

## Attachment 7: Draft Conditions

Consent has been granted subject to the following conditions:

The development proposed is Integrated Development and approval is required from the approval bodies listed below:

### NSW Rural Fire Service

Pursuant to section 4.16 of Environmental Planning and Assessment Act 1979 requirements imposed by the NSW Rural Fire Service dated 13 March 2024 and 9 August 2024 as attached form part of this Notice of Determination at Attachment 1.

Conditions imposed by Council as part of this Integrated Development Consent are:

#### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

| Plan No        | Revision No | Plan Title                           | Drawn By          | Dated      |
|----------------|-------------|--------------------------------------|-------------------|------------|
| PLA-AR-DA-0310 | C           | Proposed Site Plan – Lower Ground    | plus architecture | 07/02/2024 |
| PLA-AR-DA-0311 | C           | Proposed Site Plan – Ground Level G  | plus architecture | 07/02/2024 |
| PLA-AR-DA-0312 | C           | Proposed Site Plan – Roof            | plus architecture | 07/02/2024 |
| PLA-AR-DA-0500 | C           | Proposed Site Plan – Lower Ground    | plus architecture | 07/02/2024 |
| PLA-AR-DA-0501 | C           | Proposed Site Plan – Ground Level G  | plus architecture | 07/02/2024 |
| PLA-AR-DA-0502 | B           | General Floor Plan – Level 01        | plus architecture | 07/02/2024 |
| PLA-AR-DA-0503 | B           | General Floor Plan – Level 02        | plus architecture | 07/02/2024 |
| PLA-AR-DA-0504 | B           | General Floor Plan – Level 03        | plus architecture | 07/02/2024 |
| PLA-AR-DA-0505 | C           | Proposed Site Plan – Roof            | plus architecture | 07/02/2024 |
| PLA-AR-DA-0900 | C           | General Floor Plan – Lower Ground LG | plus architecture | 07/02/2024 |
| PLA-AR-DA-0901 | C           | General Floor Plan – Ground Level G  | plus architecture | 07/02/2024 |
| PLA-AR-DA-0902 | C           | General Floor Plan – Level 01        | plus architecture | 07/02/2024 |
| PLA-AR-DA-0903 | C           | General Floor Plan – Level 02        | plus architecture | 07/02/2024 |
| PLA-AR-DA-0904 | C           | General Floor Plan – Level 03        | plus architecture | 07/02/2024 |
| PLA-AR-DA-0905 | C           | General Floor Plan – Roof 04         | plus architecture | 07/02/2024 |
| PLA-AR-DA-0906 | C           | General Floor Plan – Villas LG       | plus architecture | 07/02/2024 |

|                |   |                                            |                   |            |
|----------------|---|--------------------------------------------|-------------------|------------|
| PLA-AR-DA-2000 | C | Elevations – ILU Building A                | plus architecture | 07/02/2024 |
| PLA-AR-DA-2001 | C | Elevations – ILU Building B                | plus architecture | 07/02/2024 |
| PLA-AR-DA-2002 | C | Elevations – Villas                        | plus architecture | 07/02/2024 |
| PLA-AR-DA-3000 | C | Sections                                   | plus architecture | 07/02/2024 |
| PLA-AR-DA-3100 | C | Façade Detail – ILU                        | plus architecture | 07/02/2024 |
| PLA-AR-DA-3101 | C | Façade Detail - Villa                      | plus architecture | 07/02/2024 |
| PLA-AR-DA-6000 | C | Pre & Post Adaptable Typologies – Sheet 01 | plus architecture | 07/02/2024 |
| PLA-AR-DA-6001 | C | Pre & Post Adaptable Typologies – Sheet 02 | plus architecture | 07/02/2024 |
| PLA-AR-DA-6501 | C | Dwelling Typologies – Sheet 01             | plus architecture | 07/02/2024 |
| PLA-AR-DA-6800 | A | Fire Sprinkler Pump Room & Tank Enclosure  | plus architecture | 23/09/2024 |
| PLA-AR-DA-7000 | C | Material Schedule – Sheet 01               | plus architecture | 07/02/2024 |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

## General Conditions

### 2. Tree Management

The developer shall retain existing trees indicated on Tree Removal Plan by Place Design Group Dwg. No. 2523003.701 dated 05 Feb 2024 consisting of tree numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 30, 33, 34, 35, 37, 38, 39, 44, 45, 47, 48, 49, 50, 51, 52 and 53. Total number: thirty-five (35 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report Ref. No. 4827 by Allied Tree Consultancy Author: Warwick Varley & supplementary report Ref. No. 4827A dated 10 July 24 to be implemented including and not restricted to: redirecting stormwater infrastructure to minimize impact to trees 37, 51 and 52, protecting trees on adjacent properties, sediment control along riparian area, establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing tree numbered 1, 19, 20, 23, 24, 25, 26, 27, 28, 29, 40, 41, 42, 43, 46, 54 and 55 (17 No.). Trees identified as A & B are also to be removed (5 No.). Total number: twenty-two (22 No.). No other trees shall be removed without prior written approval of Council.

Reason:

To protect the amenity of the environment and the neighbourhood.

**3. Compliance with the Building Code of Australia (BCA)**

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

**4. Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

**5. Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of Section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Reason:

To satisfy the requirements of the legislation.

**6. Stormwater Quality Management**

The stormwater quality treatment system must achieve pollutants and nutrients removal minimum: Gross Pollutants – 90%, Total Suspended Solids – 80%, Total Phosphorus – 55% and Total Nitrogen – 40%.

Reason:

To ensure stormwater runoff does not impact on the environment and surrounding amenity.

**7. Geotechnical**

- a. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- b. All recommendations of Douglas Partners in their geotechnical report dated 28 July 2023 are to be accommodated in the earthworks plan.
- c. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- d. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- e. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Developments.
- f. At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
- g. The structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- h. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

**8. Separate Consent Required for Advertising Signage**

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under an Environmental Planning Instrument.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.

Reason:

To ensure all parties are aware separate consent required.

**9. Maintenance of Access to Adjoining Properties**

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.

Reason:

To ensure that access is maintained.

**10. Height Restriction – Buildings A and B**

The development shall be restricted to a maximum height of 52.65 AHD for Building A and 49.20 AHD for Building B from the natural ground level (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**11. External Authorities**

a. Sydney Trains

Conditions imposed by Transport for NSW (TfNSW) - Sydney Trains dated 23 August 2024 as attached form part of this Notice of Determination at Attachment 2.

b. Sydney Water

Conditions imposed by Sydney Water dated 13 September 2023 as attached form part of this Notice of Determination at Attachment 3.

c. Endeavour Energy

Conditions imposed by Endeavour Energy dated 23 July 2024 as attached form part of this Notice of Determination at Attachment 4.

Reason:

To satisfy the requirements of the legislation.

**12. Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

Reason:

To satisfy the requirements of the legislation.

**Before the Issue of a Construction Certificate**

**13. Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

- a. generally in accordance with Drawing Number 2523003-703 Revision 03 dated 5 February 2024 prepared by Place Design Group;

- b. where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building;
- c. rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped, palisade or colorbond fences;
- d. Any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements; and;
- e. comply with the requirements in Appendix 4: Landscaping & Property Maintenance of Planning for Bush Fire Protection 2019 (PBP 2019), *Standards for Asset Protection Zones* (NSW Rural Fire Service), AS 3959:2018 Construction of Buildings in bushfire-prone areas and recommendations in Bushfire Assessment Report by Building code & Bushfire Hazard Solutions Pty Ltd Author: Andrew Muirhead Ref. No. 221204B dated 27 July 2023.
- f. fencing to suit character of local area.

This requirement is to be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

#### 14. Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a. planting of indigenous plant species typical of the Illawarra region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree.; A further list of suitable suggested species for the Dapto area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c. the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- d. plant recovery of any herbaceous plants/native grasses and climbers to be undertaken;
- e. any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- f. the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species;
- g. compensatory planting to be incorporated;
- h. comply with the requirements in Appendix 4: Landscaping & Property Maintenance of Planning for Bush Fire Protection 2019 (PBP 2019), *Standards for Asset Protection Zones* (NSW Rural Fire Service), AS 3959:2018 Construction of Buildings in bushfire-prone areas and recommendations in Bushfire Assessment Report by Building code & Bushfire Hazard Solutions Pty Ltd Author: Andrew Muirhead Ref. No. 221204B dated 27 July 2023.
- i. planting suited to local environment recommended; and;
- j. any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate or commencement of the development.

Reason:

To comply with Council's Development Control Plan.

**15. Certification for Landscape and Drainage**

The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the issue of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

Reason:

To ensure development does not impact services.

**16. Landscape Maintenance Plan**

The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

**17. Tree Protection Measures**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- b. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifier indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

**18. Street Trees**

The developer must address the street frontage by installing street tree planting to Princes Highway. The number and species for this development is seven (7 No.) *Brachychiton acerifolius* Illawarra Flame tree 200 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

Reason:

To comply with Council's Development Control Plan.

**19. External Finishes - Building**

The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours except where amended by conditions of this consent. To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**20. Glass Reflectivity Index**

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

Reason:

To comply with Council's Development Control Plan.

**21. Redundant Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

Reason:

To comply with Council's Development Control Plan.

**22. Car Parking and Access**

The development shall make provision for a total of 51 residential car parking spaces (including 11 car parking spaces for people with disabilities) and 8 visitor car parking spaces. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

**23. Parking Dimensions**

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

**24. Disabled Person Parking Space Dimensions**

Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

**25. Main Entry Point AS 1428.1**

The main entry point to the building shall be in accordance with the current relevant Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.

Reason:

To satisfy the requirements of the legislation.

**26. Designated Loading/Unloading Facility**

The designated loading/unloading facility must be clearly delineated with appropriate signage and/or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

**27. Low Impact Floodlighting**

The car parking areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding bushland and properties. All lighting required around the facility shall point towards the development and not into surrounding vegetated areas. The final design details of the proposed floodlighting system shall be reflected on the Construction Certificate plans. The erection of the floodlighting system shall be in accordance with the approved final design.

Reason:

To protect neighbourhood amenity.

**28. Supplementary Detailed Site Investigation**

Following the demolition of site structures and prior to issue of the Construction Certificate, the applicant must prepare a supplementary detailed site investigation report, including sampling of the parts of the site where existing buildings were present that were not accessible as part of the Detailed Site Investigation prepared by Douglas Partners dated 30 June 2023.

Should the further investigations identify contamination, then an additional detailed site assessment report is required to be prepared and submitted to Council's Environment section for consideration and written approval, which assesses the nature and volumes of soil contamination and identifies areas of environmental concern. Based on the detailed site investigation report, a remedial action plan is required to be prepared and submitted to Council's Environment section for consideration and written approval. The detailed site investigation report and remedial action plan must be prepared as per the Consultants Reporting on Contaminated Land - Contaminated Land Guidelines (NSW EPA, 2020) by a certified contaminated land consultant.

Reason:

To provide details on any additional site contamination.

**29. Remedial Action Plan**

Before the issue of the Construction Certificate, a remedial action plan must be prepared so that the site can be made suitable for the proposed development. The remedial action plan must be prepared as per the Consultants Reporting on Contaminated Land - Contaminated Land Guidelines (NSW EPA, 2020) by a certified contaminated land consultant.

Reason:

To ensure the site can be made suitable for the proposed development.

**30. Site Validation Report**

A Validation Report must be submitted to Council's Environment section prior to the issue of the Construction Certificate. The Validation Report must verify that:

- a. the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- b. the site is suitable for the proposed development.

The Validation Report must be prepared by a contaminated land consultant who is certified under one of the following certification schemes:

- c. Environment Institute of Australia and New Zealand (EIANZ) Certified Environmental Practitioner (Site Contamination) (CEnvP-SC); or
- d. Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM).

Further to address State Environmental Planning Policy (Resilience and Hazards) 2021 the contaminated land consultant is to provide for a clear statement in their reports either in the executive summary or conclusion that the consent authority may be satisfied that the required considerations of section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 are satisfied and state the reasons.

The Validation Report is to be issued by the certified contaminated land consultant direct to Council's Environment section. No third party submissions will be accepted.

Reason:

To verify site is suitable for the proposed development.

**31. Containment Cell Long Term Environmental Management Plan**

Prior to issue of the Construction Certificate, a Long Term Environmental Management Plan (LTEMP) must be prepared by a qualified and experienced environmental consultant for the containment of contaminated soils and hazardous material. The LTEMP is required to record the placement of any contaminated material on site and provide procedures to be used in the event that it may be disturbed. The LTEMP is to be submitted to Council's Environment section.

The LTEMP must adhere to all legislation, regulations and guidelines regarding the management of the site and must clearly indicate:

- a. The objectives and expected term of the LTEMP.
- b. The locations, depths and types of contaminated material placed on site.
- c. A plan (cross section) of capping layer with details of marker layer, top soil capping material and thickness;
- d. Ongoing management of capping layer.
- e. Measures to prevent exposure of contaminated material under normal site use.
- f. Specific procedures to be used in the event contaminated material may be disturbed.
- g. Contact details of the person responsible for implementing the LTEMP.
  - i. Note: Contact details must always be kept up to date and current.
- h. Section 10.7 notation and section 88B wording recommendations.
- i. LTEMP Version List with associated notes on updated changes.

Notes:

- i) All actions and/or recommendations outlined in the LTEMP must be completed in accordance with the schedule/timeline.
- ii) A LTEMP is a reviewable and modifiable document. A new version of the LTEMP will need to be prepared every time:
  - There are changes to the LTEMP.
  - Contact details are updated.
  - Actions and/or recommendations are completed.
- iii) Every time an updated version of the LTEMP is created; the latest version will supersede the previous version.

Reason:

To prevent potential human health and environmental harm.

**32. Demolition and Construction Noise and Vibration Management**

Before the release of the Construction Certificate, a noise and vibration assessment to identify all sensitive receivers where the construction noise and vibration levels may exceed the NSW EPA Interim Construction Noise Guidelines (July 2009) (or as superseded) construction noise goals for that receiver must be undertaken. Parameters of the assessment are to consider:

- a. Levels recommended by a registered Geotechnical/Structural Engineer with regards to structural damage buildings;
- b. German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- c. For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472 - Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) for low probability of adverse comment.

The findings, recommendations and management controls from the assessment, including complaints resolution procedures, shall be documented in a Construction Noise and Vibration Management Plan prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical

Consultants) and submitted to Council's Environment section and Certifying Authority. For the duration of the site works noise and vibration must be managed in accordance with the submitted Construction Noise and Vibration Management Plan.

Reason:

To protect neighbourhood amenity.

**33. Acoustic Attenuation**

The proposed residential accommodation shall be designed and constructed in accordance with the recommendations and requirements of the DA Noise Impact Assessment prepared by Acoustic Logic dated 20 July 2023 and the NSW Department of Planning (2008) Development near Rail Corridors and Busy Roads – Interim Guideline. This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Principal Certifier, prior to the issue of the Construction Certificate.

Reason:

To protect residential amenity.

**34. Plant and Equipment - Noise Emission Levels**

The equivalent continuous noise level (LAeq (15min)) from the operation of plant and equipment must not exceed 5dB(A) above the background noise level (LA90 (15min)) when measured at the most affected point(s) along the boundaries of the site. A report from a suitably qualified and experienced acoustical consultant who is a member of the Australian Acoustical Society (AAS), or the Association of Australasian Acoustical Consultants (AAAC) must be obtained detailing the measures required to ensure compliance with this condition of consent. This report is to be submitted to the Principal Certifier prior to the release of the Construction Certificate. The recommended noise attenuation measures must be implemented, prior to the issue of any Occupation Certificate.

Reason:

To protect neighbourhood amenity.

**35. Construction Site Management Plan**

Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- a. location and materials for protective fencing and hoardings to the perimeter of the site provisions for public safety pedestrian and vehicular site access points and construction activity zones details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP) the controls prescribed within the Remedial Action Plan unexpected finds protocol about site contamination
- b. a vegetation management plan as outlined in the Ecological Assessment prepared by Molino Stewart dated 27 July 2023.
- c. details of any bulk earthworks to be carried out location of site storage areas and sheds equipment used to carry out all works a garbage container with a tight-fitting lid water pollution, dust, noise and vibration control measures location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

**36. Erosion and Sediment Control Plan**

Before the issue of a Construction Certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- a. Council's development control plan,

- b. the guidelines set out in the NSW Landcom manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and
- c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

**37. Depth and Location of Services**

The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

Reason:

To ensure development does not impact services.

**38. Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. a plan of the wall showing location and proximity to property boundaries;
- b. an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. details of fencing or handrails to be erected on top of the wall;
- d. sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. the proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. the assumed loading used by the engineer for the wall design; and
- g. flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

Reason:

To comply with Council's Development Control Plan.

**39. Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural Engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

Reason:

To satisfy the requirements of Australian Standards.

#### **40. Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1% AEP storm event in accordance with AS 3500.3: Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

#### **41. Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, and conditions listed under this consent.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing stormwater drainage system within the site, being a combination of: (1) the existing 0.45 metre diameter stormwater pipe within the site adjacent to the northern site boundary; and (2) the existing 0.6 metre diameter stormwater pipe within the easement south of the development area. All stormwater connections to the existing system shall be contained wholly within the subject site.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. The detailed drainage design shall ensure no increase in catchment area and/or peak stormwater discharge rates to each of: (1) the existing 0.45 metre diameter stormwater pipe within the site adjacent to the northern site boundary; and (2) the existing 0.6 metre diameter stormwater pipe within the easement south of the development area. Evidence that this requirement has been satisfied shall be submitted to the Principal Certifier prior to the release of a Construction Certificate. This evidence must include detailed pre and post development catchment plans, stormwater calculations, and certification from the design engineer.
- e. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% AEP events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Council's Development Control Plan.

#### **42. On-Site Stormwater Detention (OSD) Design**

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with the stormwater calculations for the development.

- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
  - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - ii. Identification number [DA-2023/615].
  - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Council's Development Control Plan.

**43. No Adverse Runoff Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.

Reason:

To protect neighbourhood amenity.

**44. Detailed Civil Engineering Design – Council Drainage Modifications**

A detailed civil engineering design shall be provided for proposed modifications to the existing stormwater system within the easement benefiting Council (south of the development area), including the diversion/realignment of that system to avoid proposed earthworks areas. The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing Civil Engineer in accordance with the relevant Council engineering standards, and shall include:

- a. Levels and details of all existing and proposed infrastructure/services and earthworks within the vicinity of the works, including any kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, trees, ground/footpath levels, and proposed earthworks - all such details shall be verified by survey extending a minimum of 5 metres beyond the limit of works.
- b. Engineering details of the proposed modifications to the existing stormwater drainage system within the easement benefiting Council south of the proposed development area, including diversion/realignment of that system to avoid proposed earthworks areas. This must include a plan showing the existing and proposed stormwater drainage systems and a hydraulic grade line analysis and longitudinal section of each the existing and proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels.
- c. Detailed stormwater calculations identifying the capacity of each the existing and proposed (modified) stormwater drainage system. Note that Council will require this information to demonstrate that there will be no reduction in the capacity of the system, i.e. that the proposed (modified) system will have a capacity equal to or greater than the existing system.

- d. All proposed pits must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- e. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- f. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of any Construction Certificate. The application must be made via Wollongong City Council's Frontage Works Application Process with details available on [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au). It is recommended that where the development also may include landscaping in the public domain or other works such as temporary anchors that details and supporting information be included with the frontage works application.

Reason:

To comply with Council's Development Control Plan and Australian Standards.

**45. Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap In, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

**46. Utilities and Services**

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

Reason:

To ensure relevant utility and service providers' requirements are provided to the certifier.

**47. External Clothes Drying Facilities**

In the event that external clothes drying facilities are proposed, full details of the screening and the location of these facilities shall be reflected on the Construction Certificate plans and the final landscape plan.

Reason:

To comply with Council's Development Control Plan.

**48. Placement of Air Conditioning Units**

Air conditioning systems are not to be located where they are visible from the public streets abutting the site. Plans submitted to the Principal Certifier prior to issue of the Construction Certificate are to identify any external components of air conditioning systems to ensure they meet the requirements of this condition.

Reason:

To protect neighbourhood amenity.

**49. Single Master TV Antenna**

Single master TV antenna is to be installed to service the development and provision made for connection to each dwelling unit within the development. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To protect neighbourhood amenity.

**50. Crime Prevention through Environmental Design (CPTED)**

In order to reduce the opportunities for "hiding places" the proposed landscaping must:

- a. use shrubs/plants which are no higher than 1 metre adjacent to pathways.
- b. the type of trees proposed must have a sufficiently high canopy, when installed and fully grown, so that pedestrian vision is not impeded.
- c. Shrub planting to be set back min. 0.5 metres from the edge of the pathway. Groundcover planting acceptable. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

**51. Vehicular Flow Signage**

Suitable barriers, line-marking and painted signage delineating vehicular flow movements must be provided within the car parking areas. These details shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

**52. Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

**53. Property Addressing Policy Compliance**

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's Property Addressing Policy (as amended). Where appropriate, the developer must also lodge a [General Property Addressing Request](https://www.wollongong.nsw.gov.au/book-and-apply/online-services) through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

Reason:

To comply with Council Policy.

**54. Adaptable Units**

Before the issue of a relevant Construction Certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*.

Reason:

To ensure adaptable units are designed in accordance with the Australian Standard.

**55. Provision of a Fire Hydrant**

The provision of a fire hydrant in accordance with AS 2419.1:2005: Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

**56. Fire Safety Schedule**

When issuing a Construction Certificate, a Principal Certifier must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

Reason:

To satisfy the requirements of the legislation.

**57. Bush Fire Attack Level (BAL)**

New construction shall comply with the requirements for Section 3 and 5 (BAL 12.5) Australian Standard AS 3959:2018: Construction of Buildings in Bush Fire Prone Areas and Section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bush Fire Areas' as appropriate.

The construction requirements for BAL 12.5 Australian Standard AS 3959:2018: Construction of Buildings in Bush Fire Prone Areas and Section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bush Fire Areas' as appropriate shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifier prior to the issue of the Construction Certificate.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

**Before the Commencement of Building Work**

**58. Construction Environmental Management Plan**

Prior to the commencement of any works at the site, a detailed Construction Environmental Management Plan (CEMP) prepared by a suitably qualified person shall be submitted to the Principal Certifier and Council's Development Engineering Manager (in the event Council is not the Principal Certifier for its records). The CEMP shall be generally consistent with the Preliminary Construction Management Plan dated 11 July 2023 prepared by RJA Projects shall include (but not be limited to) the following details:

- a. A plan of proposed demolition materials and construction storage areas;
- b. parking for construction workers during the demolition and construction phases;
- c. the type of materials/plant/equipment to be transported to and stored at the site and how is it to be transported and stored;
- d. timing of delivery of materials;
- e. likely access constraints to the site including the proposed access points to the site during demolition and construction;
- f. potential traffic management controls that will to be implemented;
- g. smoking areas on-site;
- h. address all environmental aspects of the development's demolition and construction phases including site dewatering and groundwater management, erosion and sediment control; dust suppression and noise and waste management; and
- i. communication protocol for residents and neighbours.
- j. The applicant is to submit an excavated soil material disposal plan to Principal Certifier prior to the commencement of work. The plan shall address as a minimum the batching, sampling

and analysis procedures as per the DECCW (2009) *Waste Classification Guidelines*. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

- k. An unexpected finds protocol is to be developed to account for any contamination detected after work commences. Precautions should be included in the plan, including:
- l. workers trained to recognise potential contamination and danger signs eg odours or soil discolouration.
- m. precautions if signs of unexpected contamination or hot spots are found, such as:
  - i. stop work.
  - ii. report signs to the site supervisor immediately.
  - iii. isolate the area with a physical barrier.
  - iv. assume the area is contaminated until an assessment proves otherwise.
  - v. assess the area to identify contaminants in the soil or spoil.

Reason:

To comply with Council Policy.

**59. Tree Protection Implementation**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b. mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- c. irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**60. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising Arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the Arborist's recommendations and relevant conditions of this consent.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**61. Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

Reason:

To satisfy the requirements of the legislation.

## **62. Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

### Reason:

To satisfy the requirements of the legislation and Australian Standards.

## **63. Demolition Management Plan**

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person and provided to the Principal Certifier.

The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work and Chapter E21: Demolition and Hazardous Building Materials Management of Wollongong Development Control Plan 2009 and must include the following matters:

- a. The proposed demolition methods.
- b. The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- c. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones.
- d. Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles.
- e. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- f. Unexpected finds protocol about contamination.
- g. Dust, noise and vibration control measures.
- h. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- i. Details of any bulk earthworks to be carried out.
- j. Details of re-use and disposal of demolition waste material.
- k. Location of any reusable demolition waste materials to be stored on-site (pending future use).
- l. Location and type of temporary toilets onsite.
- m. A garbage container with a tight-fitting lid.

### Reason:

To require details of measures that will protect the public and the surrounding environment during site works.

## **64. Notification of Excavation Works or Use of High Noise Emission Appliances/Plant**

The immediately adjoining neighbours of the site must be given a minimum of 48 hours notice, in writing, that excavation, shoring or underpinning works or use of high noise emission appliances/plant are about to commence. Contact details of the site supervisor are also to be provided.

Reason:

To ensure the protection of the environment and neighbourhood amenity. To mitigate adverse amenity impacts in the locality.

**65. Erosion and Sediment Controls in Place**

Before the commencement of any site or building work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Landcom manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book) (as amended from time to time).

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

**66. Hazardous Material Survey**

At least one (1) week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a. the location of hazardous materials throughout the site;
- b. a description of the hazardous material;
- c. the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d. an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f. identification of the disposal sites to which the hazardous materials will be taken.

Reason:

To identify hazardous materials and ensure safe disposal.

**67. Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's road reserve".
- b. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

Reason:

To satisfy the requirements of the legislation.

**68. Signs On Site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

#### **69. Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a. a standard flushing toilet, and
- b. connected to either:
  - i. the Sydney Water Corporation Ltd sewerage system or
  - ii. an accredited sewage management facility or
  - iii. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

Reason:

To satisfy the requirements of the legislation.

#### **70. Home Building Act Requirements**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. the name and licence number of the principal contractor; and
  - ii. the name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. the name of the owner-builder; and
  - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Reason:

To satisfy the requirements of the legislation.

#### **71. Structural Engineer's Details**

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

Reason:

To ensure structural integrity.

**72. Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

Reason:

To ensure safety.

**73. Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

Reason:

To advise neighbourhood.

**74. Survey Report - Siting of Development within Property Boundaries**

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

Reason:

To ensure correct development location.

**75. Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

Reason:

To protect neighbourhood amenity.

**76. All-weather Access**

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect neighbourhood amenity.

**77. Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. installation of Tree Protection Fencing - protective fencing shall be 1.8m cyclone chainmesh fence, with posts and portable concrete footings;
- b. installation of Tree Protection Fencing - a one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3-strand wire fence with star pickets at 1.8m centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area;
- c. mulch Tree Protection Zone: areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch;
- d. irrigate: areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation

**78. Adjustment to Public Utility Service**

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

Reason:

To ensure services are not impacted.

**79. Asset Protection Zones**

At the commencement of building works and in perpetuity the property around the development for a distance of the following:

- a. The entire area to the Northern boundary;
- b. The entire area to the Eastern boundary;
- c. The entire area South for the distance of 35 metres;
- d. The entire area to the Western boundary;

shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason:

To satisfy the requirements of the legislation.

**80. Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape, street trees and adjoining reserve prior to work commencing and include a detailed description of elements and photographic record.

Reason:

To ensure public assets are not impacted.

**While Building Work is Being Carried Out**

**81. Copy of Consent in the Possession of Person carrying out Tree Removal**

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**82. Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

Reason:

To comply with Council's Development Control Plan.

**83. Screen Planting**

To mitigate impact to adjoining dwelling a discontinuous hedge is to be established along eastern boundary. Recommended species: *Callistemon viminalis* 'Slim', *Photinia glabra* Rubens, *Viburnum tinus*, *Syzygium australe* Aussie Southern, *Syzygium*, 'Resilience', *Viburnum odoratissimum* Dense Fence or *Waterhousea floribunda* Sweeper. Minimum spacing 1000mm. Minimum pot size 5 lt. Minimum length 12m.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

Reason:

To comply with Council's Development Control Plan.

**84. Responsibility for Changes to Public Infrastructure**

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerbs and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason:

To ensure payment of approved changes to public infrastructure.

**85. Implementation of the Site Management Plans**

While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason:

To ensure site management measures are implemented during the carrying out of site work.

**86. New Information/Unexpected Finds**

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials or acid sulfate soils, works must immediately cease. The Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within two (2) days of the incident. An assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm must be undertaken by an appropriately qualified environmental consultant as soon as possible. This assessment will necessitate a report to be prepared outlining the required remediation measures for the sign off by Council and the Principal Certifier.

Reason:

To ensure protection of the environment and comply with legislation.

**87. Recommendations of the Ecological Assessment**

While works are being carried out, the recommendations of the Ecological Assessment prepared by Molino Stewart dated 27 July 2023 must be implemented.

Reason:

To prevent harm to native plants and animals.

**88. Synthetic Mineral Fibre Materials**

All Synthetic Mineral Fibre (SMF) containing materials must be removed in accordance with SafeWork NSW's requirements.

Reason:

To ensure that the removal of synthetic mineral fibre containing materials is undertaken safely and professionally.

**89. PCB Containing Electrical Equipment**

If any metal cased capacitors are found during demolition works that were previously identified or unidentified they must be treated as containing Polychlorinated Biphenyls (PCBs). Details on storing, conveying and disposing of PCB material or PCB wastes can be found in Polychlorinated Biphenyls Management Plan, Environmental Protection & Heritage Council, Revised Edition April 2003 and the NSW Environment Protection Authority's Polychlorinated Biphenyl (PCB) Chemical Control Order 1997.

Reason:

To ensure that the removal of PCBs is undertaken safely and professionally.

**90. Rock Breaking, Rock Hammering, Rock Sawing, Blasting, Sheet Piling, Pile Driving**

The operation of high noise emission appliances, plant and/or machinery such as rock breaking, rock hammering, rock sawing, blasting, sheet piling, pile driving may only be carried out between the following hours:

9:00am to 12:00pm Monday to Friday;  
2:00pm to 5:00pm Monday to Friday; and  
9:00am to 1:00pm Saturday.

Any request to vary these hours shall be submitted to the **Council** in writing prior to works being undertaken and shall detail:

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number;
- f. any proposed measures required to mitigate the impacts of the works.

**Note:** Blasting for excavation works is only permitted where it has been identified within a submitted and approved Demolition, Construction, Noise and Vibration Management Plan and must be undertaken observing all the requirements of SafeWork NSW.

Reason:

To ensure protection of the environment and neighbourhood amenity. To mitigate adverse amenity impacts in the locality.

**91. Cut and Fill**

While building work is being carried out, the Principal Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Principal Certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to resource recover exemption by the NSW EPA.

Reason:

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

**92. Discharge of Accumulated Water**

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless a Section 68 approval issued under the Local Government Act 1993 has been obtained and all the following criteria are met:

- a. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b. The pH of the water to be discharged is between 6.5 and 8.5; and
- c. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and
- d. The water to be discharged contains no visible oil or grease; and
- e. If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
- f. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- g. The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and
- h. A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1

and 2 (and criteria 4 if applicable) as stated above is submitted to Council (email [Council@wollongong.nsw.gov.au](mailto:Council@wollongong.nsw.gov.au), attention Building and Certification Manager).

Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.

Reason:

To satisfy the requirements of the legislation.

**93. Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

**94. Asbestos Clearance Certificate**

An Asbestos Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within fourteen (14) days of the completion of demolition works.

Reason:

To satisfy the requirements of the legislation.

**95. Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to the existing stormwater drainage system within the site, being a combination of: (1) the existing 0.45 metre diameter stormwater pipe within the site adjacent to the northern site boundary; and (2) the existing 0.6 metre diameter stormwater pipe within the easement south of the development area.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**96. No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Reason:

To comply with Council's Development Control Plan.

**97. Shoring and Adequacy of Adjoining Property**

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -

- a. Protect and support the building, structure or work from possible damage from the excavation, and
- b. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:

To satisfy the requirements of the legislation.

**98. Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

Reason:

To ensure compliance with relevant Standards.

**99. Prohibition of any Encroachment into Drainage Easement**

No part of any structure, including footings, eaves and gutter overhang shall encroach into any easement to drain water/drainage easement.

Reason:

To comply with Council's Development Control Plan.

**100. Pipe Connections**

All pipe connections to existing stormwater drainage systems shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

Reason:

To ensure construction standards are met.

**101. Survey Certificate**

The submission of a Survey Certificate to the Principal Certifier at footings and/or formwork stage (whichever occurs first) confirming:

- a. the set out of the boundaries of the site,
- b. actual siting of the buildings and
- c. siting levels comply with the approved plans.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**102. Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing prior to works being undertaken and shall detail:

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number;
- f. any proposed measures required to mitigate the impacts of the works.

**Note:** Other legislation, such as the Noise Guide for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

To ensure protection of the environment and neighbourhood amenity. To mitigate adverse amenity impacts in the locality.

**103. Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

- a. Encroach onto the adjoining properties, and
- b. adversely affect the adjoining properties with surface run-off.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

**104. Cut and Fill Retained**

All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H:1V.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

**105. Excavation Protection and Notification**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and
- c. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

Reason:

To ensure compliance with relevant Standards.

**106. Asbestos - Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>).

Reason:

To satisfy the requirements of the legislation.

**107. Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

Reason:

To satisfy the requirements of the legislation.

**108. Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

Reason:

To comply with Council's Development Control Plan.

**109. Implementation of BASIX Commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason:

To satisfy the requirements of the legislation.

**110. Landscaping**

Landscaping to the site is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'.

Reason:

To satisfy the requirements of the legislation.

**111. Water and Utilities**

Water, electricity and gas are to comply with Section 7 of 'Planning for Bush Fire Protection 2019'.

Reason:

To satisfy the requirements of the legislation.

## **Before the Issue of an Occupation Certificate**

### **112. Compensatory Planting**

The developer should make compensatory provision for the trees required to be removed as a result of the development. In this regard, thirty-one (31 No.) 75 litre container advanced mature plant stock should be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Brachychiton acerifolius* Illawarra Flame Tree or *Waterhousea floribunda* 'Sweeper' Weeping Lilly Pilly. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

Reason:

To comply with Council's Development Control Plan.

### **113. Completion of Landscape Works on Council Owned or Controlled Land**

The developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

### **114. Arborist Verification – Street Tree Installation**

Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:

- a. The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use.
- b. The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

Reason:

To comply with the Australian Standards.

### **115. Removal of Waste upon Completion**

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier.

Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the Principal Certifier's satisfaction.

Reason:

To ensure waste material is appropriately disposed or satisfactorily stored.

### **116. Compliance with the Noise Criteria of Section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021**

Before the issue of the Occupation Certificate, an acoustic compliance report prepared by an acoustical consultant who is a member of the Australian Acoustical Society or the Association of Australasian Acoustical Consultants must be submitted to the Principal Certifier. The report must state the dwelling internal noise levels comply with the noise criteria of Section 2.120(3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Reason:

To ensure residential amenity.

### **117. Drainage Certification and WAE**

The following information shall be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate:

- a. Certification from a suitably qualified Civil Engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans and Chapter E14 of the Wollongong DCP 2009.
- b. A certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified Civil Engineer, confirming that all on-site stormwater detention works have been constructed in accordance with the approved plans.
- c. Full works-as-executed plans, prepared and signed by a Registered Surveyor, including levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels, and satisfying the requirements stated in Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Council's Development Control Plan.

**118. Restriction on Use - On-Site Detention System (OSD)**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the OSD system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council."

The registered instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

Reason:

To comply with Council's Development Control Plan.

**119. Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

Reason:

To comply with the relevant Standards.

**120. Positive Covenant - On-Site Detention Maintenance Schedule**

A positive covenant shall be created and registered under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule (DA-2023/615).

The registered instrument, showing the positive covenant must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

Reason:

To comply with Council's Development Control Plan.

**121. On-Site Detention - Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

#### **122. Works-As-Executed Plans – Modification of Stormwater System within Easement Benefiting Council**

The submission of a Works-As-Executed (WAE) plan for approved modifications to the existing stormwater system within the easement benefiting Council (south of the development area), including the diversion/realignment of that system to avoid proposed earthworks areas, must be submitted to and approved by Council's Development Engineering Manager, prior to the release of the Occupation Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- a. Final locations and levels for all works associated with modifications to the existing drainage system within the easement benefiting Council.
- b. The plan(s) must include, but not be limited to, the requirements stated in Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with the relevant Standards.

#### **123. CCTV of Modified Council Drainage**

All stormwater pipes constructed as part of approved modifications to the existing stormwater system within the easement benefiting Council (south of the development area), including the diversion/realignment of that system to avoid proposed earthworks areas, must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Council's Development Engineering Manager for assessment prior to the issue of the Occupation Certificate. Below standard work must either be replaced or repaired to Council's satisfaction prior to the issuing of the Occupation Certificate.

Reason:

To comply with the relevant Standards.

#### **124. Completion of Engineering Works**

The completion of all engineering works associated with the approved modifications to the existing stormwater system within the easement benefiting Council (south of the development area), including the diversion/realignment of that system to avoid proposed earthworks areas, in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

Reason:

To comply with the relevant Standards.

#### **125. Creation of New Easement Benefiting Council**

A minimum 3 metre wide easement to drain water shall be created over the modified drainage system (south of development area) conveying water from Council's road reserve upstream of the site. The easement shall encompass the entirety of this drainage system that is within the site, including both the existing (unmodified) and new (modified) portion of this system. The easement alignment shall be created based on detailed survey and works-as-executed survey of the pipe alignment (both existing and modified portions). Evidence that this requirement has been satisfied shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate. The terms of the easement shall be identical to those of the existing easement over the existing pipe alignment.

Reason:

To ensure continuity of Council's legal right to drain water over the subject site

#### **126. Expungement of Redundant Easement**

Following the creation of a new easement benefiting Council over the modified drainage system (south of development area) conveying water from Council's road reserve upstream of the site (as required under this consent), the existing (then redundant) easement shall be expunged from the

legal title of the land. Evidence that this requirement has been satisfied shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason:

To remove redundant easement.

**127. Height of Buildings A & B**

Prior to the issue of an Occupation Certificate, a Survey Report must be submitted to the Principal Certifier verifying that the building the subject of the application for the Occupation Certificate does not exceed its maximum approved height. The approved maximum height:

- for Building A is 52.65 metres AHD; and
- for Building B is 49.20 metres AHD;

measured from the natural ground level (inclusive of the lift tower and any air conditioning plant).

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**128. Section 73 Certificate**

A Section 73 Certificate must be submitted to the Principal Certifier prior to occupation of the development.

Reason:

To satisfy the requirements of the legislation.

**129. Access Certification**

Prior to the occupation of the building, the Principal Certifier must ensure that a certificate from an "accredited access consultant" has been issued certifying that the building complies with the requirements of AS 1428.1.

Reason:

To comply with legislation and Australian Standards.

**130. BASIX**

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate.

**NOTE:** Clause 44 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 provides for independent verification of compliance in relation to certain BASIX commitments.

Reason:

To satisfy the requirements of the legislation.

**131. Seniors Housing**

The accommodation component of the development may only be occupied by the kinds of people referred to in the definition of seniors housing under SEPP (Housing) 2021. A restriction as to user that reflects this requirement must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. Evidence of the restriction must be forwarded to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason:

To satisfy the requirements of the legislation.

**132. Fire Safety Certificate**

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- a. Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- b. must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason:

To satisfy the requirements of the legislation.

**133. Bush Fire Compliance Certificate**

A Compliance Certificate shall accompany any Occupation Certificate for Bushfire Protection Measures as have been completed, verifying that the development has been constructed/completed in accordance with the relevant Bush Fire Attack Level (BAL) and Planning for Bushfire Protection requirements of the Development Consent and Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

**Occupation and Ongoing Use**

**134. Seniors Housing (WLEP 2009)**

The accommodation component of the development may only be occupied by the kinds of people referred to in the definition of seniors housing under SEPP (Housing) 2021.

Reason:

To satisfy the requirements of the legislation.

**135. Storage of Waste Bins and Waste**

All waste and bins associated with the development shall always be stored within the designated waste storage rooms/areas. The bins are only to be placed in the temporary bin collection area, the day prior to collection day and are to be removed from this area once emptied.

Reason:

To ensure protection of the environment and neighbourhood amenity.

**136. On-site Waste Collection Only**

All waste collection must be carried out from within the site. Waste collection from the street is not permitted at any time.

Reason:

To ensure protection of the environment and neighbourhood amenity.

**137. Restricted Delivery Hours**

The delivery of service trucks shall be limited to 6.30 am to 9.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

Reason:

To ensure protection of the environment and neighbourhood amenity.

**138. Maintenance of Inner Protection Area**

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of two (2) metres above the ground;
- the canopy is discontinuous such that tree canopies should be separated by two (2) to five (5) metres;
- they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection 2019" and
- the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reason:

To comply with legislation and Australian Standards.

## Attachment 1: Rural Fire Service



# RFS



Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Your reference: (CNR-59172) DA-2023/615  
Our reference: DA20230823003705-CL55-2

**ATTENTION:** Vivian Lee

Date: Wednesday 13 March 2024

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – SFPP – Retirement Village**  
**4 Lindsay Evans Place Dapto NSW 2530, 1//DP1082602**

I refer to your correspondence dated 01/03/2024 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

### **Asset Protection Zones**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

1. From the commencement of building works and in perpetuity, the property around the development must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- the entire area to the northern boundary;
- the entire area to the eastern boundary;
- south for a distance of 35 metres; and,
- the entire area to the western boundary.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

1

#### **Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### **Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

#### **Construction Standards**

***Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.***

2. Construction of the proposed development must comply with section 3 and section 5 (BAL 12.5) of the Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). Construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

#### **Access - Internal Roads**

***Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.***

3. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable and dedicated turning areas with no obstructions in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

4. Non-perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- there are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

#### **Water and Utility Services**

***Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

5. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;

- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **Landscaping Assessment**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

6. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- a minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- avoid climbing species to walls and pergolas;
- locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- low flammability vegetation species are used.

#### **Emergency and Evacuation Planning Assessment**

***Intent of measures: to provide suitable emergency and evacuation arrangements for occupants.***

7. The existing Bush Fire Emergency Management and Evacuation Plan must be updated in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
  - include planning for the early relocation of occupants.
  - an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) in developing and implementing an Emergency Procedures Manual; and
  - detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

**General Advice – Consent Authority to Note**

- The General Terms of Approval are based on the documents/plans supplied via Councils referral to the NSW RFS.
  - The plan prepared by Plus Architecture, job no. 20667, revision B, dated 26/07/2023.
  - The bush fire assessment prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, ref no. 221204B, version 2, dated 27/07/2023.
- The turning areas proposed as part of this development must be dedicated areas and remain unobstructed at all times. There must be no alternative uses of these turning areas.
- The bush fire consultant provided advice on 21/09/23 stating the development application did not compromise of any class 9 structures under the *Building Code of Australia*, and accordingly has not been assessed under the *Addendum for Planning for Bush Fire Protection 2019*.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 23/02/2024.

For any queries regarding this correspondence, please contact Jonathan Hardy on 1300 NSW RFS.

Yours sincerely,

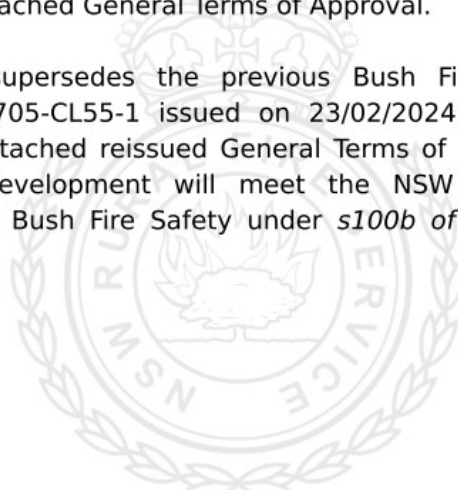
Michael Gray  
**Manager Planning & Environment Services**  
**Built & Natural Environment**

# BUSH FIRE SAFETY AUTHORITY

SFPP – Retirement Village  
4 Lindsay Evans Place Dapto NSW 2530, 1//DP1082602  
RFS Reference: DA20230823003705-CL55-2  
Your Reference: (CNR-59172) DA-2023/615

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20230823003705-CL55-1 issued on 23/02/2024 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.



**Michael Gray**

Manager Planning & Environment Services  
Built & Natural Environment

Wednesday 13 March 2024



# RFS



Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Your reference: (CNR-59172) DA-2023/615  
Our reference: DA20230823003705-CL55-3

**ATTENTION:** Nicole Ashton

Date: Friday 9 August 2024

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – SFPP – Retirement Village**  
**4 Lindsay Evans Place Dapto NSW 2530, 1//DP1082602**

I refer to your correspondence dated 23/07/2024 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the *Environmental Planning and Assessment Regulation 2000*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amendments and raises no objections subject to compliance with our previous terms of approval dated 13/03/2024.

For any queries regarding this correspondence, please contact Jonathan Hardy on 1300 NSW RFS.

Yours sincerely,

Michael Gray  
**Manager Planning & Environment Services**  
**Built & Natural Environment**

1

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)





# RFS



## BUSH FIRE SAFETY AUTHORITY

SFPP – Retirement Village  
4 Lindsay Evans Place Dapto NSW 2530, 1//DP1082602  
RFS Reference: DA20230823003705-CL55-3  
Your Reference: (CNR-59172) DA-2023/615

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20230823003705-CL55-2 issued on 13/03/2024 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Michael Gray**

Manager Planning & Environment Services  
Built & Natural Environment

Friday 9 August 2024



## Attachment 2: Sydney Trains

Transport for NSW



The General Manager  
Wollongong City Council  
vlee@wollongong.nsw.gov.au

23 August 2024

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021  
DEVELOPMENT APPLICATION – DA-2023/615 – CNR-59172  
4 LINDSAY EVANS PLACE, DAPTO NSW 2530**

**Dear Sir/Madam,**

I refer to Council's referral via the NSW Planning Portal requesting concurrence for the above Development Application (DA) in accordance with Section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Transport and Infrastructure SEPP**).

Council is advised that TfNSW, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor operated by Sydney Trains (including infrastructure), and to process the concurrence for this Development Application.

As such, TfNSW (as Rail Authority) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP being:

- a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
  - i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

We have taken the above requirements into consideration and have decided to grant concurrence to the development proposed in Development Application **DA-2023/615** subject to Council imposing the operational conditions as written in Attachment A that will need to be complied with.

Should Council choose not to impose the operational conditions as written in Attachment A, then concurrence from TfNSW (as Rail Authority) has not been granted to the proposed development.

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to TfNSW for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the heavy rail corridor assessed by TfNSW, so TfNSW may need to amend any requested conditions, or recommend that the amended DA should not be approved.

Council is also advised that this concurrence is not to be amended, replaced, or superseded by

any concurrence issued by any other rail authority, without further agreement from TfNSW (as Rail Authority).

In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. We therefore request that Council comply with this requirement should such an event occur.

Please contact TfNSW Town Planning Management via email to [DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au) should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Sincerely,

A digital signature in red ink, appearing as a stylized 'S' followed by a flourish.

Digitally signed  
by Steven Heapy  
Date: 2024.08.26  
10:25:46 +10'00'

**Steven Heapy**  
Director Land and Maritime Planning  
Transport for NSW

ATTACHMENT A

- The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guideline".
- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- The Applicant/Developer shall not at any stage block the corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is **Illawarra Interface**, and they can be contacted via email on **Illawarra\_Interface@transport.nsw.gov.au**.
- Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

## Attachment 3: Sydney Water



13 September 2023

**Nicole Ashton**

Wollongong City Council

[nashton@wollongong.nsw.gov.au](mailto:nashton@wollongong.nsw.gov.au)

### **RE: Development Application DA-2023/615 at 4 Lindsay Evans Place, Dapto**

Thank you for notifying Sydney Water of DA-2023/615 at 4 Lindsay Evans Place, Dapto, which proposes to demolish the existing buildings and construct of 2x 3-4 storey residential apartments containing 51 independent living units, nine (9) single storey dwellings, removal of twenty-eight (28) trees and a sign.

Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in planning the servicing needs of the proposed development.

#### **Water Servicing**

- Potable water servicing should be available.
- Amplifications, adjustments, and/or minor extensions may be required.
- Sydney Water notes that an easement runs close to the boundary near Lindsay Evans Place. Located within the easement is a DN100, water stopvalve and a water hydrant.

#### **Wastewater Servicing**

- Wastewater servicing should be available.
- Amplifications, adjustments, and/or minor extensions may be required.
- Sydney Water notes that a DN150VC sewer main, lamphole, maintenance hole and property connection sewer run close to the boundary near Lindsay Evans Place.

#### **Next Steps**

- It is recommended that the proponent engages a Water Servicing Coordinator as soon as possible and submit a Section 73 application and a Building Plan Approval.
- Please see the following link to Water Servicing Coordinators: [Water servicing coordinators](#).

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 and the Building Plan Approval. More information about the Section 73 application process and the Building Plan Approval is available on our web page in the [Land Development Manual](#).

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](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kristine Leitch", written over a circular stamp or seal.

**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](http://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.

### **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](mailto:businesscustomers@sydneywater.com.au) at [businesscustomers@sydneywater.com.au](mailto: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](mailto:businesscustomers@sydneywater.com.au).



**Endeavour Energy**

ABN 11 247 365 823

T 133 718

Level 40-42, 8 Parramatta Square  
10 Darcy Street  
Parramatta NSW 2150  
PO Box 811, Seven Hills NSW 1730

23 July 2024

Chief Executive Officer  
Wollongong City Council

**ATTENTION: Vivian Lee**

Dear Sir or Madam

**DA-2023/615 at 4 LINDSAY EVANS PLACE DAPTO 2530**

I refer to the referral of 23 July 2024 from the NSW Planning Portal Concurrence and Referral Service regarding request CNR-59172 for Wollongong City Council Development Application DA-2023/615 at 4 LINDSAY EVANS PLACE DAPTO 2530 (Lot 1 DP 1082602) for additional information for 'Demolition of some existing buildings and ancillary structures; Removal of 28 Trees (including 10 exempt species trees); Site excavation for basement carparking; Construction of 51 apartments within two (2) residential apartment buildings including: - 31 x 2-bedroom apartments; and - 20 x 3-bedroom apartments. Construction of nine (9) x three (3) bedroom single storey dwellings (multi-dwelling housing); and Provision of internal driveways, pathways; A business identification sign; and Landscaping'. Submissions need to be made to Council by 13 August 2024.

Please refer to Endeavour Energy's previous submission made to Council on 24 August 2023 via the NSW Planning Portal regarding Development Application DA-2023/615. Notwithstanding the additional information / amended architectural plans, the conditions and advice provided therein essentially remain applicable.

From a review of the Request for Additional Information Response Letter prepared by DFP Planning Consultants dated 17 July 2024 the matters addressed therein do not appear to relate to Endeavour Energy's previous submission.

For further advice the applicant can call Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 and the following contacts (who do not have access to the NSW Planning Portal):

- Customer Network Solutions Branch for matters related to the electricity supply or asset removal / relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP). Alternatively contact can be made by email [CWAdmin@endeavourenergy.com.au](mailto:CWAdmin@endeavourenergy.com.au).
- Easements Officers for matters related to easement management, protected works or other forms of property tenure / interests. Alternatively contact can be made by email [Easements@endeavourenergy.com.au](mailto:Easements@endeavourenergy.com.au).

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[endeavourenergy.com.au](https://endeavourenergy.com.au)

- Property Branch for matters related to property tenure. Alternatively contact can be made by email [network\\_property@endeavourenergy.com.au](mailto:network_property@endeavourenergy.com.au) (underscore between 'network' and 'property').
- Field Operations Branch for safety advice for building or working near electrical assets in public areas. The site is in the area covered by Spring Hill Field Service Centre. Alternatively contact can be made by email [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au).

Subject to the foregoing Endeavour Energy has no objection to the Development Application. Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in Endeavour Energy's previous submission in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [Property.Development@endeavourenergy.com.au](mailto:Property.Development@endeavourenergy.com.au) is preferred.

Yours faithfully

**Cornelis Duba** | Development Application Specialist

M 0455250981

E [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)

Level 40-42, 8 Parramatta Square, 10 Darcy Street  
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

[endeavourenergy.com.au](http://endeavourenergy.com.au) |    



**Endeavour  
Energy**

**POWER  
together**



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

**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 |
|-------------------------|-----------------------|---------------------------------|-------------------|------------------------|----------------|-----------------|
| Wollongong City Council | DA-2023/615           | CNR-59172                       | Nicole Ashton     | 23/08/2023             | 13/09/2023     | 24/08/2023      |

| Address                          | Land Title       |
|----------------------------------|------------------|
| 4 LINDSAY EVANS PLACE DAPTO 2530 | Lot 1 DP 1082602 |

| Scope of Development Application or Planning Proposal                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Seniors Housing – demolition of existing buildings and ancillary structures, removal of 28 trees, construction of two (2) residential three (3) and four (4) storey buildings comprising 51 apartments with basement carparking and multi dwelling housing comprising nine (9) single storey dwellings, associated infrastructure, signage and landscaping. |

| Endeavour Energy's G/Net master facility model indicates:                                                                 |                                              |                                               |                                     |                                |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------|-------------------------------------|--------------------------------|
| Within or adjacent to the 'Project Location' the electrical network used in the distribution / supply of electricity are: |                                              |                                               |                                     |                                |
| Electricity Infrastructure / Apparatus                                                                                    | Statutory allocation (road verge / roadway*) | Easement (or other form of property tenure**) | Protected works***                  | Freehold (adjoining or nearby) |
| <b>Overhead Power Lines</b>                                                                                               |                                              |                                               |                                     |                                |
| <input checked="" type="checkbox"/> Low voltage                                                                           | <input checked="" type="checkbox"/>          | <input checked="" type="checkbox"/>           | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input checked="" type="checkbox"/> High voltage                                                                          | <input type="checkbox"/>                     | <input checked="" type="checkbox"/>           | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input type="checkbox"/> Transmission voltage                                                                             | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input checked="" type="checkbox"/> Pole / tower                                                                          | <input type="checkbox"/>                     | <input checked="" type="checkbox"/>           | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <b>Underground Cables</b>                                                                                                 |                                              |                                               |                                     |                                |
| <input type="checkbox"/> Low voltage                                                                                      | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input checked="" type="checkbox"/> High voltage                                                                          | <input checked="" type="checkbox"/>          | <input checked="" type="checkbox"/>           | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| <input type="checkbox"/> Transmission voltage                                                                             | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input type="checkbox"/> Streetlight / pillar                                                                             | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <b>Substation</b>                                                                                                         |                                              |                                               |                                     |                                |
| <input type="checkbox"/> Pole mounted                                                                                     | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input checked="" type="checkbox"/> Padmount                                                                              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/>           | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input type="checkbox"/> Indoor                                                                                           | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input type="checkbox"/> Zone                                                                                             | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <input type="checkbox"/> Transmission                                                                                     | <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>            | <input type="checkbox"/>       |
| <b>Other: Right of access</b>                                                                                             | <input type="checkbox"/>                     | <input checked="" type="checkbox"/>           | <input type="checkbox"/>            | <input type="checkbox"/>       |

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).  
High voltage above 1,000 volts a.c and less than 33,000 volts a.c. [33 kilovolts (kV)].  
Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).  
\*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.  
\*\* Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.  
\*\*\*Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).  
Other: provide detail of electricity infrastructure / apparatus.

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

| Con-dition                          | 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 checked="" type="checkbox"/> | <input 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 checked="" 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 to multiple / privately owned lots is generally not supported.                                                                  |
| <input type="checkbox"/>            | <input checked="" 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 checked="" 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 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | 20         | Look up and Live        | Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.                                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 21         | Modifications           | Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.                                                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 22         | Network Access          | Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.                                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 23         | Network Asset Design    | Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.                                         |

| Condition                           | Advice                              | Clause No. | Issue                   | Detail                                                                                                                                                                                             |
|-------------------------------------|-------------------------------------|------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 24         | Network Connection      | Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.                                                                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 25         | 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"/> | 26         | 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"/> | 27         | 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 type="checkbox"/>            | 28         | Removal of Electricity  | Permission is required to remove service / metering and must be performed by an Accredited Service Provider.                                                                                       |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 29         | 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"/>            | 30         | 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 type="checkbox"/>            | 31         | Service Conductors      | Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.                                                                        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 32         | 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"/> | 33         | 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"/> | 34         | 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"/>            | 35         | Swimming Pools          | Whenever water and electricity are in close proximity, extra care and awareness is required.                                                                                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 36         | Telecommunications      | Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.                                                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 37         | Vegetation Management   | Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.                                                               |
| <b>Decision</b>                     |                                     |            |                         | Approve (with conditions)                                                                                                                                                                          |

#### Environmental Services Team

P 133 718 or (02) 9853 6666  
E [Property.Development@endeavourenergy.com.au](mailto:Property.Development@endeavourenergy.com.au)

Level 40-42, 8 Parramatta Square, 10 Darcy Street  
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

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**Endeavour  
Energy**

**POWER  
together**



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 or Objection (If applicable)

- The Statement of Environmental Effects does not appear to address in detail the electricity infrastructure / easements / right of access on the site or whether the available electricity services are adequate for the proposed development.

## 4 Proposed Development

A large On-Site Detention (OSD) tank will be provided under the road to the side of the multi-dwelling housing, and rainwater tanks will be provided for each Villa. Where possible, stormwater pipes and pits have been located clear of trees to be retained and stormwater will be connected to the existing easement which runs through the Site.

The existing substation on the northern boundary will require upgrading.

### 4.7 Vehicular Access, Car Parking

Vehicular access to the Site is obtained from Lindsay Evans Place and then the internal driveway which runs to the west of the Development Area and extends to the south. This southern extension will be slightly repositioned and redesigned to accommodate the new parking and access arrangements to the new residential development as well as waste and fire vehicle access.

- There is an 11,000 volt / 11 kilovolt (kV) high voltage underground feeder from padmount substation no. 54395 going east to the other side of the Princes Highway for which there is no easement.

Electricity infrastructure on the site for which there are no easements are regarded as protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW) and may be managed as if an easement is in place. Details of the easements required over the different types of electricity infrastructure are provided in Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure', Table 1 'Minimum easement widths'.

- All encroachments and / or activities (works) within or affecting an easement, restriction, right of access 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 Easements Officers 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.

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

- General Restrictions for Underground Cables.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.
- 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 or augmentation of the existing electricity distribution network may be required. Whilst there are distribution substations in the area which are likely to have some spare capacity sufficient to provide for any additional load from the proposed development, it is not unlimited.

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/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

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

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
  - Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- 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 of trees 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.

**Endeavour Energy's G/Net master facility model.**

The advice provided regarding the extent of the electricity infrastructure on or near the site is based on a desk top review of Endeavour Energy's G/Net master facility model. This is a computer based geographic information system which holds the data on and is used to map the electricity network. The location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. It only shows the Endeavour Energy electricity network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property.

**Easement (or other form of property tenure).**

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

**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 and will be generally indicated as 'Condition'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is no underground electricity infrastructure it will be indicated as 'Advice' as a precaution and in regard to any other underground utilities.

Not all of the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. 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. Even if a matter is not indicated a 'Condition' or 'Advice', applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

**Decision**

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring 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 for 'Advice', the outcome of the assessment will also be 'Advice'.

**Objection**

Endeavour Energy may object to a Development Application if the conditions may substantially impact the proposed development or regarded as a significant risk to the electricity distribution network. Although Council may be able to appropriately condition these matters, Endeavour Energy's recommendation is to address the matters prior to Council granting any consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

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.

## 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/>.



To resolve any objection or to seek further advice the following are the main contacts and 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. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Team are able to provide general advice, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s.

| 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). | <a href="mailto:cicadmin@endeavourenergy.com.au">cicadmin@endeavourenergy.com.au</a>                     |
| Easements Officers                                       | Easement management or protected works / assets.                                                                                                                 | <a href="mailto:Easements@endeavourenergy.com.au">Easements@endeavourenergy.com.au</a>                   |
| Property                                                 | Property tenure eg. the creation or release of easements.                                                                                                        | <a href="mailto:network_property@endeavourenergy.com.au">network_property@endeavourenergy.com.au</a>     |
| 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).                                      | <a href="mailto:Construction.Works@endeavourenergy.com.au">Construction.Works@endeavourenergy.com.au</a> |

**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.**

## Accredited Service Providers

The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans in order to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. 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.

Details of the 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>.

## Duty of Care

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

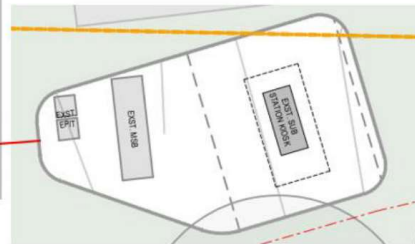
- 1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
- 2) Comply with the conditions and consider the advice provided above.
- 3) If needed contact Endeavour Energy on 133 718 or the contacts provided above for assistance.
- 4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
- 5) Proceed only if you have satisfied yourself it is safe.
- 6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.

Extract of Civil Plans



LOCALITY PLAN  
N.T.S

Extract of Proposed Site Plan



PROPOSED SITE PLAN - REVISION  
LOWER GROUND B

[illegible]

Extract of DP 1278091

PLAN FORM 2 (A2)

WARNING: CREATING OR FOLDING WILL LEAD TO REJECTION

SHEET 2 OF 2 SHEETS

| RM SCHEDULE |            |          |             |
|-------------|------------|----------|-------------|
| NO.         | BEARING    | DISTANCE | DESCRIPTION |
| RM1         | 202°12'    | 12.6     | CHALK       |
| RM2         | 222°12'32" | 10.855   | CHALK       |

(N) EASEMENT FOR PAVEMENT SUBSTATION 2.75 WIDE  
 (R) RESTRICTION ON THE USE OF LAND  
 (C) EASEMENT FROM UNDERGROUND CABLES 3 WIDE  
 (D) RIGHT OF ACCESS 5 WIDE & 11.5 VEE

DIAGRAM 1 - EASEMENT D ONLY

DIAGRAM 2 - EASEMENT C ONLY

DIAGRAM 3 - SUBSTATION 54395

SCALE 1:100

SURVEYOR  
 Name: JAMES HOCKING  
 Date: 14-03-2021  
 Reference: 1030-003

PLAN HEADING  
 PLAN OF EASEMENT WITHIN LOT 1 IN DP 103882

L.S.A.: WOLLONGONG  
 Locality: DAPTS  
 Reduction Ratio: 1:432  
 Lengths are in metres

REGISTERED

Google Maps Street View



Extract of Report on Contaminated Land Preliminary Site Investigation



Photo 15 – View from the north of the substation and the grounds of the East wing assisted living building. A landscape mound is evident the top of the batter slope, to the right of the substation.