intensification of development in this location with potential cumulative impacts on the state road network particularly at the intersection of Brooks Parade and Maude Street. To ensure the adequacy of the network to support the increased development in this location Council should consider the cumulative impacts of development and identify future intersection upgrades and funding mechanisms to cater for the increased traffic demands.
- Roads and Maritime has no proposal that requires any part of the property.

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Marler', with a stylized flourish at the end.

Peter Marler
Manager Land Use Assessment
Hunter Region



Your ref: DA11/2017

Leanne Fox Via email: lfox@lakemac.nsw.gov.au

Lake Macquarie City Council

14 December 2017

Dear Leanne,

DA11/2017 Mixed Use Development Demolition of Existing Structures – 5 Edgar Street, Belmont

I refer to your email of 13 December 2017 on the above subject. Based on the information provided in the geotechnical report, proposed development requires a water supply work approval under section 90 of the *Water Management Act 2000*. General Terms of Approval for a water supply work is attached. Once granted approval will be subject to the terms and conditions of the *Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016*.

A water access licence with a nominated water supply work is required to account for the water take.

Following are links to the relevant sections of the *Water Management Act 2000*.

- [60A Taking water without, or otherwise than authorised by, an access licence](#)
- [60D Taking water otherwise than by or from water supply work or extraction point nominated in access licence](#)

Please direct all related correspondence to: Water Regulation – Coastal, Water NSW, **PO Box 398, PARRAMATTA NSW 2124**.

Yours Faithfully

Hemantha De Silva
Senior Water Regulation Officer
WaterNSW
Phone 02 49042525

**General Terms of Approval for a
Water Supply Work under the *Water Management Act 2000 (WM Act)*.**

1. An approval for a water supply work must be obtained for the take of groundwater
2. Subject to exemptions under the Water management (General) Regulation 2011, a water access licence with a nominated water supply work is required to account for the water take.
3. A water licence is required under the WM Act where any act causes:
 - (a) the removal of water from a water source;
 - (b) the movement of water from one part of an aquifer to another part of an aquifer; or
 - (c) the movement of water from one water source to another water source.Subject to exemptions, a water licence is required whether water is taken for consumptive use or whether it is taken incidentally.
4. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded.
5. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
6. Approval holder must comply with requirements of the Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016.
7. The following shall be included in the initial report:
 - (a) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below.
 - (b) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
8. The Applicant must assess the likely impacts of the dewatering activities on other groundwater users or any groundwater dependant eco-systems.
9. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
10. The method of disposal of pumped water must be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant regulatory authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant regulatory authority.
11. Contaminated groundwater shall not be reinjected into any aquifer.
12. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

13. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
14. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
15. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
16. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation. Refer to https://www.water.wa.gov.au/_data/assets/pdf_file/0005/1796/Minimum-construction-guidelines-for-water-bores-in-Australia-V3.pdf
17. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.



6 January 2017

Hunter Water Corporation
ABN 46 228 513 446

PO Box 5171
HRMC NSW 2310
36 Honeysuckle Drive
NEWCASTLE NSW 2300
1300 657 657 (T)
(02) 4979 9625 (F)
enquiries@hunterwater.com.au
hunterwater.com.au

Ref: 2016-1632 / 1.007

KML Joint Venture
C/- Monteath & Powys Pty Ltd
P O Box 2270
Dangar NSW 2309

Attention: Konrad Grinlaubs

Dear Konrad,

RE NOTICE OF FORMAL REQUIREMENTS FOR PROPOSED DEVELOPMENT

Hunter Water's requirements for the provision of water and sewerage facilities to the development of 130 Units (20 x 1b, 88 x 2b, 22 x 3b) & Commercial (506m²) over 14 (various) lots, at 30–40 Brooks Parade, 5–11 Edgar & 2–10 Sharp Streets, Belmont are as follows:

You Are Required To:

- 1 Submit the Development Consent Conditions determined by Council for this specific development. Hunter Water will confirm that the final development description is consistent with the details supplied by you for this application. If there are any subsequent amendments to this development consent, Hunter Water will require you to submit a revision application.
- 2 Should the existing fourteen (14) lots be consolidated into one (1) single lot, provide one copy of the final plan of subdivision and a DXF file of the subdivision showing only lot numbers and boundaries directly on the MGA grid to plan.check@hunterwater.com.au. The lot boundaries should be produced directly from your calculation software, with all edges matched and unbroken, and also match as near as possible the final deposited plan of the subdivision.

Network Infrastructure and Delivery

- 3 Hunter Water is concerned with the proximity of the proposed dwellings to the existing Belmont 1 Waste Water Pumping Station (WWPS), and the potential for odour impacts on these dwellings. Hunter Water will require that a developer-funded odour assessment and control report be prepared to assess the impact of odours and any necessary mitigation measures that may be required. Hunter Water may provide a copy of this odour assessment and control report to Council to assist in its assessment of the development application.
- 4 Design and construct major works to connect the development to the existing water and sewer system(s) in accordance with the **Specific Connection Details** and **Asset Protection Requirements** for this development as detailed below.

The design must be submitted to Hunter Water for assessment. Please note, Hunter Water's fees changed on 1 July 2016. Hunter Water no longer charge a Major Works Assessment fee.

It is the responsibility of the Accredited Designer to lodge approved designs at plan.check@hunterwater.com.au. Hunter Water will not issue the Instrument of Agreement until the Accredited Designer has lodged the approved designs.

All contractors engaged by the developer must have insurances in place in accordance with the Agreement.

Specific Connection Details

5 Water Supply

The property requires a frontage to a 150mm watermain as it is more than four (4) stories in height. There is an existing 150mm Cast Iron Cement Lined (CICL) watermain along Maude Street to the west and the developer is required to extend a watermain from Maude Street either along Edgar Street or Brooks Parade to provide the development with a 150mm watermain frontage. The location of the possible connection points is shown in **Figure 1**.

Any unused water service(s) on the existing 14 lots is to be disconnected from the Hunter Water network in accordance with the specified Hunter Water disconnection process guidelines, this includes the submission of a disconnection application form and return of the meter with all work to be performed by a licensed plumber. The full set of guidelines for disconnection can be found at www.hunterwater.com.au.

You will be required to undertake a Hydraulic Design Assessment to confirm pressures available within this water main and any additional requirements for provision of adequate pressures to serve the proposed development. Further advice on making an application is provided at Condition 11.

6 Wastewater Transportation

There are multiple sewer connection point options to service the development. Maintenance Structures 227C and 248B are located adjacent to the property boundaries and it appears that flows from the development may gravitate to these points.

The developer is required to confirm the designated connection point and is to cap and abandon the existing sewer connection points that currently serve the existing 14 lots over which the development is situated. The location of the possible connection points is shown in **Figure 2**.

Buildings "A" & "D" of the development will be situated over an existing 150mm Vitriified Clay (VC) sewermain that traverses the development lots. The Developer is to cap and remove the above mentioned sewermain as it will no longer be utilised. The location of the effected sewermain is shown in **Figure 3**.

Trade Waste Permits may be required for the proposed commercial units within the development. Further advice on making an application is provided at Condition 12.

7 Submit a Review of Environmental Factors (REF) (refer Appendix HW 1 of Water Supply Code of Australia – Hunter Water Edition) to Hunter Water for the construction works. The REF will need to be approved prior to Hunter Water providing final approval of designs. A REF considers the likely impacts a development may have on the environment. At all times, methods for preventing or reducing adverse environmental impacts should be considered and where appropriate, incorporated into the project design.

Hunter Water will make a determination in accordance with the EP& A Act 1979. An environmental report assessment fee of \$1,182 should be paid when the REF is submitted.

Please note that a **Controlled Activity Approval will be required from the NSW Office of Water** due to the proximity to a watercourse.

In addition, please refer to the Hunter Water Review of Environmental Factors Guidance Notes, located in the Building & Development section of the Hunter Water website. The Guidance Notes provide the minimum requirements and an example template for the preparation of a REF.

- 8 The proposed works may require entry to another property. You will need to arrange for entry and have evidence of consent by way of a signed Entry Permit with the affected landowner. The Permit is to be submitted prior to release of the signed contract.

Asset Protection Requirements

- 9 Comply with Hunter Water's Building Over Sewer Assets Policy. The above development will impact the 150mm Vitrified Clay (VC) sewermain located within the development lot(s). As such Hunter Water requires:
 - a All buildings, structures, landscaping and improvements to the land which are located over or adjacent to the sewermain must not impose any loading on the sewermain nor interfere with or obstruct the sewer in conveying flows;
 - b Compliance with Hunter Water's Act with respect to the design and construction of all building, structures, landscaping and improvements (refer to the Building Over Sewer Assets Policy attached to this Notice of Requirements);
 - c The removal of the existing 150mm VC sewermain shown in **Figure 3**.
- 10 Ensure that all due care is taken by all contractors in the course of construction activities including construction of the driveway and accessing the construction site as there are watermains and sewermain located in the footpath adjacent to the proposed development site.

Access over the footpath must be via a bridging structure to eliminate any loads on the mains.

The developer should confirm the depth of the watermain by site survey prior to construction to ensure Hunter Water's minimum cover requirements will be complied with in relation to the driveways. If this minimum cover requirement cannot be met, please contact Hunter Water to discuss options for protection of the watermain. An option may be lowering the watermain under a Major Works contract with Hunter Water.

Please note that it is Hunter Water's practice to seek the full costs of repairs should any damage occur to Hunter Water assets.

Other Services Required

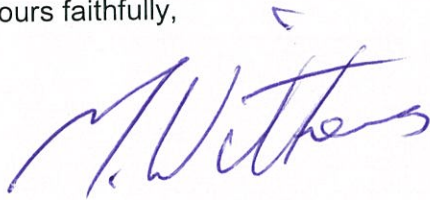
- 11 You will be required to submit an application for a hydraulic design assessment of internal water and sewerage services for this development, including rainwater tanks, any alternative water supply systems and service size & meter configuration. Please contact Hunter Water's Hydraulic Consultant on (02) 4979 9467 to confirm if a hydraulic assessment is required. (Refer to the attached fact sheet).
- 12 Contact Hunter Water's Hydraulic Consultant on (02) 4979 9467 to make the necessary application for a Trade Waste Permit and pay the prescribed fees as your proposed development has been identified as having the potential to discharge trade waste into Hunter Water's sewerage system. The discharge of trade waste to the sewer will not be permitted without a permit authorising that discharge.

Please note, the information shown on the plan provided with this letter may not be up to date and Hunter Water accepts no responsibility for its accuracy. Any contractor(s) or consultant(s) engaged by the developer should confirm all levels by field survey.

These requirements are valid for 12 months from the date of this letter and are specific to this development. All fees and charges are subject to adjustment using the Consumer Price Index (CPI) adjustment on 1 July each year.

Please refer to the attached Development and Design Assessment fact sheet, which details the conditions under which water and sewer facilities are available to new customers. Hunter Water reserves the right to amend its requirements if we find an error has been made.

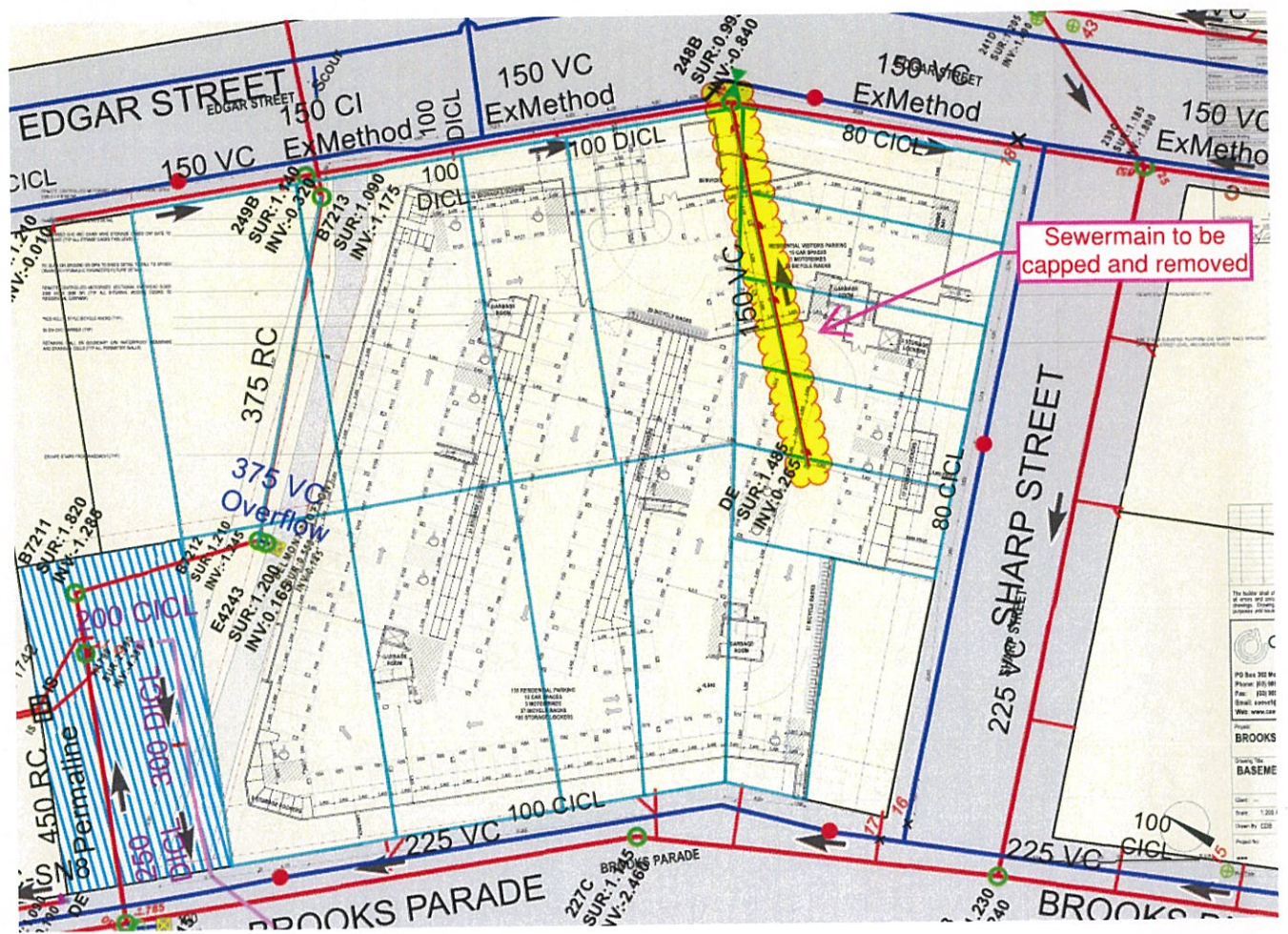
Yours faithfully,



MALCOLM WITHERS
Senior Developer Services Engineer

Enquiries:	Dean Cecil
Tel:	1300 657 657
Email:	Dean.Cecil@hunterwater.com.au
Your Ref:	13-0524

Figure 3 – Sewermain to be capped and removed





BUILDING OVER SEWER ASSETS

PURPOSE

Hunter Water maintains a network of sewer mains within its area of operation. Under its Operating Licence Hunter Water is required to meet specified levels of performance with respect to the operation of this sewerage system. The sewerage network requires regular maintenance to ensure its continued operation. Access to underground pipelines is a key factor in providing prompt and cost effective maintenance. The presence of a building or structure over a sewer main restricts or may preclude Hunter Water from accessing the asset for repairs.

SCOPE

This policy applies to all developments proposing to build over or adjacent to Hunter Water's sewer network assets.

POLICY STATEMENT

The policy of Hunter Water is to ensure compliance with the legislation (Hunter Water Act, 1991, as amended) and requires all sewer network assets to be diverted clear of proposed buildings, structures, landscaping and improvements so as to ensure ongoing access to operate and maintain the asset.

Where Hunter Water agrees that there may be a suitably low residual risk, Hunter Water may require that the asset be replaced in-situ with flexible and more durable plastic pipe prior to building works commencing. This work is at the landowner's expense and can usually be carried out by an accredited contractor. Where existing sewer mains are located on the development lot, the landowner is required to undertake work so that the sewer mains comply with the latest Hunter Water Edition, WSAA Design Manual guidelines.

APPLICATION OF POLICY

This policy applies to any development, subdivision, building (residential, commercial or industrial), or any structure proposed to be placed over or adjacent to a sewer asset of Hunter Water.

Where subdivision is proposed and the future building alignments are not known, Hunter Water requires the existing sewer mains to be relocated adjacent to boundaries in accordance with the latest Hunter Water Edition WSA Design Manual

All footings crossing or adjacent to a sewer main should be strengthened or underpinned to prevent loading upon the sewer and to protect the stability of the structure in the event of subsidence of the sewer trench, collapse of the sewer, or excavation by Hunter Water to repair or maintain the sewer. In this regard, it may be necessary to consult a competent designer or structural engineer.

Special consideration to footing design should extend to land within the Zone of Influence. This is a nominal strip of land (usually about twice as wide as the sewer is deep) within which the sewer main is centrally located. Ground conditions are an important consideration in determining the likely zone of influence and it may be necessary for you to engage a qualified Geotechnical Engineer to determine the appropriate design parameters influencing the structural performance of proposed foundations, footings or piers. Hunter Water requires a minimum working clearance of 1.5 metres from the centre of any access chamber to a building wall.

The location of the sewer main can be determined from the plan attached to the Section 50 Notice of Requirements. A surveyor or building contractor engaged by the developer will confirm this location. Hunter Water Corporation will not accept responsibility for future maintenance on the shaft and/or branch contained in or under the structure. Conversion of the structure to a habitable area, with or without plumbing fixtures, is not compliant with Plumbing Code of Australia and Australian/New Zealand Standard 3500 (AS/NZS 3500:1).

Enquiries on Hunter Water Corporation's Building Over Sewer Assets Policy should be directed to Hunter Water's 1300 657 657 number.

POLICY ADMINISTRATION

Effective from	29 August 2014
Approved by	Chief Customer Service Officer
Policy Owner	Manager Developer Services
Policy Administrator	Manager Developer Services
Application	All Policies and Schedules of Hunter Water Corporation
Last review date	29 August 2014
Next review date	29 August 2017
Version	2.0
File reference	HW2007-2963/1.003
Published externally	Yes
Approval Signature	
Managing Director/ Company Secretary	

RELATED DOCUMENTS

[Building Over Easement or Property](#)

ASSOCIATED REGULATIONS AND STANDARDS

The Hunter Water Corporation Act (1991) requires that no building or structure is to impose any loading on a sewer nor interfere with or obstruct the sewer in conveying flows. Hunter Water's powers allow it to take legal action where there is a breach or threatened breach of the requirements and to recover associated costs from the landowner. Hunter Water may in any case where there is a threatened breach of these conditions; obtain an injunction to prevent any damage to, or interference with, its sewerage system or other works.

DEFINITIONS, ACRONYMS AND ABBREVIATIONS

Term	Definition
Name	Details

PERMIT TO ENTER

File Number: 2016-1632

I/We

of.....

being the Owner(s)/occupier(s)* of the land described in Schedule A (the land), grant permission to the Hunter Water Corporation, its Contractors, Agents, Servants and Workers with or without plant, vehicles, equipment, machinery and materials, to enter at any time upon the land and to carry out the work described in Schedule B. This consent shall be without prejudice to any compensation to which I may be entitled for under Section 22 Hunter Water Act 1991. A copy is below for your information.

I/We acknowledge that if the works described in Schedule B provides a direct point of connection to sewer and/or direct access to a watermain and I/We apply to connect to Hunter Water's system then we will be required to:-

Pay to the developer (or other developers where applicable) a reimbursement towards the costs of the works constructed by developers which will be utilised on connection. For lots with existing dwellings which are provided direct access to services by the developer then the reimbursement may not be payable. If you are in this situation you should discuss with Hunter Water to clarify.

Dated atthisday of20

(Place)

..... (Signature)

..... (Signature)

(if more than one owner or occupier)

SCHEDULE A (The Land)

LOT.....DP.....HOUSE NO.....

STREET.....SUBURB.....

SCHEDULE B (Particulars of Work)

SECTION 22 of the Hunter Water Act 1991.

- 1 The Corporation, in exercising its function under this Division, is to do as little damage as practicable and is, subject to this Division, to compensate all persons who suffer damages by exercise of the function.
- 2 Compensation may be made by reinstatement, repair, construction of works or payment.

If the Corporation installs a sewer on land in exercise of powers under this Division, the Corporation is required to pay compensation only if the sewer damages, or interferes with, a building or other structure on the land or if a manhole or main ventilator is constructed on the land.

