

Attachment 1 – Responses to draft without prejudice conditions of consent (2017SWC007)

DA/1281/2016 - 12 Station Road & 4-10 Wentworth Avenue, Toongabbie

Condition	BBC Consulting Planners Response	City of Parramatta Council response
<p>1. Pursuant to the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:</p> <p>a) A flood evacuation plan be prepared to demonstrate how people dependent on care (and the staff and visitors of the residential care facility) can be evacuated in case of an emergency.</p>	<p>Request:</p> <p>This condition should be deleted and replaced with an operational condition in the following general terms:</p> <p><i>a) A final Flood Emergency Response Plan for the residential care facility shall be prepared prior to commencement of operations. This Flood Emergency Response Plan is to be independently reviewed by an experienced flood engineer prior to an occupation certificate being issued.</i></p> <p>Justification:</p> <p>Reference should be to a flood emergency response plan or a flood emergency management plan, not a flood evacuation plan because evacuation is not the intended primary response to flooding although evacuation may be an appropriate response in some emergency circumstances but not just floods.</p> <p>The flood emergency response for the development is based on shelter in place. There is no requirement for a flood evacuation plan. Requirement 2 of Schedule 2 of the current Site Compatibility Certificate dated 23 November 2018 states:</p> <p><i>2. The development application is to be supported by appropriate documentation that demonstrates how residents will be made safe in a flood event and how the proposal will be appropriately designed to mitigate any risk to life.</i></p> <p>This documentation was provided with the development application and included:</p> <ul style="list-style-type: none"> • Appendix 13 - <i>Flood Impact Report and Draft Flood Risk and Emergency Response Plan: 12 Station Road, Toongabbie, NSW</i>, prepared by Martens Consulting Engineers dated December 2016; • Appendix 14 - <i>Flood Emergency Response Plan</i> prepared by Opal Aged Care dated December 2016. <p>The flood emergency response planning for the site was based on a detailed flood risk assessment and included early warning systems. The flood emergency response plan for the site is be finalised for implementation during the operation of the facility. This should be a</p>	<p>Request not supported</p> <p>The BBC response is unclear and confused in that it states there may or may not be an evacuation plan as part of the flood emergency response plan and at the same time asserts that there is no requirement for a flood evacuation plan. It would be an abrogation of responsibility to insist that a flood or any emergency response plan did not include safe means of evacuation for the occupants if the circumstances as a whole or for individuals so necessitated it. It is unacceptable to intentionally leave such vulnerable occupants trapped in the facility and unable to leave or be rescued.</p> <p>It is not clear to Council that a genuine flood emergency response plan (including evacuation) can actually be prepared for this development. As a result Council wishes to see such a viable plan before the consent becomes operational. To leave this to occupation certificate stage is too late in the process and risks creating a development that is unsafe.</p> <p>As a result of the applicant's response to the draft condition it is recommended that the phrase 'Flood Emergency Response Plan' is replaced with 'flood evacuation plan', it remains as a deferred commencement condition and reference to evacuation is not taken out of the condition.</p>

	condition of occupancy not a condition of commencement of the consent.	
b) City of Parramatta Council, NSW Health and NSW State Emergency Service approves the flood evacuation plan for occupants, staff, visitors and personnel.	<p>Request: This condition should be deleted and replaced with an operational condition in the following general terms: <i>A final flood emergency response plan shall be prepared prior to the issue of an occupation certificate.</i></p> <p>Justification:</p> <ul style="list-style-type: none"> • NSW Health has no jurisdiction over aged care facilities and is not a referral body for integrated development under the Environmental Planning and Assessment Act, 1979. • The NSW SES has no statutory authority to endorse evacuation plans and is not a referral body for integrated development under the Environmental Planning and Assessment Act, 1979. 	<p>Request partly supported, partly not supported</p> <p>Again it is not clear to Council that a genuine flood emergency response plan (including evacuation) can actually be prepared for this development. As a result Council wishes to see such a viable plan before the consent becomes operational. To leave this to occupation certificate stage is too late in the process and risks creating a development that is unsafe and cannot be rectified.</p> <p>In preparing such a plan, Council considers it is vital that those authorities with expertise in this area be given the right to oversee such plan preparation and to reject it if, in their professional and experienced opinion, it is not viable.</p> <p>As a result of the applicant's response to the draft condition it is recommended that the phrase 'Flood Emergency Response Plan' is replaced with 'flood evacuation plan', reference to NSW SES remains as part of the deferred commencement condition and reference to NSW Health is taken out of the condition.</p>
c) The applicant/proponent provides the City of Parramatta Council with a written statement that they are not absolved from liability or responsibility to property and life during an emergency, either directly or indirectly, within the residential care facility.	<p>Request: This condition should be deleted.</p> <p>Justification: This is an unusual condition under any circumstances and particularly in the circumstances of this case. We are not aware of any situations where such a condition has been imposed on a development consent. Further Mills Oakley have advised the applicant that they have not been able to locate an instance where consent was granted by the Land and Environment Court of New South Wales with a condition identical or similar to that provided for by proposed condition 1(c). Proposed condition 1(c) does not arise as a result of the Independent Review of Flooding Risks, nor any material submitted by the applicant as part of the Development Application. Proposed condition 1(c) does not fairly and reasonably relate to the development permitted. It does not enhance the safety of future residents of the site, but instead appears to seek to absolve the Council for any liability in the event of any future emergency – whether related to flooding or otherwise. Mills Oakley advise that they do not consider that proposed condition 1(c) is a condition that any reasonable</p>	<p>Response supported</p> <p>It is concerning that the Applicant does not wish to accept liability for the consequences of this development and seeks to transfer that liability to Council. This is particularly concerning given that the Applicant has repeatedly advocated that the proposed development will be safe – at least from flooding – and therefore such liability should not present a problem.</p> <p>However, as a result of the applicant's response to the draft condition and the Newbury Test it is recommended that this condition be deleted.</p>

	planning authority could have imposed, and must be found to be invalid in accordance with the Newbury test.	
<p>d) City of Parramatta Council issues a statement that the site is suitable for its proposed use.</p> <p>Reason: To ensure that the land has an evacuation plan and is suitable for its proposed use.</p>	<p>Request: This condition should be deleted.</p> <p>Justification: The Secretary of the Department of Planning and Environment and the Sydney Central City Planning Panel have certified that the site is suitable for the proposed use. This is the main purpose of the Site Compatibility Certificate. There is no further need for Council to provide a separate statement as a deferred commencement condition. Retain as the reason for the operational condition above.</p>	<p>Response supported</p> <p>As a result of the applicant's response to the draft condition, as the SCCPP have issued the Site Compatibility Certificate there is no need for this condition.</p>
<p>2. Pursuant to the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:</p> <p>a) The applicant/proponent provides the City of Parramatta Council with a written statement from Sydney Water that the (landscaping/riparian corridor setbacks) works above their easement are consented to in its entirety.</p>	<p>Request: This condition should be deleted.</p> <p>Justification: Any requirement of Sydney Water with respect to any of its assets would be determined in the issue of a certificate under S73 of the Sydney Water Act 1994. A Section 73 is a compliance certificate issued by Sydney Water to ensure that the development receives appropriate water, water waste and drainage and that a new building does not affect Sydney Water assets. This is the appropriate mechanism for these issues to be addressed. There is no part of the building over the Sydney Water easement crossing the rear of the site. No earthworks are proposed and no detention basin is proposed over the easement. Only landscaping and paving are located on land affected by the easement. These matters can be appropriately handled in the issue of a S73 certificate.</p>	<p>Response supported</p> <p>The intent of this draft condition was to protect the Sydney Water easement and to ensure as landowners they consent to any works over the easement. Given the stormwater plans have changed since this condition was drafted it is recommended that this condition be deleted as Section 73 of the Sydney Water Act 1994 requires Sydney Water to issue a Compliance certificate.</p>
<p>b) City of Parramatta Council issues a statement that the site is in accordance with the NSW Department of Industry (Lands and Water)/ Natural Resources Access Regulator.</p>	<p>Request: This condition should be deleted.</p> <p>Justification: There is no requirement for the City of Parramatta Council to issue any statement that the site is in accordance with under the NSW Department of Industry (Lands and Water)/ Natural Resources Access Regulator. The development application was referred to the NSW Office of Water (Natural Resources Access Regulator) and General Terms of</p>	<p>Response supported</p> <p>The intent of this draft condition was to ensure that NRAR (Natural Resources Access Regulator) comments could be adhered to which are as follows:</p> <ul style="list-style-type: none"> • "The name of our office has changed from DPI Water to NRAR (Natural Resources Access Regulator).

	<p>Approval have been issued. Operational condition No. 15 requires compliance with these General Terms of Approval. Nothing more is required to ensure compliance with the requirements of the NSW Office of Water/ Natural Resource Access Regulator.</p>	<ul style="list-style-type: none"> • We have issued GTA on 13 April 2017 (10ERM2017/0034) which is the general terms of approval, not the consent for controlled activity (CAA). If this DA is approved by the Council, the applicant should apply for CAA to us (see condition 2 of GTA) . We have mentioned in the GTA conditions about the requirements of reports/plans (e.g. VMP) to provide us at the time of CAA application. • I am not sure whether we have received any amendment of plans from you/Parramatta City Council. If applicant submit any amendment of plans, it should refer to us by the Council, not by the applicant (see condition 1 of GTA) • Please address all referrals or inquires to water.referrals@dpi.nsw.gov.au • I am confirming that Girraween Creek is a 2nd order stream and a 20m buffer (riparian zone) applies. • Applicant could provide a minimum 10m setback (i.e. up to 50% encroachment) and an average of 20m by providing offset in other area (see averaging rule in our guideline) • Easement issue should be resolved by the applicant as the applicant should provide consent from the landowner at the time of CAA application." <p>Regardless of the GTAs being issued, the Controlled Activity Approval (CAA) has not been issued, however, as per Condition 15 the proposal must comply with NRAR's comments. As such this draft deferred commencement condition will be deleted.</p>
Condition 3 Approved Plans	<p>Request: Insert the proposed plan of subdivision into the list of approved plans: <i>Project No: PR127642SUD, PL01, Proposed Subdivision Of Lots 7-9 In DP22506 & Lot 30 In DP1106209 for the Proposed Opal Aged Care Facility at Wentworth Avenue, Toongabbie, Issue D 16.12.2016.</i></p> <p>Justification: It would appear that this drawing was inadvertently left off the list of approved drawings.</p>	<p>Response supported</p> <p>Project No. PR127642SU, PL01 & PL02, Issue D, Sheets 1 and 2, dated 16 December 2016 have been added to Condition 2 (previously drafted as Condition 3).</p>
30. The Applicant and Landowner are advised that the site and	<p>Request: Delete introduction.</p>	<p>Request not supported</p>

<p>surrounding area are adjacent to Girraween Creek and subject to dangerous flooding during severe storm events. In accordance with the NSW Floodplain Development Manual, and Council's Flood Risk Management Plan, Council has modelled and adopted the following flood levels for this location. These have been issued through a Flood Enquiry Application dated 28 July 2014 and are included in the Application documents. The Council adopted 1% AEP (100 year) flood level is RL 29.01m AHD (chainage 25). The consequently adopted Flood Planning Level (FPL) is the 1% AEP plus 0.5m freeboard and is RL 29.51m AHD. According to the Applicant's Survey, existing ground levels on the site range from RL 28.5m AHD approx. to RL 29.5m AHD approx. - meaning that much of the site is below the flood planning level for a 1% AEP (100 year) event. The Council adopted Probable Maximum Flood Level (PMF) is RL 30.17m AHD (Chainage 0). In a PMF event, all of the site and surrounds will be inundated by 'high hazard' floodwaters up to 1.6m deep. Council advises that these levels are under review as part of Council's remodelling of the catchment. Council also advises</p>	<p>Justification:</p> <p>The inaccuracies in this introductory paragraph have been addressed in the attached advice prepared by Martens & Associates Consulting Engineers.</p> <p>Martens & Associates strongly disagree that the site is 'subject to dangerous flooding during severe storm events'. The development is completely flood free in the 1% AEP event. The MA flood study also demonstrates that in the 0.1% AEP and 0.05% AEP floods, or the 1,000 year and 2,000 year average recurrence interval (ARI) floods respectively, the site is only subject to low flood hazards (based on the definitions in the NSW Floodplain Development Manual 2005). Martins & Associates modelling of the PMF indicates the western portion of the site would be affected by high hazard floodwaters, and the remainder is subject to low hazard floodwater. Despite this, the development finished floor level (FFL) is set to the PMF level and enables safe shelter-in-place, hence the development itself will not directly experience 'dangerous flooding during severe storm events'. Further, Mr. Drew Bewsher was appointed as an independent peer reviewer of the flood risks on behalf of the Sydney Central City Planning Panel, and summarised his assessment in the letter 'Independent Review of Flood Risks' (5 July 2018). Mr. Bewsher agreed with the sentiment presented above, stating:</p> <ul style="list-style-type: none"> • 'The entirety of the Site is on low hazard land' (paragraph 5). • 'None of the Site is below the 100 year flood level' (paragraph 5). • 'None of the Site is inundated in a 1% AEP flood event' (paragraph 5). • 'The flood risks associated with sheltering-in-place are acceptable' (paragraph 18). <p>Further the introduction contains no condition or requirement to be complied with by the development.</p>	<p>Martens have no statutory role in setting flood levels and can only model a small part of the catchment.</p> <p>Council applies the flood levels it has adopted through the extensive process required by the Floodplain Development Manual and under the auspices of the Floodplain Risk Management Committee and Plan. This is the approach used with every DA. The Applicant's attempt to change the flood levels is contrary to this and is not supported. The Applicant's attempt to minimise the flood risk to which this development is exposed is contrary to Council's and SES' practical experience and is unacceptable. This part of the condition provides information relevant to the following subclauses and which had been ignored by the Applicant.</p> <p>As a result, although the first part of the Condition 29 (previously drafted as Condition 30) does not read as a directive for the applicant to do anything to comply with the condition, the first part of the condition provides context to the subclauses a – e.</p> <p>It is recommended that the first part of the Condition 29 (previously drafted as Condition 30) either be reworded or be deleted and replaced with <i>"The following must be adhered to:"</i></p>
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that these levels do not include the effects of climate change.		
a1) In order not to divert or obstruct floodwaters, nor lose flood storage, no filling shall occur on land below the flood Planning Level of RL 29.51m AHD.	<p>Request: For the reasons stated above, the flood planning level in this condition should be amended to 29.11 mAHD. Alternatively the condition should be deleted.</p> <p>Justification: The site grading engineer (Andrew Francis, Henry & Hymas) has confirmed no filling shall occur at or below 29.11 mAHD and it is outside the extent of the proposed building, hence this condition can be satisfied if the correct FPL is applied (i.e. 29.11 mAHD). In addition, we note that requiring no fill below the FPL is inconsistent with best practice floodplain management practices. A minority of Councils in NSW limit filling up to the 1% AEP flood level, however Martens & Associates are unaware of any Council requiring no fill below the FPL. Rather, NSW best practice floodplain management involves flood modelling to determine the proposed development impacts in a 1% AEP flood and allows for filling below the 1% AEP level so long as there are no unacceptable offsite flood impacts. Martens & Associates consider this condition is inconsistent with best practice, and whilst it is easily achievable on the site, it should be deleted.</p>	<p>Request not supported</p> <p>As advised above Martens has no role in changing the adopted flood levels for this site which is a statutory process governed by NSW State Policy.</p> <p>The justification is therefore irrelevant.</p> <p>It is recommended that Condition 29(a) (previously drafted as Condition 30(a1)) be retained.</p>
a2) The minimum finished floor levels of all habitable rooms/floors as defined by the Floodplain Development Manual, but excluding floor levels of 'Sensitive Uses' as defined by Council's Floodplain Risk Management Policy and DCP 2011, shall be not lower than the Flood Planning Level of RL 29.51 m AHD. Council notes that the Applicant has proposed the minimum floor levels of 'Sensitive Uses' (that is the Aged Care facility) to be at or	<p>Request: Amend condition to read: <i>a1) The minimum finished floor levels of all habitable rooms/floors as defined by the Floodplain Development Manual, but excluding floor levels of 'Sensitive Uses' as defined by Council's Floodplain Risk Management Policy and DCP 2011, shall be not lower than the Flood Planning Level of RL 29.51 29.11m AHD. Council notes that the Applicant has proposed the minimum floor levels of 'Sensitive Uses' (that is the Aged Care facility) to be at or above the PMF level of RL 30.17m AHD.</i></p> <p>Justification: For the reasons stated above. This condition is satisfied as the FFL is set 1.06 m above the FPL, to the PMF level of 30.17 mAHD.</p>	<p>Request not supported</p> <p>The flood planning level is RL 29.51m AHD not as stated.</p> <p>It is recommended that Condition 29(b) (previously drafted as Condition 30(a2)) be retained.</p>

<p>above the PMF level of RL 30.17m AHD.</p>		
<p>b) The Flood Evacuation Plan referred to in this consent must incorporate accurate flood mapping based on Council's adopted flood levels of both the 1% AEP and PMF floods on surrounding streets, particularly those required to be used for the evacuation or access by emergency services during such floods and in 'high hazard' conditions.</p>	<p>Request: Amend this condition to read: <i>b) The Flood Evacuation Plan Flood Emergency Response Plan referred to in this consent must incorporate accurate flood mapping based on Council's adopted flood levels of both the 1% AEP and PMF floods on surrounding streets , particularly those required to be used for the evacuation or access by emergency services during such floods and in 'high hazard' conditions.</i></p> <p>Justification: Martens Consulting Engineers advice that this condition should be rewritten to read the 'flood emergency response plan' instead of the 'flood evacuation plan' and should delete other references to evacuation. Evacuation from the site has not been recommended by the applicant and is not necessary, as safe shelter-in-place above the PMF level is available. This has been confirmed as acceptable by the independent peer reviewer. The applicant will detailed flood mapping for the 1% AEP and PMF events.</p>	<p>Request partly supported, partly not</p> <p>Council does not object to the term 'flood emergency response plan' which is accepted in the industry, but Council does not accept that this should exclude evacuation or that any of the documentation submitted is sufficient to justify failing to provide for evacuation (and emergency access) when necessary.</p> <p>As a result, it is recommended that Condition 29(c) (previously drafted as Condition 30(b)) be retained and the phrase 'Flood Emergency Response Plan' is replaced with 'flood evacuation plan'.</p>
<p>c) If the necessary roads are impassable during such floods, the Applicant shall submit to Council's Service Manager Development and Traffic Services Unit for approval prior to the issue of a Construction Certificate, alternative proposals for the safeguarding of occupants and staff during and following such severe floods. Such submission must include the written concurrence of the State Emergency Services and the Department of Health to any alternative proposals.</p>	<p>Request: Delete condition</p> <p>Justification: This condition should be deleted because, as per the above, evacuation is not proposed or required.</p>	<p>Request not supported</p> <p>Reasons as cited above.</p> <p>It is recommended that Condition 29(d) (previously drafted as Condition 30(c)) be retained.</p>

<p>d) Such proposals must include proper provisions for safe water supply, appropriate sanitation and sewage treatment facilities, uninterruptible power, telecommunications and other necessary resources to support all occupants during flooding and the flooding aftermath for at least 24 hours and if necessary a longer period. These facilities must be available at short notice and be on perpetual standby.</p>	<p>Request: Amend condition to read: <i>d) the Flood Emergency Response Plan Such proposals must include proper provisions for safe water supply, appropriate sanitation and sewage treatment facilities, uninterruptible power, telecommunications and other necessary resources to support all occupants during flooding and the flooding aftermath for at least 24 hours and if necessary a longer period. These facilities must be available at short notice and be on perpetual standby.</i></p> <p>Justification: Clarity.</p>	<p>Request is acceptable</p> <p>It is recommended that Condition 29(e) (previously drafted as Condition 30(d)) be retained and the phrase 'The Flood Emergency Response Plan' be added to the first part of the Condition and the phrase 'Such proposals' be deleted.</p>
<p>e) An effective flood warning system must be installed and operated 24 hours a day in perpetuity. Details including a management and operational plan must be submitted for the approval of Council's Manager DTSU prior to release of the Occupation Certificate.</p>	<p>Request: Amend condition to read: <i>e) An effective flood warning system must be installed and operated 24 hours a day for the duration of the use of the site as a residential care facility in perpetuity. Details including a management and operational plan must be submitted to the certifier for the approval of Council's Manager DTSU prior to release of the Occupation Certificate.</i></p> <p>Justification: The applicant proposed a flood warning system as part of the development application. This condition can be appropriately approved by the principal certifying authority. The operation of the warning system should be limited to the period of the approved use rather than in perpetuity.</p>	<p>Request not supported</p> <p>Given the high risks involved and Council's ongoing operation of flood warning systems, Council wishes to be sure that the system is appropriate. Council would not object to approval by the PCA also.</p> <p>It is recommended that Condition 29(f) (previously drafted as Condition 30(e)) be retained ensuring Council approves the flood warning system.</p>
<p>37. Provision of a final version of the independent review of flood risk report prepared by Bewsher Consulting Pty Ltd including the flood evacuation plan. Written confirmation by an experienced flood engineer that any changes introduced in the final version do not alter the</p>	<p>Request: This condition should be deleted.</p> <p>Justification: The final report from Bewsher Consulting dated 5 July 2018 was provided to Council by Bewsher Consulting on that date. See also response to Deferred commencement condition No 1.</p>	<p>Request Acceptable</p> <p>Noted. It is recommended that previously drafted Condition 37 be deleted.</p>

<p>flood risk assessment of the development to any significant extent. Reason: To ensure compliance with flood evacuation procedures.</p>		
<p>38. Certification by a registered surveyor or experienced flood engineer that the proposed development will not encroach within the waterway area (including the riparian corridor setbacks) available for Girraween Creek relative to the waterway currently available. Reason: To ensure the development does not impact upon Girraween Creek.</p>	<p>Request: Delete condition Justification: The EP&A Act requires the development to be constructed in accordance with the approved plans and the conditions of the development consent, including the general terms of approval of the Natural Resource Access Regulator as required by condition 15. There is no further requirement for assessment by a registered surveyor or flood engineer.</p>	<p>Request Acceptable Noted. It is recommended that previously drafted Condition 38 be deleted.</p>
<p>Flood warning system for medium density 41. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the 1 in 100 year level plus 500mm freeboard. Reason: To ensure the structure can withstand flooding impacts.</p>	<p>Request: Delete or replace condition. Justification: This condition is a repeat of condition 40 and refers to medium density development.</p>	<p>Request Acceptable Noted. It is recommended that previously drafted Condition 41 be deleted.</p>
<p>Home Warranty Insurance for \$20,000 over 57. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:</p>	<p>Request: Delete condition. Justification: Does not apply to the proposed development.</p>	<p>Request Acceptable Noted. It is recommended that previously drafted Condition 57 be deleted.</p>

<p>No external service ducts for multi-unit develop 58. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority. Reason: To ensure the quality built form of the development.</p>	<p>Request: Delete or amend condition. Justification: Condition as written applies to multi-unit development. The proposed development is not a multi-unit development.</p>	<p>Request not supported</p> <p>The code/reference is for Council's internal reference only (bold code and text) and is not included in any final signed consent issued.</p> <p>It is recommended that Condition 53 (previously drafted as Condition 58) be retained.</p>
<p>Single master TV antenna 59. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development. Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority. Reason: To protect the visual amenity of the area.</p>	<p>Request: Delete condition Justification: The development does not provide separate dwellings or units and while it will have only one television antenna, it may have other communications equipment on the roof. This condition is unnecessary for this development.</p>	<p>Request Acceptable</p> <p>Noted as communication devices, tv antennae etc may be completed under SEPP (Exempt and Complying Development Codes) 2008. It is recommended that previously drafted Condition 59 be deleted.</p>
<p>Constr. Noise Managt. Plan for townhouses & above 60. A noise management plan must be prepared in accordance with the NSW Department of Environment,</p>	<p>Request: Amend heading Justification: The development is not for <i>townhouses & above</i></p>	<p>Request not supported</p> <p>As above. The code/reference is for Council's internal reference only (bold code and text) and is not included in any final signed consent issued.</p> <p>It is recommended that Condition 55 (previously drafted as Condition 60) be retained.</p>

Climate Change and Water 'Interim Noise Construction Guidelines 2009'		
<p>Energy Provider requirements for Substations</p> <p>62. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.</p> <p>If a substation is required of the energy provider, it must be located internally within a building/s.</p> <p>Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans.</p> <p>Substations are not permitted within Council's road reserve.</p> <p>Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.</p>	<p>Request: Amend second paragraph of the condition to read: <i>If a substation is required of the energy provider, it must be located internally within a building/s at the location shown on the approved DA drawings.</i></p> <p>Justification: The substation requirements have been discussed with the electricity authority and an appropriate location identified.</p>	<p>Request acceptable</p> <p>It is recommended that Condition 57 (previously drafted as Condition 62 be retained and the phrase '<i>at the location shown on the approved DA drawings</i>' be added to the end of the second paragraph.</p>
<p>Broadband access for major dev. 100+ dwellgs/units</p> <p>63. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the</p>	<p>Request: Amend heading</p> <p>Justification: One broadband connection will be provided to the RCF development when available. The development is not for <i>townhouses & above</i></p>	<p>Request not supported</p> <p>As above. The code/reference is for Council's internal reference only (bold code and text) and is not included in any final signed consent issued.</p> <p>It is recommended that Condition 58 (previously drafted as Condition 63) be retained.</p>

National Broadband NBN Co where relevant and implemented at no cost to Council for the provision of broadband access to the development.		
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