

Attachment 1: Draft Conditions of Consent

PART A – ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PC Notification

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. appoint a Principal Certifier.

2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2021*.

3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Neighbouring Building Sections	ADM Architects	A-007, Issue B	14.07.2023
Site Plan	ADM Architects	A-101, Issue C	14.07.2023
Ground Floor Plan	ADM Architects	A-102, Issue B	14.07.2023
Level 1 Floor Plan	ADM Architects	A-103, Issue B	14.07.2023
Level 2 Floor Plan	ADM Architects	A-104, Issue B	14.07.2023
Roof Plan	ADM Architects	A-105, Issue B	14.07.2023
Typical Layout 2 - Bed	ADM Architects	A-106, Issue B	14.07.2023
Typical Unit Layout – 3 Bed & 1 Bed Types	ADM Architects	A-107, Issue B	14.07.2023
Elevations 01	ADM Architects	A-201, Issue C	14.07.2023
Elevations 02	ADM Architects	A-202, Issue C	14.07.2023
Elevations 03	ADM Architects	A-203, Issue C	14.07.2023
Master Legend	DSB Landscape Architects	4272-F102 E, Sheet 1.2	09.08.2023
Landscape Plan Ground Floor – Area 1	DSB Landscape Architects	4272-F201 E, Sheet 2.1	19.07.2023
Landscape Plan Ground Floor – Area 2	DSB Landscape Architects	4272-F202 E, Sheet 2.2	19.07.2023
Landscape Plan Ground Floor – Area 3	DSB Landscape Architects	4272-F203 E, Sheet 2.3	19.07.2023
Landscape Plan Level 1	DSB Landscape Architects	4272-F301 B, Sheet 3.1	16.09.2022
Off-Site Works Plan	DSB Landscape Architects	4272-F401 A, Sheet 4.1	13.07.2023
Tree Planting Plan	DSB Landscape Architects	4272-F402 C, Sheet 4.2	09.08.2023

General Notes and Legend	JN	Q0200012, C001, A	17.07.2023
Preliminary Cut Fills Vols – Basement Option	JN	Q0200012, C205, B	17.07.2023
Preliminary Levels – Basement Option	JN	Q0200012, C206, C	17.07.2023
Swept Path Analysis Basement Ramp Layout	JN	Q0200012, C306, B	10.08.2023
Proposed Stormwater Layout	JN	Q0200012, C400, C	17.07.2023
Stormwater Detail Plan	JN	Q0200012, C402, B	17.07.2023
Stormwater Details Pump out Plan	JN	Q0200012, C403, A	17.07.2023
Waste Management Plan	JN	Q0200012, C500, C	15.08.2023
Proposed Public Footpath Layout	JN	Q0200012, C600, A	17.07.2023
Evacuation Management Plan	JN	Q0200012, C700, A	17.07.2023
Colour and Materials Schedule 01	ADM Architects	A-401, Issue A	12.09.2022
Colour and Materials Schedule 02	ADM Architects	A-401, Issue A	12.09.2022
Preliminary Site Investigation with Limited Sampling	EI Australia	E24936.E01_Rev0	12.02.2021
Warrigal Warilla Arcadia Street Proposed Community Hub Plan of Management	G. Stylianou	-	21.09.2022
BASIX Certificate *	Greenview Consulting Pty Ltd	No: 1336936M_03	03.08.2023
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	Job No: 221339	16.09.2022
WSUD Treatment Report	JN	CRPT-Q0200012.04A, Rev A	14.09.2022
Vegetation Management Plan	Southern Habitat	-	15.09.2022
Flood Impact Assessment	JN	CRPT-Q0200012.01C, Rev C	14.09.2022
Arboricultural Development Assessment Report	Moore Trees	-	September 2022
AIA Addendum to Development Application	Moore Trees	-	11.08.2023
Waste Management Plan	JN	CRPT-Q200012.10B	15.08.2022

*The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

4. Compliance with Notations on Drawings

Works must comply with any notations highlighted on the approved plans and specifications.

5. Department of Planning and Environment – Water

The Department of Planning and Environment have issued General of Terms of Approval, reference no. IDAS-2022-10701 dated 10 August 2023 which forms part of this Notice of Determination. The General Terms of Approval are detailed in Part H of this consent

6. Sydney Water

Correspondence has been received from Sydney Water, reference no. 203948 dated 10 January 2023 (attached to this consent at Part H).

7. Endeavour Energy

Correspondence has been received from Endeavour Energy, reference no. CNR - 47865 dated 6 November 2022 (attached to this consent at Part H).

In addressing this correspondence, each condition marked with a checked box applies to the development. Further information on each applicable clause is provided within Endeavour Energy's document 'Standard Conditions for Development Applications and Planning Proposals Version 6 dated November 2022'. This document can be found on the Planning Portal under 'Agency Advice'.

8. House Numbering

- a. The private internal road shall be named prior to lodgement of a Construction Certificate application. The new road name is to be submitted for Council's consideration and comply with Council policy "Naming and Addressing Policy" and NSW Addressing User Manual (AUM). An application for the road name can be made using Council's Road Naming Application form;
- b. sub addresses for this development will be allocated following approval of the road name and prior to issue of a Construction Certificate. Contact is to be made with Council's GIS department to obtain the addresses; and
- c. primary addresses are allocated as follows:

Building	Number	Street Name	Street Type	Locality
Op Shop / Neighbourhood Shop	1A	Arcadia	Street	Warilla
Building A (Independent Living Units)	1	Arcadia	Street	Warilla
Building B (Independent Living Units)	3	NEW NAME		Warilla

Building C (Independent Living Units)	5	NEW NAME		Warilla
Building D (Independent Living Units)	6	NEW NAME		Warilla
Building E (Independent Living Units)	4	NEW NAME		Warilla
Building F (Independent Living Units)	2	NEW NAME		Warilla

- d. the internal road shall be signposted with the approved name as per Australian Standards;
- e. the finished buildings shall have effective identification of each primary street number (as allocated in the table above), with number signage displayed prominently, be constructed of a material that contrasts with the background and to be visible from the road to which the address applies (either Arcadia Street or the internal roadway);
- f. primary addresses (as allocated in the table above) must be included on the Construction Certificate Plans;
- g. where plans and details are provided to service suppliers, numbers must be in accordance with the above;
- h. The allocated number must be displayed prior to occupation; and
- i. Letterboxes should be visible from the street and clearly numbered according to the address allocated with both unit and street numbers.

9. Utility Services

The developer must meet the full costs to adjust/repair/relocate any affected utility services. The developer must make the necessary arrangements and upgrades with the service authorities.

10. Padmount Substation

In the event that the location of the new substation must be amended, the applicant shall consult with Council regarding the new location. Council must agree to the location of any padmount substation prior to its construction to ensure it is appropriately located.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. Section 7.11 Development Contributions

A contribution of \$776,184.24, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services prior to the issue of the Construction Certificate. This amount has been calculated in accordance with Shellharbour City Council's Local Infrastructure Contributions Plan 2019 9th Review (Amendment 1) dated 6 June 2022 in the following manner:

- Residential contribution – Precinct 1, Warilla - \$ 776,184.24

Open Space contribution	\$ 239,266.56
Community Infrastructure contribution	\$ 360,988.68
Roads & Traffic Infrastructure contribution	\$ 95,576.52
Drainage contribution	\$ -
Administration contribution	\$ 80,352.48
Total contribution payable	\$ 776,184.24

The contribution amount contained in this condition is the base rate indexed at the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au.

Works-in-kind may be considered as a means of offsetting the contribution payable. This will require a formal request to be submitted to Council to be assessed in accordance with Council's Works-in-kind Policy.

12. Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate for work exceeding a value of \$250,000.00.

Note: This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

13. Required Design Changes

Prior to the issue of a Construction Certificate, plans detailing the following modifications must be submitted to the Principal Certifier for approval:

- The two (2) Crimson Sentry trees located immediately under the awning of the op-shop building must be replaced with two (2) trees with a mature height that does not exceed the ceiling height of the awning;
- a 1.8m high Colorbond (or similar) fence must be provided along the southern property boundary (at no cost to the neighbour). Existing fencing which meets the requirements of this condition may be utilised, where it is in good condition;
- all internal road should be constructed as shared zones, with sufficient spacing at the proposed speed humps for wheelchair access;
- the pedestrian footpath along the Arcadia Street and George Street frontages must be a shared path 2.5m wide;
- four (4) residential car parking spaces located within Basement A must be provided as visitor car parking spaces;
- a minimum of one car parking space per apartment must be allocated; and
- services including water hydrant boosters, air conditioners and mechanical plant equipment are to be suitably screened. This does not include the padmount station.

14. Tree Removal and Offset

The approved Landscape Plans must be modified to include the following species in 75L containers to off-set (3:1 ratio) the removal:

- a. Nine (9) - *Banksia integrifolia*
- b. Six (6) - *Eucalyptus microcorys*

Documentation demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

15. Civil Plans

The Civil Plans must be amended to remove any bulk earthworks within the riparian corridor / VMP area.

The plan is to be submitted to Council and reviewed by the Environment team for approval, prior to the lodgement of a Construction Certificate application. Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

16. Vegetation Management Plan Amendment

The proposed vegetation treatment area located on Lot 202 DP 786257 must be deleted from all plans. An alternative area (minimum area of 354.6m²) must be revegetated along the western side of the riparian corridor on Lot 200 DP 786257.

The Vegetation Management Plan (VMP) prepared by Southern Habitat, dated 12 September 2022 shall also be amended to reflect the above. Amended documentation is to be submitted to Council for approval prior to the issue of the Construction Certificate. Documentation demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

17. Lighting Plan

A lighting plan must be prepared and submitted to the Principal Certifier for approval. The lighting must include the following as a minimum:

- a. In accordance with the requirements of the *SEPP (Housing) 2021*;
- b. lighting should illuminate driveways, pathways, wayfinding signage, building entrances and all communal areas to ensure wayfinding throughout the site; and
- c. lighting colour must be white to minimise visual distortion and increase light distribution.

18. Compliance with Schedule 4 of the State Environmental Planning Policy (Housing) 2021

Documentation demonstrating compliance with Schedule 4 of the *State Environmental Planning Policy (Housing) 2021* shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

19. Footpath Construction

Prior to issue of a Construction Certificate, documentation must be submitted to the Principal Certifier for approval, confirming the detailed design of footpath along George Street and Arcadia Street to meet the suitable access path requirements set out in clause 93 of the *State Environmental Planning Policy (Housing) 2021*.

Footpath design and specifications must be approved by Council's Asset Team prior to lodgement of a Construction Certificate application. Plans must show the location of the street trees to be planted along George Street and Arcadia Street.

20. Compliance with Preliminary Site Investigation

The recommendations contained in the approved 'Preliminary Site Investigation with Limited Sampling report', prepared by EI Australia, reference no. E24936.E01_Rev0 dated 12.02.2021 are to be fully complied with including:

- a. Conduct a Hazardous Materials Survey (HMS) of current site structures (prior to site demolition;
- b. a Construction Environmental Management Plan (CEMP) for the excavation, waste classification, and handling of all soils from the site should be developed. The CEMP should be developed in accordance with relevant Shellharbour City Council DCPs and development consent conditions. The CEMP should include provisions for the management of waste soils including, but not limited to:
 - Classification of waste soils for off-site disposal in accordance the EPA (2014) Waste Classification Guidelines; and
 - The assessment of any soil materials proposed for importation to the site to be utilised as backfill (if required)
- c. As acid sulfate soils were identified at the site, an Acid Sulfate Soil Management Plan (ASSMP) should be prepared, with the objective to aid in the management and removal of acid sulfate soils encountered during the development. It is recommended that further delineation testing be undertaken to confirm the extent of ASS at the site; and
- d. a Dewatering Management Plan should be constructed for the site, which outlines proper management procedures relating to the aquifer system and regional groundwater resources. Monitoring procedures regarding groundwater levels, flow and discharge volume, as well as the required measures to minimise risks for exposure of acid sulfate soils and inducing contamination.

Details demonstrating compliance shall be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate.

21. Construction Traffic Management Plan (CTMP)

Prior to the release of a Construction Certificate, a CTMP detailing vehicle routes, number of trucks, access arrangements, impact on pedestrians and traffic control must be submitted and approved by the certifier.

It is the developer's responsibility to adequately inform all construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management Plan procedures are adhered to at all times.

22. Residential - Waste Management

General waste, recycling and FOGO waste facilities are to be provided in accordance with the approved Waste Management Plan.

All waste, recycling and FOGO bins are to be stored in the approved waste storage areas. The size of the waste storage areas must be large enough to store the required number of bins, appropriate for the number of units and intended uses of the building.

Details of the Waste Storage Area must be shown on the plans submitted to the Principal Certifier for approval, prior to the issue of the Construction Certificate.

23. Op-shop, Neighbourhood Shop and Community Hall - Waste Management

General waste, recycling and FOGO waste facilities are to be provided in accordance with the approved Waste Management Plan.

All waste, recycling and FOGO bins are to be stored in the approved waste storage areas. The size of the waste storage areas must be large enough to store the required number of bins, intended uses of the premises.

Details of the Waste Storage Area must be shown on the plans submitted to the Principal Certifier for approval, prior to the issue of the Construction Certificate.

24. Retaining Walls

Where a retaining wall exceeds 600mm in height, the wall must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall. Plans demonstrating compliance with this and the following matters must be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate:

All retaining walls must be located wholly within the subject property, including footings and aggregate drainage lines. The construction of retaining walls or associated drainage work must not compromise the structural integrity of any existing structures on the subject site or neighbouring sites.

Aggregate drain pipes must be connected to legal point of discharge.

Construction of the retaining wall must not compromise the integrity of any existing stormwater, inter-allotment drainage line or other infrastructure. Revised footing locations or deeper footings may be required to prevent impacting on this existing infrastructure. Any damage to this infrastructure arising from the construction or presence of a retaining wall must be rectified by the owner of the land and at their full cost.

25. Soil and Water Management Plan (SWMP)

Prior to the issue of the Construction Certificate, the applicant must submit a Soil and Water Management Plan for Principal Certifier approval. The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. Minimise the area of soils exposed at any one time;
- b. conserve topsoil for reuse on site;
- c. identify and protect proposed stockpile locations;
- d. preserve existing vegetation and identify revegetation techniques and materials;
- e. control surface water flows through the development construction site in a manner that:
 - i. diverts clean run-off around disturbed areas.
 - ii. minimises slope gradient and flow distance within disturbed areas.

- iii. ensures surface run-off occurs at non-erodible velocities.
- iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping);
- g. specifies measures to control dust generated as a result of construction activities on site;
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal;
- i. design scour protection for the 10 year ARI event at all inlet and outlet structures; and
- j. include measures to prevent the tracking of sediment off the site.

26. Driveway Finishes

The visual impact of the driveway within the property must be minimised by the use of paving materials or coloured concrete. The use of uncoloured concrete as the dominant paving material is unacceptable. Details of these materials and colours are to be submitted to the Principal Certifier for approval prior to issue of the Construction Certificate.

27. Car Wash Bay

One (1) residential visitor space shall serve as a car wash bay for the use of the residents.

Plans and specifications of the car washing system (approved by Sydney Water) must be submitted with the Construction Certificate application. The car wash bay area must be provided with a tap and bunded with pre-treatment. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

28. Stormwater Conduit in Road Reserve and Connection with Kerb

Where the existing connection point is not available in either normal kerb and gutter or roll type kerb and gutter, the kerb must be saw cut to provide for the connection of the pipe. The saw cut must ensure that a minimum of 50mm of cover is available on all 3 sides of the pipe to permit adequate strength and thickness for the concrete finish.

A galvanized steel pipe, sewer grade UPVC pipe or 'Corflow' spirally reinforced PVC pipe must be used from the property boundary to the kerb and gutter. The kerb and gutter connection must be a 100mm diameter, galvanised steel, circular section for 150mm kerb and gutter. Alternatively, a 150mm x 50mm galvanised, rectangular steel section for roll kerb ensuring that the galvanised section is fully encased by concrete.

A maximum of two pipes of 100mm diameter may be used to discharge to the kerb and gutter.

29. Structural Design of Deep Pits

All pits deeper than 0.9m must be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2m must have galvanised steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8m must be reinforced concrete. Step irons at 300mm interval spacing must be provided from the bottom

of pit and the top step must be a minimum 500mm below top surface level. Details shall be incorporated in the detailed drainage design and submitted to the Principal Certifier as part of the Construction Certificate application.

30. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm must be grated with galvanised steel, grid hinged and heavy duty where traffic loading is expected.

31. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the issue of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with the Proposed Stormwater Layout, Ref No. Q0200012, C400, C, prepared by JN dated 17.07.2023;
- b. drain to the locations shown on the above concept plan;
- c. indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- d. be to the satisfaction of the Certifying Authority;
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100-year Average Recurrence Interval storm event;
- g. comply with Council's *Shellharbour Development Control Plan* unless variation is specifically noted and approved on DA concept drainage plan; and
- h. include the rainwater tank, dimensions and point of discharge of overflow from the rainwater tank and details of any pump required to provide water to the toilets, clothes washer and/or any other fixture identified in the BASIX certificate.

32. Stormwater Discharge to Natural Watercourse

The stormwater discharge point to the natural watercourse must be protected against erosion. Details are to be submitted and be to the satisfaction to the Principal Certifier prior to the issue of the Construction Certificate.

33. Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. *AUSTROADS* Guide to Pavement Technology can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial/industrial standard with the work carried out by Council or a Council approved contractor at the developer's expense, including all alterations to public infrastructure where necessary.

34. Flooding Planning Level Development

The Flood Planning Level (FPL) (1% AEP + 500mm Freeboard), the 1% Annual Exceedance Probability (AEP) flood level and the Probable Maximum Flood (PMF) Level for the proposed development are as follows:

Proposed development	FPL (m AHD) (1% AEP + 500mm Freeboard)	1% AEP flood level (m AHD)	PMF Level (m AHD)
Building A	3.4	2.9	4.3
Building B	3.4	None	4.2
Building C	3.4	None	4.2
Building D	3.4	None	4.2
Building E	3.4	None	4.2
Building F	3.4	2.9	4.2
Op Shop	3.35	2.85	4.3
Community Hall	3.35	2.85	4.3
Basement Car Park Entry	NA	NA	4.212
Site	3.4	2.9	4.3

The development shall comply with the following restrictions:

- Habitable floor levels for Building A shall be equal to or greater than the PMF;
- habitable floor levels for other buildings shall be equal to or greater than the FPL;
- basement car park entry shall be equal to or greater than the PMF;
- all structures to have flood compatible components up to and including the FPL in accordance with Appendix 9 of Shellharbour City Councils Development Control Plan; and
- an IEAust NER Structural Engineer's certificate certifying that structures are designed to withstand forces of floodwaters, debris and buoyancy up to and including the PMF is to be submitted with the Construction Certificate Application.

35. Open Car Parking

Vehicles must not cause a nuisance in the PMF event by being caught in flood waters and becoming moving objects. In this regard, vehicle bollards or similar methods of containment are required in areas where the flood velocity and depth exceeds vehicle stability limits. Details of vehicle containment methods are to be certified by a professional engineer with experience hydraulic engineering and provided to the satisfaction of the Principal Certifier.

36. Building Plan Approval - Sydney Water

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Certifier must ensure that Sydney Water Tap in™ has issued the appropriate electronic approval prior to the commencement of any works.

37. Slip Resistance - Commercial Retail & Residential Developments

All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces of the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 – Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans submitted with the Construction Certificate application.

38. Bond – 9 New Street Trees – Seven (7) Arcadia Street, Two (2) George Street

A street tree bond deposit in accordance with the Council's *Fees and Charges* must be lodged with Council prior to the issue of the Construction Certificate, to ensure that all new street trees are maintained for a six-month period following the issue of the Occupation Certificate.

39. Street Tree Inspection Fee

The developer must lodge with Council an inspection fee in accordance with Council's *Fees and Charges* prior to the issue of the Construction Certificate for:

- a. Street tree inspection prior to occupation of the development; and
- b. street tree inspection following completion of the maintenance period.

40. Appointment of a Project Arborist

Appointment of a Project Arborist with a minimum AQF Level 5 qualification is required. A letter with the appointed arborist's name, details and relevant qualification is to be submitted to Council prior to issue of the Construction Certificate.

The Project Arborist will be responsible for ongoing arborist services throughout the construction (prior, during and post). These services include (but is not limited to) sign off of the installed tree protection measures prior construction and maintenance during construction, onsite supervision of works within the tree protection zone (TPZ) and structural root zone (SRZ) of trees during works, providing on ground advice during works and sign off on the tree health and protection measures once all works have ceased.

Documentation of each milestone within a stage (prior, during and post) of the project is required must be submitted to Council. All documentation is to contain a summary of works supervised by the Project Arborist, site photos and a compliance statement of works undertaken.

A copy of the Australian Standard AS4970-2009 Protection of trees on development sites is to be available on site at all times for reference.

41. Appointment of a Project Ecologist

Appointment of a suitably qualified Project Ecologist is required. A letter with the appointed ecologist's name, details and relevant qualification is to be submitted to Council prior to issue of a Construction Certificate.

The Project Ecologist will be responsible for ongoing ecologist services throughout the construction works (prior, during and post). These services include (but is not limited to) pre clearance inspections, consultation regarding the locations of the nest boxes and bat boxes to be installed (if required), onsite meetings, clearance supervision and marking trees for the nest box installation and follow up reporting.

Documentation of each milestone within a stage (prior and during) of the project is required and is to be submitted to Council. All documentation is to contain a summary of works supervised by the Project Ecologist, site photos and a compliance statement of works undertaken.

42. Project Arborist Stormwater Letter

The Project Arborist must assess all possible TPZ and SRZ encroachments of the stormwater drainage infrastructure for the trees to be retained, especially those located within the riparian corridor. The assessment is to be in accordance with *AS4970-2009 Protection of trees on development sites*. The following actions are to be undertaken based on the findings of the assessment:

- If a minor encroachment (AS4970-2209) is proposed, then the works are to be completed under the supervision of the Project Arborist as detailed in Condition '*Project Arborist Supervision*' and as per *AS4970-2009 Protection of trees on development sites*.
- If a major encroachment (AS4970-2009) is proposed, then the stormwater layout is to be rerouted so that only a minor encroachment (AS4970-2009) or no encroachment within the TPZ is proposed. Root mapping may be required, at the discretion of the Project Arborist.

The Project Arborist is to submit the assessment and amended stormwater layout (if required) to Council and reviewed by the Environment team for approval prior to the issue of the Construction Certificate. Documentation demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

43. Stormwater Plan Amendment

The approved 'Proposed Stormwater Layout' prepared by JN, drawing no Q0200012, C400, C dated 17.07.2023 must be amended to satisfy the approved BASIX Certificate commitments. The plan must also incorporate the outcome of all design changes detailed in Condition 41 (if required).

As outlined in Condition 41, root mapping may be required (at the discretion of the Project Arborist) to determine the viable retention of trees located within the riparian corridor.

The plan is to be submitted to Council for approval prior to the issue of the Construction Certificate.

44. Substation & Visual Impact

Any substation must be screened from all street frontages and public places by the use of screen enclosures and/or landscaping. Screening measures must not compromise the requirements of the electricity supplier. The substation and screening must be contained wholly within the property boundary. Details must be submitted with the Construction Certificate application.

PART C - PRIOR TO COMMENCEMENT OF WORKS

45. Erosion & Runoff Controls

Before work commences, appropriate erosion and runoff controls must be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, stormwater systems or watercourses.

These controls may include the following (where applicable):

- a. Erect a silt fence;
- b. limit the removal or disturbance of vegetation and topsoil;
- c. divert uncontaminated run-off around cleared or disturbed areas;
- d. install sediment traps/socks around any stormwater inlets and drainage lines;
- e. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials;
- f. provide a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
- g. provide adequate control measures to suppress dust.

These measures must be in place prior to commencement of any excavation or construction works.

46. Public Liability

Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's Road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

47. Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)

Prior to any physical works within Council's road reserve, such as (but not limited to) installing a driveway, construction of a pedestrian footpath or connection of stormwater facilities, you will need to apply for approval under Section 138 of the *Roads Act*. There is no additional cost as this is paid for at the time of development application.

To lodge the application, the following information is required:

- a. Detailed engineering drawings of the proposed works in the road and footpath area;
- b. traffic management plan;
- c. provision of public risk insurance; and
- d. details of timing and length of works.

48. Dilapidation Report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

49. Tree Retention and Removal

Prior to the commencement of any demolition, excavation or construction works on site, the following tree protection measures must be put in place and maintained during the course of construction to prevent damage to trees retained within the riparian corridor.

- a. Protection fencing of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with section 4.3 of the Australian Standards AS4970-2009 Protection of trees on development sites;
- b. signage must be erected on the individual fence enclosures with the following words clearly displayed: "TREE PROTECTION ZONE, DO NOT ENTER.";
- c. no development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, construction laydown areas, stockpiling of soil or building materials; and
- d. where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

All tree protection measures listed above is to be signed off by the Project Arborist.

50. Project Ecologist - Preclearance Survey

An Ecologist is required to complete a preclearance survey prior to the removal of any trees or vegetation on site.

Trees must also be inspected to assess the presence of any hollows, nests or potential fauna habitat prior to weed control treatment and/ or removal.

Any native fauna discovered prior to commencement of works, must be relocated under the supervision of the Supervising Ecologist in accordance with relevant guidelines and licences required in accordance with the *Biodiversity Conservation Act 2016*.

The Project Ecologist is to document the above as per Condition 'Appointment of a Project Ecologist'.

51. Vegetation Management Plan

As per section 6.2 of the Vegetation Management Plan (VMP) prepared by Southern Habitat and dated 12 September 2022, Task 1 is to be completed and notification is to be submitted to Council for approval prior to commencement of works.

52. Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

53. Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. Structural engineer's design for all reinforced concrete footings and slabs;
- b. structural engineers design for all structural steel beams, framing and connections;

- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

54. Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. What actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site;
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions;
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway; and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.

PART D - DURING CONSTRUCTION WORKS

55. Hours of Work During Building Work

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday. No construction is to be carried out at any time on a Sunday or public holiday.

56. Demolition - SafeWork New South Wales, Australian Standard 2601 & Work Health & Safety Act 2011

During commencement all demolition work must:

- a. Be carried out in accordance with the requirements of SafeWork NSW;
- b. be carried out in accordance with the Work Health & Safety Act 2011;
- c. be carried out by a SafeWork NSW licensed contractor where demolition work involves the removal of any materials containing asbestos; and
- d. be carried out in accordance with the provisions of *AS 2601-2001: The Demolition of Structures (or subsequent edition/s)*.

57. Survey Certification

A SURVEY CERTIFICATE, signed by a Registered Surveyor, shall be SUBMITTED FOR APPROVAL when the formwork for the main floor area and basement entry ramp is completed. This certificate shall certify that any main floor area and basement entry will be constructed at the designed level.

58. Maintenance of Soil and Water Management Plan (SWMP)

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. All sediment fences, sediment traps and socks are properly placed and are working effectively; and
- b. drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

59. Imported Fill Material

Any imported fill to be used on site must be:

- a. VENM (Virgin Excavated Natural Material) classified as such in accordance with the Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014); or
- b. ENM (Excavated Natural Material) meeting the requirements of the Excavated Natural Material Exemption 2014, and compatible with the existing soil characteristics of the site; or
- c. Coal Wash that is in accordance with the Coal Washery Rejects Exemption 2014 that is permitted to be used as fill material; or
- d. Any other waste derived material the subject of a Resource Recovery Exemption under Part 9, Clause 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Imported fill material is subject to the conditions of the exemption, the proponent is to demonstrate consistency with the exemption by a verification report to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Excavated material from the site can only be reinstated supported by National Association of Testing Authorities testing to confirm National Environment Protection Measure suitability for the proposed land use and Managing Land Contamination, Planning Guidelines SEPP 55-Remediation of Land (1998, NSW Government).

Coal Washery Rejects Exemption 2014 states the consumer can only apply Coal Washery Rejects to land where it is not applied in or beneath water, including groundwater. Coal wash must not be applied below the upper bank of any riparian area.

Any waste derived material the subject of Resource Recovery Exemption received by the development site must comply with the conditions of the EPA exemption and be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

The intent of this requirement is to ensure that imported fill is of an acceptable standard for environmental protection purposes.

60. Unexpected Finds

If any Aboriginal archaeological artefacts are encountered during construction works, all ground disturbance in the area of the find must cease and the Department of Planning and Environment must be contacted immediately to determine an appropriate course of action in line of relevant legislation.

Should any contamination or suspect material be encountered during site preparation, earthworks, construction or any other stage of the development, then works must cease immediately and a suitably qualified consultant engaged to conduct a thorough contamination assessment. In the event that contamination remediation is required, all works must cease and Council must be notified immediately. The contamination assessment must be submitted to Council for approval. All recommendations provided in the contamination assessment must be followed as stipulated

61. Retaining Wall on Boundary

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

62. Connection to Council Pit and/or Pipe

Any connection to a Council pit and/or pipe must:

- a. Be made at the pipe obvert (pipe only);
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away;
- c. not protrude past the inner surface of the pit and/or pipe;
- d. have all junctions finished with 2:1 cement mortar;
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete; and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per the Shellharbour Engineering Code requirements.

The Certifying Authority must arrange for a satisfactory inspection by Council prior to backfilling. At least one (1) working days' notice is required for the inspection and is to be arranged through Council's Customer Services.

An inspection fee will apply in accordance with Council's *Fees & Charges*.

63. Driveway and Layback from Kerb to Property Boundary

A standard industrial vehicular concrete driveway and layback must be constructed between the kerb and the property boundary. The driveway must:

- a. Maintain a perpendicular alignment from the kerb to the property boundary line;
- b. have a minimum width of 6m;
- c. not interfere with the existing public utility infrastructure;
- d. be located 500mm clear of all drainage structures and 2m from the street tree;
- e. be finished with a slip resistant coating; and

- f. be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

64. Redundant Driveway from Kerb to Property Boundary

Any redundant driveway must be removed and the area appropriately turfed and/or paved 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. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

65. Redundant Vehicular Layback

All redundant vehicular layback crossing/s must be removed and replaced with kerb and gutter to match that of the existing. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

66. Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. All sediment fences, sediment traps and socks are properly placed and are working effectively; and
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

67. Waste Management

The management of waste must comply with the approved Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

68. Project Ecologist Supervision

Any native fauna discovered during works must be relocated under the supervision of the Project Ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity Conservation Act 2016.

Therefore, if native fauna is found, all works must cease until the Project Ecologist is on site.

69. Protection of Native Fauna

Measures to minimise risk to native fauna during construction must be implemented including:

- Inspecting in and around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work; and
- for any injured wildlife a local vet or South Coast Wildlife Rescue on 0418 427 214 are contacted immediately.

70. Removal of Trees

Only the trees indicated in the Arboricultural Impact Assessment Addendum prepared by Moore Trees Consulting Arborist dated 11 August 2023 shall be removed as part of the proposed works. Tree removal must be completed by an arborist with a minimum AQF Level 3 qualification in accordance with the relevant Australian Standards.

No additional trees are to be removed, pruned or otherwise damaged. If the tree/s identified for retention above are damaged or destabilised during construction, then works must cease and Council's Environment team must be contacted.

71. Project Arborist - Tree Protection

All trees within the riparian corridor are to be retained except for Trees 31, 32 & 33 as outlined within the Arboricultural Impact Assessment Addendum prepared by Moore Trees Consulting Arborist dated 11 August 2023. Therefore, no works (except for the stormwater works once approved by Council as per Condition '*Project Arborist Stormwater Letter*') are to be completed within the tree protection zone (TPZ) or structural root zone (SRZ) of the trees within the riparian corridor.

As per section 20.8.6 of the Shellharbour Development Control Plan 2013, the Project Arborist is to complete three (3) site inspections during works, in order to verify that retained trees have been correctly retained and protected as per AS4970-2009 Protection of trees on development sites.

Therefore, the Project Arborist is required to complete these inspections and provide documentation to evidence the maintenance of these measures and include an ongoing assessment of tree health. The documents are to be submitted to Council prior to issue of the Occupation Certificate and are to be completed as per Condition 'Appointment of a Project Arborist'.

If the tree/s identified for retention above are damaged or destabilised during construction then works must cease and Council's Environment Team must be contacted.

72. Project Arborist Supervision

All approved works to be completed within the TPZ and SRZ of the trees to be retained are to be completed under the supervision of the Project Arborist. This includes the outcome of the stormwater works detailed in Condition '*Project Arborist Stormwater Letter*' (once approved by Council). No additional works are to be completed within the TPZ/SRZ of trees to be retained.

If the tree/s identified for retention above are damaged or destabilised during construction then works must cease and Council's Environment Team must be contacted.

The Project Arborist is to document all supervised works as outlined in Part B# Appointment of a Project Arborist. The document is to be submitted to Council prior to issue of the Occupation Certificate (OC).

73. Vegetation Management Plan

Implementation of the approved Vegetation Management Plan (VMP) as detailed in Condition 'Vegetation Management Plan' is to commence after issue of Construction Certificate.

During Construction Works (which is to include the primary and secondary stages of the VMP), six-monthly progress reports are to be prepared by a suitably qualified person and submitted to Council. Council may request site inspections to observe progress of VMP implementation

74. Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

75. Survey Certification

A report from a registered surveyor must be provided to the Principal Certifier on completion of the ground floor slab formwork, prior to the concrete being poured and/or prior to external walls being raised above ground floor level where there is no ground floor slab.

The report 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 the natural ground level are in accordance with the approved plans; and
- c. Australian Height Datum must be used.

76. Building Height - Survey Certification

The building must not exceed the height shown on the approved plans.

77. Cut/Fill

The cut and fill areas must:

- a. Be suitably retained;
- b. be in accordance with the approved plans; and
- c. have a maximum grade of 45o (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area.

78. Protection of Property

The structural integrity of adjoining properties and structures must be protected at all times during construction. All costs associated to any ramification works are strictly borne on the developer

79. Protection Fencing

The vegetation/street tree protection fencing must be maintained intact at all times throughout the period of building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

80. Records of Disposal

All records demonstrating the lawful disposal of construction waste and recycling must be retained and kept readily available for inspection by regulatory authorities such as Council, Department of Planning and Environment or WorkCover NSW.

PART E - PRIOR TO OCCUPATION

81. Occupation Certificate

Compliance with all conditions of Parts A to E must be verified by the Principal Certifier prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifier issues an Occupation Certificate.

82. Survey Certification

A survey certificate, signed by a Registered Surveyor, shall be submitted certifying that all habitable buildings have a place of refuge above the PMF level in accordance with the approved plans.

83. Flood Risk Signage

Signage must be provided in the basement carpark to Building A to warn people that the site may be subject to flooding and to follow the designated evacuation routes from the basement car park including vehicle exit ramp, fire stairs and travelator.

84. Flood Emergency Response Plan

Prior to the issue of an Occupation Certificate, a Flood Emergency Response Plan should be prepared by a practicing engineer with experience in Floodplain Risk Management, that details:

- a. Local flood levels, depths, duration, timing, extents, building floor levels and their relationship to local flood levels;
- b. closest PMF refuge areas and safe evacuation routes (both internal and external to site);
- c. possibility of over floor flooding and expected depths;
- d. possibility of local roads being closed due to flooding;
- e. the need and capability for occupants to wade out or use a vehicle to escape rising flood water;
- f. access and egress availability for emergency services;
- g. consideration of local Emergency Plans and Council adopted Flood Study recommendations; and
- h. emergency service contact information (SES, Police, Ambulance, Hospital etc.).

85. Section 73 Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. This Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services

and building, driveway or landscape design.

An application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 2092.

86. Footpath Completion

Prior to the issue of any Occupation Certificate, the pedestrian footpaths along Arcadia Street and George Street shall be completed in accordance with the requirements of clause 93 of the *State Environmental Planning Policy (Housing) 2021* and as per the specifications approved by Councils Asset Team. Evidence demonstrating that the footpath has been inspected and completed to Council's satisfaction shall be submitted with the Occupation Certificate documentation.

87. Compliance with Schedule 4 of the State Environmental Planning Policy (Housing) 2021

Documentation demonstrating compliance with Schedule 4 of the *State Environmental Planning Policy (Housing) 2021* shall be submitted to the certifier prior to the issue of an Occupation Certificate.

88. Community Hall Completion

The community hall building is to be completed prior to the issue of any Occupation Certificate for the development. The community hall is to be available to residents when the housing is ready for occupation.

89. Restriction on Use of Land – SEPP (Housing) 2021

A Restriction as to User shall be created pursuant to Section 88B of the *Conveyancing Act 1919*. The Restriction requires that the site be used for the purpose of seniors housing being in-fill self-care housing (independent living units) with the Restrictions including the following wording:

- a. The lot burdened shall not be occupied by any other person other than:
 - (a) People who are at least 60 years of age; and
 - (b) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

The terms referenced above are as defined in the *State Environmental Planning Policy (Housing) 2021*.

Council is to be nominated as the Authority to release, vary or modify this covenant. This Restriction shall burden the entire site and benefit Council.

The Restrictions as to User shall be registered on the title of the land, prior to the issue of any Occupation Certificate for the development (Interim or Final Occupation Certificate).

90. BASIX

All commitments listed in the BASIX Certificate/s for the development must be carried out prior to the issue of an Occupation Certificate.

91. Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted to the Principal Certifier by a registered surveyor certifying compliance of all drainage works 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. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

These plans must be accompanied by a compliant ADAC XML digital file. All details to be in accordance with the ADAC Data Capture Guidelines specifications, which is available on Council's website.

92. Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifier prior to the issue of an Occupation Certificate. All records including waste disposal dockets or photographic evidence, must be retained by the Principal Certifier.

93. Waste Collection

Indemnity must be provided for Council's waste collection contractor prior to the issue of any Occupation Certificate for the development. The applicant is to contact Council's Waste Contracts Manager to obtain the relevant forms in this regard.

94. Landscape Certification

All landscaping works must be maintained for 12 months following the issue of the final occupation certificate. All proposed and existing trees, shrubs, grasses and groundcovers must be maintained and protected for this period. Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

A Final Landscape Inspection must be carried out and a certificate issued by the Landscape Designer or Landscape Architect via the Principal Certifier to the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and street tree planting have been constructed in accordance with the approved Landscape Plans and that they are compatible with all relevant Civil, Stormwater and Architectural plans.

95. Project Arborist – Sign off Inspection

Once all demolition, construction and landscaping works have ceased and all tree protection measures have been removed, the Project Arborist is required to provide certification of the current health and condition of the trees to be retained prior to occupation.

96. Vegetation Management Plan

Practical completion of the Primary and Secondary stages of the Vegetation Management Plan (VMP) must be achieved prior to issue of an Occupation Certificate, as documented by the six-monthly reporting. A Practical Completion site inspection is to be arranged with representatives of the Proponent, the Contractor, and Council Environment team. The inspection is subject to Council's Fees and Charges.

The Maintenance phase of the Vegetation Management Plan is to commence after the completion of all revegetated activities and continue for a period of three (3) years, with annual reporting to be submitted to Council. At the completion of the Maintenance Stage, a Final Report is to be prepared by a suitably qualified person and submitted to Council, and a final site inspection is to be arranged with representatives of the Proponent, the Contractor, and Council Environment team. The inspection is subject to Council's Fees and Charges.

97. New Street Tree Planting – Seven (7) to Arcadia Street and two (2) to George Street

Nine (9) trees must be planted on the Council footpath reserve, as follows:

- a. 45 Lt *Tristaniopsis laurina* 'Luscious';
- b. two (2) hardwood stakes with 50mm hessian ties, fixed in a figure 8, to support each tree;
- c. minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk;
- d. 1m x 1.5m timber edging installed at the base of the tree constructed from the back of the kerb; and
- e. trees must be setback a minimum 900mm from the back of the kerb or where a footpath exists and the tree must be planted midway between the footpath and kerb. Where the tree is less than 900mm from the footpath, root barriers must be installed.

98. Street Tree Planting Distances

The following clearances are required in relation to the installation of the street trees:

- a. Minimum two (2) metres either side of a driveway or vehicular crossing;
- b. minimum two (2) metres from services and signage;
- c. minimum one point five (1.5) metres from a stormwater outlet/pit;
- d. minimum three (3) metres from street light posts; and
- e. minimum fifteen metres from bus stop, pedestrian crossing and traffic signals.

99. Street Tree Pre-Occupation Inspection

The street trees must be inspected by Council prior to the occupation of the development. It is the responsibility of the developer to notify Council for the street tree inspection.

100. Street Tree Maintenance Period

The newly planted street trees will be maintained for a period of 6 months from the date of the issue of the occupation certificate to ensure the health of the tree has not been jeopardised throughout the construction period.

101. Fence Installation

The fencing around the perimeter of the site and located in accordance with the approved landscape plan must be installed prior to the issue of an Occupation Certificate.

102. Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or

Council approved contractor, at the developer's expense.

103. Signage for Visitor Parking

A sign, legible from the street, must be permanently displayed to indicate the availability of visitor parking prior to the release of the Occupation Certificate.

104. Residential Operational Waste Management Plan

An Operational Waste Management Plan for the residential development which addresses all operational waste management procedures to be employed must be prepared and approved by the Principal Certifier prior to the issue of the Occupation Certificate.

Matters to be addressed include (but are not limited to):

- a. The collection of waste, recycling and FOGO must only occur between 7.00am and 8.00pm weekdays, to avoid noise disruption to the surrounding area;
- b. waste/recycling/FOGO collection must be collected on-site by a private waste collection company;
- c. waste collection vehicles must enter and leave the site in a forward direction;
- d. at no time are any residential bins be presented the kerbside of Arcadia Street or George Street;
- c. the residential bin storage areas must be in compliance with approved plans;
- e. requirement that all bins must be cleaned on a regular basis by building management;
- f. practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the *Protection of the Environment Operations Act, 1997* (as amended); and
- h. the Waste Management Plan - Operational must be available to the private waste collection company, all residents and Warrigal Care management.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

105. BASIX Commitments

All commitments listed in the BASIX Certificate/s for the development must be maintained for the life of the development.

106. Street Tree Bond Refund

The street tree bond will be refunded following a six month maintenance period commencing from the date of the issue of the Occupation Certificate, provided the street tree/s remain in a satisfactory condition. In the event that any street tree/s are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer/Certifying Authority must notify Council for a reinspection of the street tree/s.

107. Vegetation Management Plan

The Maintenance phase of the Vegetation Management Plan is to commence after the completion of all revegetated activities and continue for a period of three (3) years, with annual

reporting to be submitted to Council. At the completion of the Maintenance Stage, a Final Report is to be prepared by a suitably qualified person and submitted to Council, and a final site inspection is to be arranged with representatives of the Proponent, the Contractor, and Council Environment team; the inspection is subject to Council's Fees and Charges.

108. Flooding Storage of Materials

The Probable Maximum Flood (PMF) for this site is RL 4.3 AHD

During Occupation, at no time shall materials be stored externally which may cause pollution or be potentially hazardous during a PMF event.

109. Allocation of Visitor Parking

The visitor car parking spaces must always be available for visitor parking and must not at any time be allocated, sold or leased to an individual owner/occupier. In this regard, the visitor car parking spaces must form part of the common property.

110. Waste – Responsibility of Warrigal Care or Owners Corporation

The Owners Corporation or Warrigal Care shall be responsible for presenting waste, recycling and FOGO bins for collection, and returning to the waste storage area of each building as soon as practicable after they have been serviced.

The Owners Corporation or Warrigal Care shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

111. Site Facilities – Common Open Space

Prior to the issue of an Occupation Certificate, the common open space area must be completed, including embellishments (fixed furniture and BBQ as shown on landscape plans).

All furniture (table, chairs, BBQ facilities, benches) detailed in the landscape plans are to be installed with anti-theft provisions, including (but not limited to) being bolted to a permanent surface. Additional embellishments are permitted.

112. Restriction on Occupation

For the ongoing life of the development, the development must only be occupied and provide accommodation for senior's or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

The use of the site is approved for seniors housing being in-fill self-care housing (independent living units).

The definition of seniors must be in accordance with Clause 82 of the *State Environmental Planning Policy (Housing) 2021*.

113. Community Hall

- a. For the ongoing life of the development, the community hall must be used primarily in association with the seniors living use of the site and is not permitted to be utilised by persons who are not residents or directly associated with the residents on the site, unless they are a not for profit organisation and do not negatively impact the amenity of the

neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise;

- b. the community hub must not be used between the hours of 10pm and 7am;
- c. music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists; and
- d. comply with the approved Plan of Management.

114. Graffiti Management

The owner/manager of the site is responsible for the removal of all graffiti from the buildings, retaining walls and fences within 48 hours of its application.

115. Neighbourhood Shop

This approval grants consent for the land use of the tenancy labelled as neighbourhood shop as a neighbourhood shop as defined in *Shellharbour Local Environmental Plan 2013*. The definition is as follows:

“neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.”

This consent does not include the fit-out of neighbourhood shop. The first use of the tenancy is to be the subject of a separate development application to Council.

116. Opportunity Shop

This approval grants consent for the use and fit-out of an opportunity shop (op-shop) meaning a shop selling second-hand goods for charitable fund.

The approved hours of operation shall be restricted to the following:

Day of the Week	Hours of operation
Monday to Friday	8:30am to 5:00pm
Saturday and Sunday	8:30am to 5:00pm
Public Holidays	Closed

The use of the premises as an opportunity Shop must not be changed to any other use without the prior approval from Council.

117. Signage

No signage is approved as part of this consent. Signage must not be erected or displayed without first gaining development consent from Council, unless carried out under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

118. Lighting

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

PART H – OTHER APPROVALS

119. Department of Planning and Environment – Water

Department of Planning and Environment



Contact: Department of Planning and Environment—Water
Phone: 1800 633 362
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2022-10701
Your ref: DA0429/2022

10 August 2023

The General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2529

Attention: Nicole Doughty

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2022-10701 - Integrated Development Referral – General Terms of Approval

Dev Ref: DA0429/2022

Description: Demolition of existing aged care facility, Op Shop and Community Hub, Construction of proposed staged seniors village & independent living apartments with communal facilities, parking and landscape areas.

Location: Lots 201, 202 and 203 DP78625, 1 Arcadia Street, Warilla NSW 2528

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the Department of Planning and Environment—Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment—Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement

applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

The attached GTA issued by the Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment—Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment—Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely

Kieran Ball

For
Sandra White
Manager
Licensing and Approvals
Department of Planning and Environment—Water



General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2022-10701
Issue date of GTA:	10 August 2023
Type of Approval:	Controlled Activity
Location of work/activity:	Lots 201, 202 and 203 DP78625, 1 Arcadia Street, Warilla NSW 2528
Waterfront Land:	Bensens Creek
DA Number:	DA0429/2022
LGA:	Shellharbour City Council

The GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment—Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA0429/2022 provided by Council to Department of Planning and Environment—Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none"> Construction cut and fill cross sections and plan view details of site; Construction detailed bulk earthworks plans; Construction detailed civil plans; Construction stormwater outlet plans; Erosion and sediment control plans; Vegetation Management Plan Itemised VMP costings. <p>B. The plan(s) must be prepared in accordance with Department of Planning and Environment—Water's guidelines located on the website https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines</p>
TC-G006	<p>A. A security deposit must be provided, if required by Department of Planning and Environment—Water.</p> <p>B. The deposit must be:</p> <ol style="list-style-type: none"> a bank guarantee, cash deposit or equivalent, and equal to the amount required by Department of Planning and Environment—Water for that controlled activity approval.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment—Water for integrated development associated with IDAS-2022-10701 as provided by Council:

- Statement of Environmental Effects, prepared by Cardno now Stantec October 2022,
- 1 Arcadia St Suite of Plans, prepared by ADM Architects September 2022,
- Vegetation Management Plan, prepared by Southern Habitat September 2022,
- Stormwater Details Plan, prepared by JN Responsive Engineering August 2022,
- Proposed Stormwater Layout, prepared by JN Responsive Engineering January 2022,
- Flood Impact Assessment, prepared by JN Responsive Engineering September 2022,
- WSUD Treatment Report, prepared by JN Responsive Engineering September 2022,
- 1% AEP Flood Storage Proposed, prepared by JN Responsive Engineering May 2020.

120. Sydney Water



10 January 2023

Our Ref: 203948

Nicole Doughty
Shellharbour City Council
Nicole.doughty@shellharbour.nsw.gov.au

RE: Development Application DA0499/2022 at Arcadia Street, Warilla

Thank you for notifying Sydney Water of DA0499/2022 at Arcadia Street, Warilla, which proposes the redevelopment of the existing seniors housing facility that will comprise of 123 independent living units. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Sydney Water notes that a DN900 RC trunk wastewater main traverses the site. Due to the potential risk of damage to the above-mentioned asset, as well as the proposal resulting in impaired maintenance access to the asset the Proponent is recommended to liaise early with Sydney Water by lodging a Feasibility via the Water Servicing Coordinator (WSC) process. This will ensure that any potentially lengthy studies can be instigated presently and reduce any unnecessary delays to the Proponent's development timescales.

Water Servicing

- Potable water servicing should be available via a DN100 uPVC watermain (laid in 1991) on Arcadia Street.
- Amplifications, adjustments, and/or minor extensions may be required.
- Detailed servicing requirements will be provided at the Section 73 stage.

Wastewater Servicing

- Wastewater servicing should be available via a DN900 RC trunk wastewater main (laid in 1972) within the property boundary.
- Amplifications, adjustments, and/or minor extensions to the DN900 RC trunk wastewater main traversing the site may be required.
- Detailed servicing requirements will be provided at the Section 73 stage.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

PPSSTH-223 DA0499/2022
Lots 200, 201 & 203 DP 786257
1 Arcadia Street, and Lowe Park, Warilla
Attachment 1: Draft Conditions of Consent

Further advice and requirements for this proposal are in Attachments 1 & 2. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150



Attachment 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.



Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

Attachment 2

Requirements for Business Customers for Commercial and Industrial Property Developments.

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

121. Endeavour Energy

Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Shellharbour City Council	DA0499/2022	CNR-47865	Nicole Doughty	4/11/2022	25/11/2022	6/11/2022

Address	Land Title
1 ARCADIA STREET WARILLA 2528	Lots 201, 202 and 203 DP 786257

Scope of Development Application or Planning Proposal

Demolition of existing age care facility, op shop and community hub, construction of proposed staged seniors village & independent living apartments with communal facilities, parking and landscape areas.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

There are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Padmount substation no. 42461 over which there is no easement but is regarded as protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
 Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables coming from the road verge / roadway to padmount substation no. 42461.
 Low voltage underground service conductor coming from padmount substation no. 42461 going to the customer connection point for the existing facility.
- Low voltage and 11 kV high voltage underground cables to the Arcadia Street road verge / roadway.
- 11 kV high voltage underground cables over 24 George Street (Lot 1B DP 410006) near the north eastern corner of Lot 202 DP 786257.

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Condition	Advice	Clause No.	Issue	Detail
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:				Decision
Cornelis Duba				Object

Cornelis Duba | Development Application Specialist

M 0455250981

E cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au | [in](#) [f](#) [v](#) [t](#)

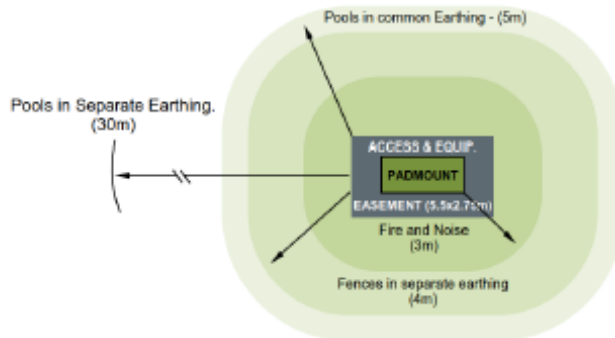


Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions / Decision (If applicable)

- The Statement of Environmental Effects does not appear to mention padmount substation no. 42461 and it also does not appear to be shown in the Suite of Plans.
- Protected works may be managed as if an easement is in place. As shown in the following extract of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Figure A4.3 'Padmount easements and clearances', padmount substations require:
 - Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
 - Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth.
 - Restriction for swimming pools which extends 5 metres from the easement (which may not be required for non-residential use).

A4.3 - Padmount easements and clearances



The associated low voltage and 11 kV high voltage underground cables (assumed to have no concrete protection unless proven otherwise) requires a 3 metre minimum easement width ie. 1.5 metres to both sides of the centre line of the cable ducts.

Where access is not provided directly from a public road, a right of access may also be required.

- All encroachments and/or activities (works) within or affecting an easement or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easement Officer for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

For further information please refer to the attached copies of Endeavour Energy's:

- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- General Restrictions for Underground Cables.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.
- Although Endeavour Energy is not necessarily opposed to the Development Application, as the foregoing may substantially impact on the proposed development, it objects to the Development Application. Whilst Council may appropriately condition these matters, Endeavour Energy recommends they be resolved before rather than as conditions of any development consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

Subject to the satisfactory resolution of the foregoing, Endeavour Energy will have no further objection to the Development Application. To resolve this matter the applicant will need to contact Endeavour Energy's Easement Officer.

- The Statement of Environmental Effects does not appear to address in detail whether the electricity services are available and adequate for the proposed development.

7 Shellharbour Local Environmental Plan (SLEP) 2013

Clause 6.9 Essential Services

Clause 6.9 requires that infrastructure is available to the site (water, sewer, electricity). The existing public utilities infrastructure is anticipated to be adequate to service the proposed development, as the proposed development seeks to replace the existing seniors housing development on the site.

- To ensure an adequate connection, the applicant will 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.
- An extension and / or augmentation of the existing local network may be required. Whilst padmount substation no. 42461 located on the site (and presumably intended to be retained) is likely to have some spare capacity sufficient, it is not unlimited and may not be sufficient to facilitate the increase in load from the proposed development.

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. However the extent of any works required will not be determined until the final load assessment is completed.

- Any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- Endeavour Energy is urging applicants / customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) 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.
- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, 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.
- Please note Endeavour Energy can only assess the Development Application based on the information provided by the applicant and Council. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or Council.

Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application – as it has in this instance.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a consenting authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.

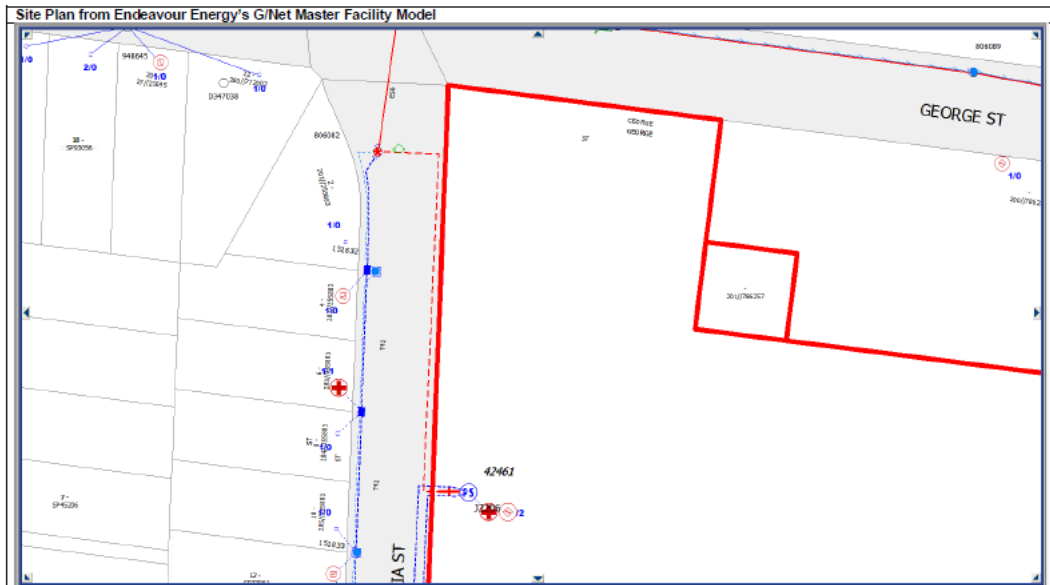


The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.



REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

Advisory Notes - General

Critical Stage Mandatory Inspections

Mandatory inspections of the building work must be carried out by the Principal Certifier at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2021*.

It is recommended that you discuss with your Principal Certifier the occasions when the building work is to be inspected prior to work commencing.

Erection of Signs

The principal contractor and the Principal Certifier will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifier can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifier identification.

SafeWork NSW

The requirements of SafeWork NSW must be satisfied at all times.

BASIX

Please note that the requirement for lodging a modification of development consent under section 4.55 of the *Environmental Planning & Assessment Act 1979* may result in the requirement for a revised BASIX certificate to be submitted for assessment.

Disposal of Hazardous Material

Special arrangements are required for the disposal of hazardous building materials, particularly asbestos. For information on hazardous material disposal locations, contact Council's Waste Services Department on 4221 6111.

Demolition - Dust

Dust must be suppressed during demolition of the existing building.

Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non-compliance.

Lapsing of Development Consent

In accordance with Part 4, Division 4.9, section 4.53 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

Right to Appeal

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within twelve months after the date on which you receive this notice.

Review of Determination

If you are dissatisfied with this decision, Part 8, Division 8.2 of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Division 8.2 of the *Environmental Planning & Assessment Act 1979* does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon application to Council under section 4.55 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.

Prescribed Payment System Tax Obligations

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health

and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au <<http://www.1100.com.au/>> or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

Development within Vicinity of a High Pressure Gas Main

Contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au <<http://www.dialbeforeyoudig.com.au/>> Proposed works in the vicinity of any high pressure gas main must be directed to:

Jemena Asset Management Pty Ltd
PO Box 6507
SILVERWATER NSW 2128

Attention: Land Services Department

END OF NOTICE