

Without Prejudice Conditions of Consent – X/1436/2021

Note – These draft deferred commencement matters and draft conditions of consent have been prepared on a without prejudice basis should the Panel disagree with the recommendation of Council staff.

DEFERRED COMENCEMENT MATTERS (WITHOUT PREJUDICE)

The below draft deferred commencement matters are subject to the Panel being satisfied that they fall within the scope of a deferred commencement condition as per s.4.16(3) of the Environmental Planning and Assessment Act.

Amended structural design and supporting information for historic 1892 and 1913 buildings

1.
 - a. The original structural floors and walls of the 1913 wings are to remain in place to support the building facades and roofs. An amended structural design is to be prepared demonstrating that the proposed excavation of the extended basement area under the 1913 wings will ensure the structural integrity of the historic 1892 and 1913 buildings.
 - b. The amended structural design is to be informed by a detailed investigation of existing buildings to identify original fabric and original structural components essential to retain heritage values as part of an adaptive reuse approach.
 - c. The amended structural design is to be informed by a geotechnical investigation for the site to confirm ground condition assumptions as identified within the submission prepared by Mott MacDonald - 'The Ritz, Leura - Basement Construction/Facade Retention Study' dated 24 May 2022.
 - d. Once the ground conditions are known, a construction management plan is to be provided demonstrating how the integrity of the historic 1892 and 1913 buildings will be protected during the construction process, including from damage from vibrations. The construction management plan is to be authored by a suitably qualified building consultant and authorised for submission to Council by the project heritage consultant.

The amended structural design, supporting geotechnical investigations and construction management plan are to be provided to Council's Manager Development & Building Services for approval.

Amended architectural plans and supporting information

2.
 - a. Amended plans are to be prepared demonstrating substantive retention, adaptive reuse and refurbishment of the historic 1892 and 1913 buildings. The amended design may include the alteration, penetration, and formation of openings (for example, to interconnect adjoining spaces with door openings) in some of the original internal and external structural walls dependant on their number, extent and location not impacting the heritage values of the structures.
The amended plans must demonstrate sympathetic adaptive reuse of the interiors as recommended in CMP Para 8.6.1 and 8.6.2 Policies

A20 and 21 relating to the “Adaptation of exterior and interior spaces and features – The Ritz” (ref CMP p133-134).

- b. The amended plans are to also demonstrate that the building heights of ‘New West Wing A’ and ‘New West Wing B’ comply with the 8m building height control and provide a building form, design, materials and finishes that are consistent or compatible with the scale, bulk and architectural character of existing houses in the Wascoe Street Period Housing Area.
- c. Prepare a detailed *Schedule of Conservation Works* for the historic 1892 and 1913 wings, as well as the 1905 cottage and the 1936 bungalow to:
 - (i) record the existing building exteriors and interiors in their current configuration, layout, construction and detail as a first step in preparing the required conservation documentation.
 - (ii) analyse and assess the respective significance levels of each element in developing a methodology to dismantle and dispose, dismantle and store/reuse on site, conserve in-situ or display and interpret within the development.
 - (iii) recommend appropriate conservation measures for storing, reusing or displaying any significant elements.
 - (iv) recommend appropriate conservation measures for conserving significant elements which will remain in situ, restored or will replace missing elements. This may predominantly relate to the building facades but could include other significant elements relating to the original floors, walls and or roofs.
 - (v) prepare a specification for all proposed conservation works on a floor-by-floor, element-by-element basis to guide the proposed works, the builders and tradespersons. The Schedule will be in an A4 format and supplemented with illustrations, drawings and photographs to clearly identify the conservation work proposed.
 - (vi) ensure no further loss of original or early fabric in the historic 1892 and 1913 buildings and reinstatement of fabric where previously removed to recover and reinstate significantly altered internal spaces – consistent with CMP recommendations and policies regarding the Ritz – Significant Building, Spaces and Fabric (CMP policies A7 and A8 and the more detailed policy recommendations on individual spaces and related fabric in CMP policies A11, A12, A13, A16 and A17).
- d. The revised design is to be accompanied by an updated BCA Compliance report and an updated report by a fire engineer outlining

**Additional scope for
Conservation Management
Plan – Landscape
Conservation Works**

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- how an appropriate level of fire safety will be achieved while retaining the heritage values of the historic 1892 and 1913 buildings.
- e. The revised design is to be accompanied by an accessibility report outlining how an appropriate level of accessibility will be achieved while retaining the heritage values of the historic 1892 and 1913 buildings.
 - f. The revised design is to be accompanied by a building services co-ordination drawing that illustrates the key principles that the new building services will follow including:
 - (i) the horizontal grouping of services at each level and
 - (ii) the vertical services penetrations at each level.

The amended plans for the historic 1892 and 1913 buildings, the Schedule of Conservation Works, fire safety report, accessibility report and building services co-ordination drawing are to be provided to Council's Manager Development & Building Services for approval.

3.
 - a. Prepare an Addendum to the CMP to address the conservation management objectives for soft landscaping with The Ritz grounds. The addendum must include:
 - (i) an analysis of significance of the gardens and soft landscape elements throughout the grounds
 - (ii) a ranking of significance of all trees and soft landscape plantings
 - (iii) conservation policies to manage the landscape and
 - (iv) an implementation strategy. The Addendum must be prepared by a suitably qualified heritage garden consultant.
 - b. Prepare a Schedule of Landscape Conservation Works for all garden areas. The CMP must include a detailed analysis of the garden plantings throughout the property and shall follow the intent of CMP Policies A7 and A8 as relates to the gardens and their settings. The Schedule for the landscape 'fabric' should be set up in a similar way as the recommended schedule of conservation works for the built fabric. The schedule for the landscape works must be prepared by a heritage landscape architect working as part of the project team with the project arborist / horticulturist and be appointed to manage the works on site.

The CMP addendum and Schedule of Landscape Conservation Works are to be provided to Council's Manager Development & Building Services for approval.

North-western corner (area 10 on the Landscape Structure Plan and Zone 3 on the Planting Strategy Plan)

- 4.
- a) Detailed engineering and landscape plans are to be prepared for area 10 as shown on the Landscape Structure Plan and Zone 3 as shown on the Planting Strategy Plan prepared by Brendan Moar.
 - b) The plans and specifications for this area are to be prepared in consultation with the environmental consultant and geotechnical engineer for the project and are to include the following:
 - i. whether remediation for Zone 3 is to be by removal of uncontrolled fill and replacement with VENM or excavated material from the basement, or whether the uncontrolled fill is to be encapsulated.
 - ii. if encapsulated, confirmation that landscaping including tree planting can be undertaken over the area.
 - iii. Methods for ensuring the protection and ongoing health of Tree 36 during remediation and all works within the north-western corner.
 - iv. additional geotechnical assessment to determine slope composition and structural integrity.
 - v. the staging of works to ensure the maintenance of slope stability,
 - vi. detailed specifications for weed control.
 - vii. assessment of the current condition of any ironstone wall remaining on the slope.
 - viii. the salvage of all ironstone fragments or wall components (over the whole of the site) for reuse in key areas.
 - ix. construction details of any retaining structures to an engineer's specifications.
 - x. management of any seepage.
 - xi. landscape planting selection to ensure long term landscape outcomes.
 - xii. landscape edging and other specifications for this particular area.
 - xiii. maintenance specifications.

The Detailed engineering and landscape plans for the north-western portion of the site are to be provided to Council's Manager Development & Building Services for approval.

Date to satisfy Deferred Commencement Matters

5. Under Clause 76 of the Environmental Planning and Assessment Regulations, the above Deferred Commencement matters are to be satisfied by (insert date).

DRAFT CONDITIONS OF CONSENT (WITHOUT PREJUDICE)

General

Confirmation of relevant plans and documentation
(to be updated following satisfaction of deferred commencement matters)

- To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Document	Prepared by:	Drawing No	Issue	Date
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Demolition Plan 01	PBD Architects	DA 010	D	23.05.22
Demolition plan 02	PBD Architects	DA011	D	23.05.22
Proposed site plan	PBD Architects	DA016	D	23.05.22
Alts + ads - ground floor	PBD Architects	DA025	D	23.05.22
Alts + ads - level 1	PBD Architects	DA026	D	23.05.22
Alts + ads - roof level	PBD Architects	DA027	D	23.05.22
Basement - 200	PBD Architects	DA101	D	23.05.22
Lower ground floor plan - 200	PBD Architects	DA102	D	23.05.22
Ground floor plan - 200	PBD Architects	DA103	D	23.05.22
Level 1 plan - 200	PBD Architects	DA104	D	23.05.22
Attic plan - 200	PBD Architects	DA105	D	23.05.22
Roof plan – 200	PBD Architects	DA106	D	23.05.22
Basement - 100	PBD Architects	DA111	D	23.05.22
Lower ground floor plan – 100	PBD Architects	DA112	D	23.05.22
Ground floor plan - 100	PBD Architects	DA113	D	23.05.22
Level 1 plan - 100	PBD Architects	DA114	D	23.05.22
Attic plan - 100	PBD Architects	DA115	D	23.05.22
Roof plan – 100	PBD Architects	DA116	D	23.05.22
Elevations 01	PBD Architects	DA200	D	23.05.22
Elevations 02	PBD Architects	DA201	D	23.05.22
Elevations 03	PBD Architects	DA202	D	23.05.22
Sections 01	PBD Architects	DA300	D	23.05.22
Sections 02	PBD Architects	DA301	D	23.05.22
Material schedule 01	PBD Architects	DA400	D	23.05.22
Material schedule 02	PBD Architects	DA401	D	23.05.22
Material schedule 03	PBD Architects	DA402	D	23.05.22
Building services co-location plan (to be provided)				
Arboricultural Impact Assessment	Bradshaw Consulting Arborists	-	F	8 December 2021
Sitework plan	at&l	B	20-752-C101	02/06/22
Proposed retaining walls and longitudinal sections	at&l	B	20-752-C119	02/06/22

Site grading plan	at&l	B	20-752-C201	02/06/22
Site grading cross sections sheet 1	at&l	B	20-752-C201	02/06/22
Stormwater drainage on-site detention tank a plan	at&l	B	20-752-C501	02/06/22
Stormwater drainage on-site detention tank b plan	at&l	B	20-752-C502	02/06/22
Stormwater drainage on-site detention tank sections & details	at&l	B	20-752-C503	02/06/22
Sedimentation and erosion plan	at&l	B	20-752-C601	02/06/22
Sedimentation and erosion details	at&l	B	20-752-C601	02/06/22
Schedule of conservation works (to be provided)				
BCA compliance report (to be updated and provided)				
Fire safety statement (to be provided)				
Stormwater Management Report	At&l			June 2022
Overall plan, Drawing list & Softworks Specification	Svalbe&Co	F	L000	1/6/2022
Noetes				
General Arrangement	Svalbe&Co	F	L100	1/6/2022
Existing Trees	Svalbe&Co	F	L101	1/6/2022
Planting + Schedule	Svalbe&Co	F	L102	1/6/2022
Levels	Svalbe&Co	F	L103	1/6/2022
Landscape Report	Svalbe&Co	F	L000	1/6/2022
Landscape Structure Plan (As Annotated by Council)	Svalbe&Co + Brendan Moar	-	F	September 2022
Cultural Landscape Study	John Oultram Heritage & Design	-	-	August 2021
Geotechnical Repoort	JK Geotechnics	-	-	13 January 2021
Heritage Impact Statement	John Oultram Heritage & Design			June 2022
Noise Impact Assessment	Pulse White Noise Acoustics	-	2	13/08/2021
Remedial Action Plan for 203-223 Leura Mall	Reditus Consulting Pty Ltd		3	9 August 2022
Stage 1 Preliminary Site Investigation for 203-223 Leura Mall	JK Environments Pty Ltd			24 December 2020
Stage 2 Detailed Site Investigation for 203-223 Leura Mall	JK Environments Pty Ltd			1 September 2021
Stone Walls –	John Oultram Heritage & Design	-	-	August 2022
Supplementary Report				
Waste Management Plan –	-	-	-	-
Construction Phase				

Waste Management Plan
Details – Use of Premises
Phase

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Construction certificate

2. A construction certificate is required prior to the commencement of any building works. This certificate can be issued either by Council as a certifying authority or by an accredited certifier.

Occupation certificate

3. Each area of new building works must not be used or occupied prior to the issue of any occupation certificate in accordance with sections 6.9 and 6.10 of the Environmental Planning and Assessment Act 1979.

Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**City-wide Local
Infrastructure Contribution**

5. In accordance with the Blue Mountains City-wide Local Infrastructure Contributions Plan 2022 adopted 28 June 2022 ("the Contributions Plan"), a contribution of \$ 407,766.37 shall be paid to Council.

This amount will be adjusted* at the time of payment in accordance with Section 3.7 of the Contributions Plan.

The contribution shall be paid prior to the issue of a construction certificate, or commencement of the use of the land, whichever occurs sooner.

The Contributions Plan is available for inspection at Council's offices or on Council's website at www.bmcc.nsw.gov.au.

*Using the All Groups Consumer Price Index (Sydney), as published by the Australian Bureau of Statistics. You are advised to check the current amount payable with Council prior to any payment.

WaterNSW concurrence

6. The development shall comply with the conditions of the concurrence of Water NSW, reference 21142-a1 dated 28 October 2021, attached to and forming part of this consent.

**Transport for NSW
concurrence**

7. The development must comply with all concurrence requirements and conditions of Transport for NSW, dated 8 November 2021, attached to and forming part of this development consent.

Roads Act 1993

8. Before work commences in Council's roads, plans and specifications are to be submitted to and approved by the Council under the Roads Act 1993.

All works in Council's road are to be at no cost to Council.

Works required in Council's Roads

9. The following engineering works shall be constructed by the applicant at the applicant's expense:
- The construction of a new layback or dish drain and apron crossing, in accordance with Councils standards for heavy duty vehicular crossings.
 - Any battering required to stabilise the embankment either side of the vehicular entrance and other structures at the Wascoe Street access to the site.
 - Removal of the layback at the corner of Megalong Street and Wascoe Street as required by Transport for NSW and replacement with kerb and gutter and kerb ramps for pedestrian access only.
 - Concrete footpath between the vehicular entrance on Wascoe Street and the existing footpath in Megalong Street, a suitable edge treatment to protect pedestrians from traffic (such as a kerb) and any retaining structures or batters required to stabilise the embankment (detailed design required).
 - Any components of the remediation of area 10 on the Landscape Structure Plan and Zone 3 on the Planting Strategy Plan which are outside the property boundary, such as excavation, placement and compaction of soil, formation of batters, retaining structures and landscaping.

Details are to be provided with the Roads Act application for approval.

Prior to commencement of works or issue of a Construction Certificate

Contamination and remediation

10. The detail submitted with the Construction Certificate shall demonstrate compliance with the recommendations provided in:
- a) *Stage 1 Preliminary Site Investigation for 203-223 Leura Mall, Leura* Prepared by JK Environments Pty Ltd Dated 24 December 2020
 - b) *Stage 2 Detailed Site Investigation for 203-223 Leura Mall, Leura* Prepared by JK Environments Pty Ltd Dated 1 September 2021
 - c) *Remedial Action Plan for 203-223 Leura Mall, Leura* Prepared by Reditus Consulting Pty Ltd Dated 15 December 2021

and shall be implemented in the proposed development.

Hazardous materials survey

11. Submit to Council a Validation Report prepared by a suitably qualified environmental consultant confirming that the site has been appropriately remediated in accordance with the Remedial Action Plan. The validation

		<p>report shall provide a clear statement of the sites suitability for the proposed residential development.</p>
<hr/> Construction in Council's roads	12.	<p>Prior to the commencement of works in the Council's road reserve an onsite preconstruction meeting is to be arranged with Council's Civil Works Officer.</p> <p>The person or company carrying out the works are required to have workers compensation and public liability insurance to the value of at least \$20 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council's Supervising Engineer at the preconstruction meeting.</p> <p>Inspections of the works will be required at specific stages, which will be advised at the pre-construction meeting. The applicant will be required to pay for the inspections in accordance with the Council's Schedule of Fees and Charges.</p> <p>A minimum 48 hours' notice is required to book an inspection. Works are not to proceed further until that stage of the works has been approved in writing by the Council's Supervising Engineer.</p>
<hr/> Dilapidation report on surrounding Council assets	13.	<p>A dilapidation report on Council's surrounding public roads and infrastructure is to be prepared by the applicant and submitted to Council at least 10 business days prior to the intended commencement of works. The dilapidation report is to include the route of trucks transporting excavated and demolition material from the development site to the Great Western Highway.</p>
<hr/> Dilapidation report on neighbouring properties	14.	<p>Prior to the commencement of any works on the site, dilapidation reports on structures within the adjoining properties 24 Wascoe Street and 225 Leura Mall are to be prepared by a suitably qualified person.</p> <p>The reports are to be prepared in accordance with the recommendations in the geotechnical report and submitted to Council for record-keeping purposes only.</p> <p>Council will retain these reports for reference only. Any issues arising from the works in this regard is a civil matter between the property owners.</p>
<hr/> Construction Pedestrian and Vehicle Traffic Management Plan	15.	<p>A Demolition, Excavation and Construction Pedestrian and Traffic Management Plan (CTMP) prepared by a suitably qualified person shall be submitted for the Council's consideration and approval prior to commencement of any works on site.</p> <p>The CTMP is to be in the form of a report and is to address (but not be limited to) the following:</p>

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- Details of the average daily volume of truck movements to/from the site during the various stages of remediation, site works (eg demolition, excavation, construction).
 - Details of the proposed construction vehicle access routes.
 - Traffic Control Plans which outline how pedestrian/traffic movements around the site and access to adjacent properties are to be managed.
 - Traffic Control Plans detailing how construction vehicle movements entering and exiting the site are to be managed.
 - Materials storage and handling for works both internal and external to the site.
 - Deliveries and construction traffic for works both internal and external to the site.
 - Details of the proposed parking and access arrangements for workers and sub-contractors.

Safety devices such as signs, barricades, barriers, warning lights etc. shall be placed where works affect the Council roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites 1998. Details are to be included in the Traffic Management Plan Report.

Archival record and interpretation plan

16.

- a. Prepare an archival record of all historical buildings. The record is to include, but not limited to, the record prepared during the progress of the works and the samples of finishes prepared prior to the commencement as well as those recorded during the progress of the works. The format and methodology to follow the guidelines and recommendations prepared by Heritage NSW in their publications How to Prepare Archival Records of Heritage items and Photographic Recording of Heritage Items Using Film or Digital Capture.
- b. Prepare an interpretation plan for the property prior to commencement. The format and methodology to follow the guidelines and recommendations prepared by Heritage NSW in their publications Interpreting Heritage Places and Items and Heritage Interpretation Policy.

The archival record and interpretation plan are to be provided to Council's Manager Development & Building Services for approval.

Acoustic report

17.

Prior to the issue of a construction certificate an Acoustic report shall be submitted to Council demonstrating that all selected external mechanical plant including but not limited to air conditioners, kitchen exhaust fans and refrigeration condensers will meet the requirements of the project

	<p>specific noise criteria identified in Table 4-3 of the report prepared by White Noise Acoustics Dated 13 August 2021. The acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS).</p>
Fit out of premises	<p>18. To ensure the premises are constructed so as to be suitable for the safe and hygienic preparation of food, the fitout of the premises is to comply with National Food Standard 3.2.3 <i>Food Premises and Equipment</i> and Australian Standard AS4674.2004 <i>Design, Construction and Fitout of Food Premises</i>. Fit out to be as set out in plans provided. Details are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation.</p>
Floors, walls and ceilings	<p>19. Floors, walls and ceilings shall comply with the requirements of Australian Standard 4674.2004 Design, Construction and Fit-Out of food premises and the Food Safety Standard 3.2.3. In particular parts 3.1, 3.2 and table 3.3 of Australian Standard 4674.2004 (which indicates suitable floor, walls and ceiling finishes).</p>
Adequate sinks	<p>20. To prevent cross contamination, the premise shall be equipped with the following as a minimum requirement as set out in Section 4 of Australian Standard 4674-2004:</p> <ul style="list-style-type: none"> a) Washing sinks: <ul style="list-style-type: none"> • Single bowl sink and dish washer of adequate size for cleaning and sanitising of all equipment. • Or double bowl sink • Or double bowl sink and dish washer where some equipment is too big to be wash in the dish washer. • Or triple bowl sink where each bowl can be designated for washing, rinsing and sanitising b) If food business requires immersion of food in water – a designated food preparation sink is required away from washing area. c) Cleaners sink to be installed away from open food production (if no floor waste drain provided in food prep area). d) Sink/s should be of adequately sized, large enough for the correct cleaning and sanitising of all utensil/s and equipment.
Support of appliances	<p>21. So that equipment is easily moved for cleaning purposes, refrigerators, frozen food cabinets, cooking appliances, equipment, fittings, cupboards/cabinets etc., are to be supported on either:</p>

	<ul style="list-style-type: none"> • Wheels or castors capable of being easily moved when fully loaded. • Legs that provide at least 150mm clear space between the floor and the underside of the fitting.
Dishwasher	<p>22. So that utensils are properly sanitised between each use, the dishwasher is to have a supply of potable water at a minimum temperature of 60°C and 71°C for the wash cycle and at least 82°C for the rinse cycle. The wash cycle must operate for a least 60 seconds and the rinse at least 10 seconds. A thermometer accurate to within 2°C is required to ensure that the temperature of water in the wash and rinse tanks meets minimum temperature requirements.</p>
Ventilation	<p>23. To ensure emissions from cooking processes are effectively removed and to avoid air pollution, the mechanical exhaust system is to be designed and constructed in accordance with <i>AS1668 'Mechanical Ventilation and Air Conditioning Code'</i>.</p> <ul style="list-style-type: none"> a) Plans and specifications showing details of the proposed mechanical exhaust system to the kitchen are required as part of the Construction Certificate documentation. b) Noise from the mechanical exhaust system shall not exceed 5dB(A) above background noise levels at the adjacent residential properties. Full details are to be submitted from an acoustic engineer to ensure compliance with this condition.
Lighting	<p>24. Lighting to comply with AS 4674-2004 part 2.6, which includes all lights in open food areas to have either:</p> <ul style="list-style-type: none"> c) Shatter proof tubes, d) Light covers or e) Sleeves over tubes and f) Be designed to prevent harbouring of dust, dirt, other matter.
Garbage storage area	<p>25. A designated area is to be provided for garbage and recyclable material in accordance with AS4674-2004.</p> <p>The construction requirements of the garbage area under AS4674 require area paved with an impervious material with a tap and drained to sewer. (see section 2.4 Garbage and Recyclable Materials AS4674-2004).</p> <p>Details including tap and drain to the reticulated sewer are to be submitted to the Principal Certifying Authority as part of the Construction Certificate Documentation. A copy of which is to be provided to the Environmental Health Officer at the final inspection for food safety.</p>

Hand Washing

26. Designated hand wash basin/s is required for the washing of hands, this must comply with AS4674-2004 part 4.4. The washbasin shall be:
- g) Of an adequate size to wash hands, arms and face.
 - h) Permanently fixed at bench height
 - i) In locations that will not be obstructed
 - j) There shall be a permanent supply of warm running potable water delivered through a single outlet.
 - k) Basin to be drained to sewer
 - l) Taps to the washbasin must be hands free or elbow operated.
 - m) Spout to extend out over the basin adequately to ensure easy of hand washing.

Location of hand wash basin to be accessible and no further than 5 metres from any place where food handlers are handling open food. There may need to be more than one hand wash basin.

Staff toilet

27. Staff toilet shall be provided with a hand wash basin with the same requirements as AS4674-2004.
- Mechanical exhaust system to be installed in staff toilet which operates when the sanitary compartment is in use and for at least 30 seconds after the toilet is vacated.
- Doors to toilet to have self closing devices added to keep doors closed.

Waste water disposal

28. To ensure that waste water is disposed of to the satisfaction of Sydney Water and is of a suitable standard for the reticulated sewage system, you should contact Sydney Water Trade Waste on tradewaste@sydneywater.com.au and ensure you meet the requirements for trade waste disposal prior to operation of the food premises.

Grease arrestors

29. Grease arrestors shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.
- The owner / applicant is required to maintain a formal agreement with Sydney Water for the trade waste removal (grease arrestor waste). The Principal Certifying Authority must ensure that a Trade Waste Agreement is signed prior to occupation or use of the premises.

Proofing against vermin

30. To prevent the harbourage of vermin,
- a) cavities, false bottoms and similar hollow spaces capable of providing access to vermin shall not be formed in the

construction of the premises, nor in the installation of fixtures, fittings and equipment unless adequate access to allow proper cleaning is provided.

- b) the cavity bounded by the bottom of the cupboard, the wall, floor and kickboard is to be filled with an expanding foam so as to fill the space.

Appointment of supervising landscape specialist

31. Prior to the commencement of site works, a suitably qualified landscape specialist with experience in large scale landscape project management, shall be appointed by the developer to oversee or otherwise manage all landscape aspects of the approved development.

The supervising landscape specialist has certain responsibilities prior to the commencement of site works, during construction as well as following completion of landscape works – see relevant ‘during works’ and ‘prior to issue of occupation certificate’ conditions.

Appointment of supervising consulting arborist

32. To ensure the health, condition and future viability of all trees identified to be retained on and adjacent to the subject site, the person acting upon this consent is to engage a qualified arborist (minimum Australian Qualification Framework (AQF) Level 5) to implement or supervise tree retention and protection requirements.

All Tree Protection Measures are to be undertaken in accordance with **Part 5** of the approved Arboricultural report implemented and in a manner consistent with Australian Standard 4970-2009 *Protection of Trees on Development Sites*, except as varied by the supervising arborist.

Prior to commencement of any works on site, the arborist is to:

- a) Develop Tree management protection plan, this plan must include a notation that soil battering is not occur beside trees 127-136. Sheet piling is preferred if soil stabilisation is required.
- b) undertake or supervise the establishment of all required tree protection measures,
- c) engage in consultation with the appointed landscape specialist to ensure that any potential conflict between proposed landscape works and the protection of retained trees is identified and resolved, and

During site preparation and approved tree removal, the arborist is to

- d) ensure any machinery used during tree removal procedures or site preparation works is designed and operated in a manner which minimise soil disturbance and compaction within the TPZ of retained trees.
- e) ensure any necessary dead wood removal and remedial pruning of retained trees necessitated by approved works is undertaken in accordance with *Australian Standard 4373-1996 Pruning of Amenity Trees*,

During all aspects of the construction the arborist is to:

- f) ensure all necessary tree protection measures are maintained in functional condition
- g) provide arboricultural advice to construction personnel and supervisors on tree related matters which may arise following commencement of approved excavation and construction works
- h) provide arboricultural supervision and record (photographs + documented) any necessary and permitted excavation, trenching or other encroachment by construction works into any TPZ,
- i) ensure all work within the TPZ utilises the least damaging techniques available (e.g. under boring rather than trenching),
- j) provide advice on the preferred location of any new fencing so as to avoid immediate or future conflicts between retained trees and installed fencing
- k) implement any additional protective or remedial works (if required) to ensure tree stability and longevity.

Following the completion of construction and landscape works, the arborist is to;

- l) undertake an assessment of each retained tree to check for damage and disease, and oversee any remedial works required, and
- m) provide advice to the person who benefits from this approval of ongoing maintenance so as to conserve the structural stability and life expectancy of each retained tree, and
- n) recommend appropriate timing for an ongoing monitoring regime to assess the retained trees for decline and hazards.

**Amended Arboricultural
Impact Assessment to be
submitted**

33. Prior to the appointment of any Principal Certifier and the issue of any construction certificate, an amended Arboricultural Impact Assessment is to be submitted to Council and approved by Council's Landscape Officer.

The amended Arboricultural Impact Assessment is to specify management measures to preserve the health and integrity of tree 16 as identified within the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 8th December 2021. Management measures for tree 16 are to be provided in response to the chosen remediation option for the remediation for the north-western portion of the site as outlined in the Remedial Action Plan prepared by Reditus consulting dated 15 December 2021.

The amended Arboricultural Impact Assessment is to include an assessment of the proposed development on trees 137-144 and identified within the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 8th December 2021.

The amended plans are required to be consistent with the approved Species inventory, and all trees recognised as weed species (with the exception of Radiata Pine) are to be noted for removal. Any other

intrusive landscape elements, including *Eucalyptus bicostata*, are also to be nominated for removal.

Detailed landscape plans to be submitted

34. Prior to the issue of any construction certificate, amended and detailed construction stage landscape drawings, planting plans and specifications are to be submitted to Council and approved by Council's Landscape Officer.

The landscaping plans are required to be consistent with the approved concept landscape plans, referred to in condition 1 of this consent and inclusive of all Council annotations and include the following details:

Consistency with CMP and Schedule of Landscape Conservation Works

- a) All plans are to be consistent with the approved Schedule of Landscape Conservation Works prepared by (insert author) dated (insert date).

Landscape detail in north-western portion of site

- b) The detailed landscape drawings are to identify which of the Remediation Action Plan options for site remediation in the north-western portion of the site are being adopted and specify the resulting landscape outcomes in this portion of the site.

Planting Plans

- c) Planting plans of each management zone* at a scale of 1:100 or 1:200 indicating the location of all proposed planting, including within containerised areas. Plant spacing and species are to be legible when printed at A3 scale.

** Management zones to be generally in accordance with the approved Landscape Structure Plan - Ritz Nursing Home, inclusive of all Council annotations*

- d) Additional detail of existing shrubs and other vegetation to be retained in all landscaped areas,

** It is not considered appropriate for all areas to be subject to disturbance during any demolition or construction on site.*

Plant schedule

- e) A planting schedule listing all plants by botanic & common names, plant numbers, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.

Specifications

- f) Detailed, site specific and technical specifications for the proposed landscape works, including but not limited to all preliminary site preparation, weed control, necessary soil remediation and preparation, garden fixtures and structures, drainage, planting works and irrigation in sufficient detail to fully

		<p>describe the proposed landscape works in each management zone during the construction stage.</p> <p>g) Details of all areas to be provided with temporary barriers prior to and during all demolition and construction works to ensure the conservation of existing landscape elements to be retained, including existing trees and shrubs.</p> <p>h) Additional elevations and sections through the site showing the existing and proposed ground lines, building elevations, and mature height of proposed planting.</p> <p>i) Details in relation to the timing of inspections, hold points, compliance and certification.</p> <p>j) Provide additional trees and plantings to effectively screen the proposed development in the south-western corner from the neighbouring heritage items and the Wascoe Street precinct without further impacting on the amenity for the adjacent residence to the south. The south-western corner must also include sufficient deep soil zones to sustain effective screen trees and plantings into the future.</p> <p>The amended landscape drawings are to incorporate the recommendations contained within the supplementary report prepared by TylorBrammer and dated 16 September 2022.</p>
<hr/> Development of a Landscape Management Strategy	35.	<p>Prior to release of the construction certificate, a landscape management strategy, to include comprehensive weed control, compensatory and suitable succession planting is to be developed and submitted prior to release of the construction certificate.</p> <p>This is to be submitted to Councils Landscape Assessment Officer for consideration and approval.</p>
<hr/> Protection of retained trees	36.	<p>Prior to the commencement of any work on site, in accordance with DCP 2015 Part E4.4 and under the direction of the supervising arborist, trees to be retained on and adjacent to the site are to be protected from accidental damage and other adverse impacts to their root system, trunk and branches during site preparation and approved construction and landscaping works.</p> <p>Establishment of Tree Protection Zones (TPZ's) - Tree Protection Measures are to be implemented in a manner consistent with Australian Standard 4970-2009 Protection of Trees on Development Sites, and in accordance with Part 5 of the approved Arboricultural Report, except as varied by the supervising arborist.</p> <p>Restriction of activity - Within the TPZ, there shall be no storage of material, placement of structures, parking, operation or washing of equipment or vehicles or changes to soil level.</p> <p>Inspection and maintenance - The TPZ is to be inspected and maintained to ensure its effective function for the duration of construction works. The</p>

		supervising arborist is to undertake regular inspections of the barriers to ensure their continued effective operation.
Final stormwater drainage plan	37.	<p>The water management system is to be generally in accordance with concept details prepared by AT&L, subject to the following:</p> <ul style="list-style-type: none"> a) The proposed perforated pipe is to be investigated by the arborist, geotechnical engineer and environmental consultant and either deleted or amended as required to ensure protection of trees to be retained, non-migration of contaminants and maintenance of the stability and integrity of the north-western slope area (this is area 10 on the Landscape Structure Plan and Zone 3 on the Planting Strategy Plan). b) The surcharge pit at the end of the perforated pipe is to be either deleted or replaced with a sealed pit to ensure even surcharge along the length of the pipe (subject to the endorsement of the geotechnical engineer). c) If the perforated pipe is to remain, it is to be level. d) The ultimate discharge from OSD Tank A is to be to the kerb in Megalong Street by means of one or more rectangular hollow section(s). e) The re-use of water stored in the rainwater tanks is to be clearly stated. Re-use for irrigation is to be the minimum.
Internal pavement	38.	<p>Prior to the issue of the Construction Certificate, the Principal Certifier shall be satisfied that the internal driveway and parking areas have been designed in accordance with Australian Standards AS 2890.1/2004, AS2890.2/2002 and AS 2890.6/2009.</p>
Basement shoring system	39.	<p>Prior to the issue of the Construction Certificate, the Principal Certifier shall be satisfied that the structural design for the basement shoring system incorporates contiguous or secant piles from the surface along the southern wall. This shoring system is required to protect structures and trees on adjoining properties as recommended in the approved geotechnical report and the Arboricultural Impact Assessment Revision F dated 8 December 2021.</p>
Fencing details	40.	<p>Details of all fencing is to be provided to Council's Manager Development & Building Services for approval.</p> <p>Fencing along the Leura Mall, Megalong Street and Wascoe Street boundaries, if needed, is to be visually permeable and of a form, design and materiality which complements the site's heritage and landscape values.</p> <p>Fencing along the southern boundary adjoining residential properties is to be 1.8m high.</p>

Sediment & erosion plan

41. To preserve the unique environment of the Blue Mountains a soil and water management plan in accordance with principles outlined in the Managing Urban Stormwater Soils and Construction (Volume 1), dated March 2004 by Landcom NSW is to be submitted to and approved by the Principal Certifying Authority, prior to clearing of any site vegetation and the commencement of site works.

This plan is to include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Items to be shown on the plan are to include, where applicable:

- a) Locality.
- b) Contours (existing and final).
- c) Existing vegetation.
- d) Existing site drainage.
- e) Limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading).
- f) Locations and design criteria of erosion and sediment control structures.
- g) Site access.
- h) Proposed vegetative buffer strips.
- i) Location of critical areas (drainage lines, water bodies etc.).
- j) Proposed techniques for stabilisation of disturbed ground.
- k) Procedures for maintenance of erosion controls.
- l) Details for staging works.
- m) Techniques for dust control.

The approved sediment and erosion plan is to be implemented for the entire construction period until completion of the development and stabilisation of all surfaces.

Fire safety upgrade

42. In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation 2000, the following fire safety upgrade works are to be carried out.

The plans accompanying the application for a construction certificate must demonstrate compliance with the following:

The building is to be upgraded in accordance with the BCA Assessment Report prepared by (insert report author) dated (insert date) and Fire Engineering Statement prepared by (insert report author) dated (insert date).

The fire safety upgrade works are to be completed prior to the issue of an occupation certificate for each area of new building work.

Workers amenities

43. Before work starts, toilet facilities must be provided for construction personnel on the site. Amenities are to be installed and operated in an environmentally responsible and sanitary manner.

Sydney Water building plan approval

44. A building plan approval must be obtained from Sydney Water Tap inTM to ensure that the approved development will not impact Sydney Water infrastructure.
- A copy of the building plan approval receipt from Sydney Water Tap inTM must be submitted to the Principal Certifying Authority prior to works commencing.
- Please refer to the web site www.sydneywater.com.au - Plumbing, building & developing - Sydney Water Tap inTM, or telephone 13 20 92.

Endeavour Energy

45. Work must be carried out in accordance with the identified conditions and advice in the *Development application and planning proposal review* and the *Standard Conditions for Development Applications and Planning Proposal* produced by Endeavour Energy and as attached to this consent.

During Construction

Site management

46. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- a) Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays. Alteration to these hours may be possible for safety reasons but only on the agreement of Council.
 - b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - c) Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block, with pollutants contained on site.
 - d) Builders waste generated under this consent (including felled trees, tree stumps and other vegetation) must not be burnt or buried on site.
 - e) All waste must be contained and removed to an approved Waste Disposal Depot including any vegetation.

Contamination – During Construction

47.

- a) The recommendations provided in the report: Stage 1 Preliminary Site Investigation for 203-223 Leura Mall, Leura Prepared by JK Environments Pty Ltd Dated 24 December 2020 shall be implemented.
- b) The recommendations provided in the report: Stage 2 Detailed Site Investigation for 203-223 Leura Mall, Leura Prepared by JK Environments Pty Ltd Dated 1 September 2021 shall be implemented.
- c) The recommendations provided in the report: Remedial Action Plan for 203-223 Leura Mall, Leura Prepared by Reditus Consulting Pty Ltd Dated 15 December 2021 shall be implemented.

Role of landscape specialist during site works and construction

48.

Following approval of the detailed landscape plans, planting schedule and specifications and the commencement of works, the appointed landscape specialist is to be responsible for the following matters:

- a) Engagement of professional weed control contractors to ensure the effective management of all priority weeds and other persistent invasive species prior to commencement of any landscape works.
- b) Oversight of all specified amelioration activities to ensure all landscape areas are provided with soils which are fit for purpose. This includes:
 - i. excavation and grading,
 - ii. subgrade preparation,
 - iii. supply and installation of soils of appropriate depth, structure and biochemical composition for planting areas on grade, on slab, tree pits and pocket planting to ensure optimal growth conditions for installed plant material, and
 - iv. oversight of any WSUD drainage and planting media installation according to the relevant approved plans and consent conditions.
- c) Ensuring the appropriate staging of works in the preparation of all areas proposed for landscape planting both within the subject site and within the adjoining road reserve verge. This includes:
 - i. Completion of tree removal and weed control
 - ii. review and approval of any site remediation
 - iii. edging, paving, pathway construction,
 - iv. irrigation and drainage installation,
 - v. retaining/rock wall construction or installation of other suitable soil stabilisation products.
- d) Supervision of plant installation and any plant protection items; mulching and finalisation of the landscape implementation in

accordance with the approved landscape plans, detailed specifications and these consent conditions.

Weed control

49. Systematic and effective control of all invasive species* is to be undertaken prior to or concurrently with the commencement of works.

Techniques used must be consistent with best practice and low impact techniques, and in accordance with any specifications noted in any approved BMCC weed management strategies or plans available at:
<https://www.bmcc.nsw.gov.au/weeds> or as recommended within the Blue Mountains DCP 2015 Part C2.2.

Weed control is to be undertaken on a regular basis in accordance with the approved Landscape Management Strategy to ensure eradication of mature weeds in all areas, the depletion of soil stored seed, and the successful establishment of the approved plantings.

*As identified under the provisions of the Biosecurity Act 2015 and the Blue Mountains DCP 2015 Part C2.3.

Landscape implementation

50. In order to provide for the retention and enhancement of a prominent and appropriate heritage landscape setting on the subject site, extensive and appropriate landscaping is to be provided as an integral component of the approved development.

These works are to be undertaken in accordance with the approved and detailed landscape planting plans and landscape specifications, inclusive of any Council annotations (in red) and as detailed by these conditions.

Landscape treatment is to be provided in all available pervious areas on site and where indicated in road reserve locations.

- a) The installed landscape is to demonstrate at establishment:
 - i. effective control of all invasive species within landscaped area.
 - ii. sensitive and appropriate integration of retained trees within an enhanced landscape setting, and
 - iii. complexity of form and colour within a restored and appropriate landscape setting to the heritage item,
 - iv. a broad array of reliable and non-invasive species selected from the planting schedule,
 - v. plantings which are suitably advanced, vigorous, structurally sound and correctly installed in accordance with the approved planting layout,
- b) All planted areas demonstrate:
 - i. approved structural landscape elements including retaining walls, garden edging, fencing, paving, seating and lighting; and

-
- ii. adequate and bespoke protection of all new and established plantings from pedestrian and climatic impacts to ensure successful establishment and/or optimum longevity; and
 - iii. an automatic irrigation system throughout to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways, pathways or common space areas.
 - iv. proprietary root barriers installed in areas where the root system of adjacent trees may at maturity, compromise the functional integrity of any built feature or component;
- c) At maturity, plant spacing, layout and characteristics will;
- i. Reinstatement of an appropriate landscape setting to the heritage item
 - ii. Achieve a balance between the built form and the landscape elements;
 - iii. minimise the visual impact of the development from public areas and from adjoining properties;
 - iv. contribute positively to the streetscape character of the locality and the visitor experience;
 - v. contribute to the effective management and treatment of stormwater; and
 - vi. provide adequate opportunities for natural surveillance.

Given the importance of timely establishment of the landscape character of the site, all trees, screening and feature plants as shown must be in an advanced stage of growth at the time of planting.

Minimum container sizes are as follows:

- a) 75 litre container for trees or equivalent if purchasing bare rooted specimens; Trees must not be less than 2 metres in height at planting,
- b) 25 litre containers for all screening or slow growing shrubs,
- c) 5 litre containers for all other shrub plantings,
- d) mass planted areas and as otherwise indicated on the approved landscape plan.

Maintenance of pedestrian and traffic controls

51. All pedestrian and traffic controls are to be maintained in accordance with the approved Demolition and Construction Pedestrian and Vehicle Traffic Management Plan for the duration of the works.

Compliance with geotechnical engineer's recommendations

52. During the course of the works, the recommendations in the approved geotechnical report are to be implemented, in particular:
- a) Test pits to investigate the footings of the Ritz building,
 - b) Dilapidation survey of the heritage structures to be retained on the site,

		<ul style="list-style-type: none"> c) Vibration monitoring and management in relation to the heritage structures on the subject site and structures on adjoining properties.
Basement excavation	53.	<p>If any groundwater is encountered which exceeds seepage due to wet weather, then contact is to be made with WaterNSW to determine whether an aquifer interference approval is required. Works are to proceed in accordance with any requirements of WaterNSW.</p>
Signage	54.	<p>To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected in a prominent position on the site prior to building or demolition works commencing:</p> <ul style="list-style-type: none"> a) The name, address and telephone number of the principal certifying authority for the work, b) The name of the principal contractor for any building work and a telephone number on which that person may be contracted outside working hours, and c) The statement that "Unauthorised entry to the site is prohibited".
Demolition work (general)	55.	<p>Demolition work is to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of SafeWork NSW.</p> <p>Such work is to be carried out in accordance with the Work Health and Safety Act 2011 and Regulations and AS 2601 The demolition of structures.</p>
Development involving bonded asbestos material and friable asbestos material	56.	<p>Work involving the removal of bonded asbestos removal (of an area of more than 10 square metres) or friable asbestos must be undertaken by a person licensed to undertake such work under clause 458 of the Work Health and Safety Regulation 2017.</p>
Notification to Council and adjoining residents of development involving asbestos	57.	<p>The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to any works commencing involving asbestos, of their intention to commence such works. In the case of adjoining residents at 225 Leura Mall and 24 Wascoe Street, such notification is to be a clearly written note, on at least note pad size paper, giving the date works will commence and be placed in the letterbox.</p>
Disposal of asbestos	58.	<p>All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.</p>
Display of signage	59.	<p>The developer will display appropriate asbestos/demolition signage prior to and during demolition works.</p>

Asbestos and other hazardous materials

60. if any asbestos or other hazardous material is discovered during site or demolition works, compliance with the following is required:
- Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2017
 - AS 2601 The demolition of structures
 - SafeWork NSW
 - Protection of the Environment Operations (Waste) Regulation 2014

All asbestos or other hazardous material is to be disposed of to an approved waste management facility licensed to receive the waste.

Prior to issue of Occupation Certificate

Landscape Implementation – Compliance

61. Prior to the issue of any Occupation Certificate, the Principal Certifier is to obtain a written certification statement from the Supervising Landscape Specialist that all landscaping and associated works have been implemented in accordance with the approved plans, landscape specifications and these consent conditions.

The person having the benefit of this consent must complete any remedial works directed by the Principal Certifier or Council to satisfactorily achieve the landscaping requirements of these development consent conditions prior to the issue of any Occupation Certificate.

Tree Management - Compliance

62. Prior to the issue of any Occupation Certificate, the Principal Certifier is to obtain a written certification statement from the Supervising Arborist that all retained trees have been protected in accordance with the approved Tree Management Plan and these consent conditions.

Repair of damage

63. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by the Council's Supervising Engineer prior to release of any Occupation Certificate.

Certification by Council – Road reserve

64. Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all works within the road reserve have been completed in accordance with the approved plans and to Council's satisfaction.

Internal pavement

65. Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that the internal driveway and parking areas have been constructed and linemarked in accordance with Australian Standards AS 2890.1/2004, AS2890.2/2002 and AS 2890.6/2009 and the approved Construction Certificate plans.

**Certification – Site
stormwater system
including OSD ,Water
Quality Treatment –
Construction**

66. The on-site stormwater detention, rainwater tank(s) and water quality treatment device/s must be completed to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

The following documentation is to be submitted prior to the final inspection:

- a) A works as executed plan prepared by a suitably qualified person.
- b) Certification by the system designer, or other suitably qualified person that the system has been constructed in accordance with the approved plans and will function as intended,
- c) Any variation to the approved design is to be noted together with any required remedial works to ensure the system will function as intended.

**Onsite stormwater detention
and water quality system

Positive covenant
(maintenance)**

67. To ensure the on-site stormwater detention, rainwater tank(s) and water quality treatment device/s are satisfactorily maintained, the Principal Certifier shall be satisfied that a covenant under Section 88E of the Conveyancing Act, 1919 has been registered over the property.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all tanks, pits, pipelines, trench barriers, cartridge systems and other structures.
- b. The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD or failure to clean, maintain and repair the OSD.

The 88E Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.

The 88E Instrument shall be submitted to Council for endorsement prior to lodgement at NSW Land and Property Information.

**Final inspection –
Environmental health**

68. Council must be contacted at least 48 hours prior to the opening of the premises to arrange for a final inspection by Council's Environmental Health Officer. The Principal Certifying Authority must ensure the final inspection by the Environmental Health Officer pass all food safety requirements above prior to occupation or use of the premises.

Section 73 Certificate

**Early contact is
recommended**

69. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation confirming reticulated water and gravity sewer systems are available to the development.
- Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to

	<p>“Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.</p> <ul style="list-style-type: none"> Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifier prior to issue of an Occupation Certificate.
<hr/> <p>Validation report</p>	<p>70. Submit to Council a Validation Report prepared by a suitably qualified environmental consultant confirming that the site has been appropriately remediated in accordance with the Remedial Action Plan. The validation report shall provide a clear statement of the sites suitability for the proposed residential development.</p>
<hr/> <p>Access and mobility - verification that completed development complies</p>	<p>71. In accordance with the recommendations of the Accessibility Report by (insert author) dated (insert date) and to ensure the completed development has been constructed to provide access and facilities for people with a disability or limited mobility in accordance with the principles of the Disability Discrimination Act 1992 and the Council’s planning instruments, written verification shall be provided by a suitably qualified Access and Mobility Specialist.</p> <p>The document shall verify that the completed development is accessible to people with a disability in accordance with:</p> <ul style="list-style-type: none"> The relevant part of the Council’s DCP and AS 1428.1 Design for access and mobility – General requirements for access – New building work and The provisions of the Disability (Access to Premises – Buildings) Standards 2010. This verification statement is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate. <p>Nothing in this condition alters any obligations imposed under the Disability Discrimination Act 1992.</p>
<hr/> <p>Final fire safety certificate <i>(Prior to occupation)</i> <i>Existing/proposed and critical fire safety measures</i></p>	<p>72. The essential fire safety measures referred to in the fire safety schedule issued with the construction certificate, excluding any existing measures, are to be installed within the building.</p> <p>A final fire safety certificate is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) prior to the issue of any occupation certificate, in respect of all essential fire safety measures specified in the above schedule.</p> <p>The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner) and was</p>

found to be capable of performing to a standard not less than that specified in the schedule.

A copy of the certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building.

Advice

A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the schedule.

Ongoing

Landscape Maintenance

73. Following practical completion of landscape works, landscape maintenance is to be undertaken for the life of the development at sufficient intervals to promote successful establishment and growth of all new plantings and maintain all landscaped areas in optimal condition. Plants that die or are removed are to be replaced with the same or similar species in an equivalent stage of growth.
- Maintenance is to include pruning, fertilising, weed control, re-mulching, inspection of irrigation system operation, pest/ disease control, rubbish removal, leaf litter management, drain clearing, monitoring and replacement of stakes, ties and other tree protection devices and tree maintenance.

Monitoring of retained trees

74. Following the practical completion of construction works and for a minimum period of twenty-four months, the person benefitting from this consent is to engage a qualified consulting arborist (minimum Australian Qualification Framework (AQF) Level 5) to undertake monitoring of all retained trees specified within the TMP in accordance with the timing schedule nominated by the project arborist.
- The appointed arborist is to inspect the trees for decline and hazards and determine the adequacy of the maintenance regime for the purpose of maintaining tree health and longevity.
- Where significant evidence of tree decline or structural instability is detected, the inspecting arborist is to immediately notify Councils Tree Management Officer and provide a report detailing identified issues and recommending remedial actions.

Hours for Service and Garbage Delivery / Pickup

75. To maintain the amenity of adjoining and nearby residents, delivery, service and garbage vehicles shall only be permitted between 8:00am and 5:00pm daily.

Garbage Collection

76. To maintain the amenity of adjoining and nearby residents, garbage collection shall only occur from the designated area within the basement of the building, and within the hours specified above.

<hr/> Maintenance of Basement Roller Door and Driveway	77. To maintain the amenity of adjoining and nearby residents, the basement roller door and grated basement driveway drains shall be maintained to ensure that the noise generated from these elements remains at the levels predicted in the approved acoustic report.
<hr/> Noise Control – Plant and Equipment	78. All plant and equipment must be operated and maintained in accordance with the noise requirements established in the approved acoustic report.
<hr/> Storage of goods and materials	79. At all times, the marked parking spaces and driveway, as shown on the approved plans, are to be available for parking and vehicle manoeuvring. No goods or materials are to be stored in marked parking spaces or on the driveway.
<hr/> Annual fire safety statement <i>Each essential fire safety measure in the building</i>	80. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an annual fire safety statement that must demonstrate that each essential fire safety measure in the building is being maintained. A copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au . A further copy is to be prominently displayed in the building.



28 October 2021

Our Ref: 21142-a1
Your Ref: X/1436/2021

Debbie Pinfold
Senior Development Assessment Planner
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Dear Ms Pinfold

**Subject: Sydney Drinking Water Catchment SEPP
DA X/1436/2021; Lot 20 DP 1076123; 203-223 Leura Mall, Leura**

I refer to your NSW Planning Portal notification received 22 September 2021 requesting the concurrence of Water NSW under Clause 11 of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) with a proposal for a continued use as a residential care facility with 137 beds including demolition of existing structures and retention of the Ritz Hotel building and manager's residence, and earthworks.

The subject property is located within the Warragamba catchment which forms part of Sydney's water supply.

Water NSW considered the following documents in its assessment of the application:

- a Statement of Environmental Effects and Planning Report prepared by Gyde Consulting (dated 4 August 2021)
- Site and Architectural Plans prepared by PBD Architects (dated 13 August 2021)
- Civil Works Plans (dated 17 August 2021) and Stormwater Management Report (dated 25 August 2021) associated MUSIC Stormwater Quality Modelling prepared by at&I
- a Detailed (Stage 2) Site Investigation Report prepared by JK Environments Pty Ltd (dated 1 September 2021), and
- Site Photos provided by Blue Mountains City Council (uploaded to NSW Planning Portal on 13 October 2021).

Water NSW notes that lead, zinc, poly aromatic hydrocarbons (PAHs) and friable asbestos were detected in the existing fill materials as per the detailed site investigation report. Considering proposed development includes significant excavation of the existing fill material, Water NSW recommends that the soil and water management plan shall include details of management of any remaining contaminated excavated materials and off-site disposal. This matter has been addressed in conditions below.

Based on the aerial photography and the information provided, Water NSW considers that the proposed development can achieve a neutral or beneficial effect on water quality (NorBE) provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW concurs with Council granting consent to the application subject to the following conditions:

General

1. The site layout and works shall be as specified in the Statement of Environmental Effects (Project No. 20-027, Version: final, dated 4 August 2021) prepared by Gyde Consulting

and shown on the Site Plan (Project No. 2013, Dwg No. DA016, Issue C, dated 13.08.2021) prepared by PBD Architects. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Stormwater Management

2. All stormwater management measures as specified in Stormwater Management Report (File name: REP001-01-20-752-STORMWATER DA REPORT, Issue A, dated 25 August 2021) prepared by at&I shall be incorporated in the final stormwater drainage plan. The final stormwater drainage plan shall be prepared in consultation with Water NSW and approved by Council. Stormwater management measures shall include:

- pits and pipes
- inlet filters (Water NSW endorsed equivalent), and
- cartridge filters (Water NSW endorsed equivalent) and on-site detention.

The final stormwater drainage plan shall be implemented.

3. The access driveways and hardstand areas shall be sealed and drain to stormwater pits fitted with mesh filter baskets (Water NSW endorsed equivalent) to the cartridge filters within the on-site detention basin.
4. The on-site detention basin shall be constructed such that stormwater is linked to cartridge filtration system and then directed to Council's stormwater drainage system.
5. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.
6. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

7. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:
 - be prepared prior to the issuance of an Occupation Certificate
 - include the details on the location and nature of stormwater management structures such as pits, pipes, inlet filters, and cartridge filters
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
 - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities, particularly for cartridge filters.
8. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.

Reason for Conditions 2 to 8 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Construction Activities

9. The contamination of the site shall:
- be remediated as per a Remediation Action Plan, prepared prior to issuance of a Construction Certificate
 - in accordance with *Consultants Reporting on Contaminated Land (NSW EPA, 2020)*, and
 - as recommended in the Detailed (Stage 2) Site Investigation Report prepared by JK Environments Pty Ltd (dated 1 September 2021), and
 - be validated after remediation is completed.
10. A Soil and Water Management Plan based on the Sediment and Erosion Plan (Dwg Nos. 20-752-C601 and 602, Issue A, dated 17/08/21) prepared by at&I shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared in consultation with Water NSW prior to issuance of a Construction Certificate and be to the satisfaction of Council
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - include any excavation works of remaining contaminated materials e.g. details of management and off-site disposal of any excavated and disturbed remaining contaminated materials, and
 - include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
11. The Soil & Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed of the development. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 9 to 11 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation, and pollution within or from the site during this construction phase.

Under Clause 11 of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further please contact Juri Jung via email at environmental.assessments@watermsw.com.au.

Yours sincerely



GIRJA SHARMA
Catchment Assessments Manager



8/11/2021

WST21/00234/01

The General Manager
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2789

Attention: Debbie Pinfold

Dear Ms Pinfold

**DA X/1436/2021: Lot 20 DP 1076123; 203-223 Leura Mall, Leura
Seniors Housing Redevelopment**

Thank you for the development application (DA) referral via the NSW Planning Portal dated 20 September 2021 inviting comment from Transport for NSW (TfNSW).

TfNSW understands that the proposed development proposes the redevelopment of an existing Seniors Housing facility including:

- Restoration of the Residential Care Facility (RCF) with 137 beds, involving:
 - Retention and conservation of the heritage listed Ritz building
 - Expansion of the on-site facilities to include a lower ground floor level, and
 - Construction of new three-storey wings to the south and west of the original Ritz building
- Demolition of the rear additions to the main Ritz building, laundry building, education offices, shed and outbuildings;
- Retention and conservation of the manager's residence as a wellness centre;
- Restoration of the historic landscape gardens;
- Site preparation works including tree removal, earthworks and stormwater drainage;
- Enclosed and underground pedestrian connection between the RCF and wellness centre;
- Vehicular access off Wascoe Street and emergency access via Leura Mall;
- Basement car parking for forty-six (46) car parking spaces, including:
 - Fourteen (14) visitor car parking spaces; and
 - Seven (7) disabled car parking spaces; plus
 - One (1) loading bay;
- New substation.

The DA has been referred to TfNSW pursuant to clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). I note that prior to the commencement of the proposed works within Leura Mall and Megalong Street to facilitate the development concurrence is also required from TfNSW in accordance with section 138(2) of the *Roads Act 1993*.

TfNSW is willing to grant its concurrence to the proposal pursuant to section 138(2) of the *Roads Act 1993* subject to the following conditions:

- The existing vehicular layback is to be removed from within the roundabout and replaced with kerb and gutter. The kerb and gutter is to be constructed of concrete, match existing road and footpath levels and not interfere with existing road drainage.
- No vehicular access is permitted to the development site from the Classified Roads.

Pursuant to Clause 104 of ISEPP TfNSW provides the following recommended conditions to assist Council in its assessment of the development application:

- Vehicular access to the site is to be limited to vehicles up to 8.8m in length consistent with the maximum vehicle swept path design of the site. Appropriate signage is to be installed to notify drivers of this restriction.
- All vehicles must enter and exit the site in a forward direction.
- All driveways shall be sealed from the edge of seal of the carriageway to the property boundary. All vehicle movement and parking areas within the subject site are to be sealed.
- As a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
- Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with Austroads SISD and AS2890.1-2004 "Off-street car parking".
- All activities including, loading and unloading associated with this development are to take place within the subject site.
- Prior to issuing of the Occupation Certificate for the subject development all road works are to be completed.
- Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
- All signage including any proposed internally lit signs must be contained within property boundaries and designed to meet the objectives of Transport Corridor Outdoor Advertising and Signage Guidelines 2017.
- All construction activities must be undertaken wholly within the bounds of the site and not impact the efficiency and safety of all road users, including pedestrians within the locality of the construction activities.

- Prior to the commencement of construction works a Traffic Management Plan (TMP) including Driver Code of Conduct is to be submitted to Council and concurrence obtained from Transport for NSW. The preparation of the TMP will require consultation with Transport for NSW, Council, principal contractor(s) and relevant stakeholders. The requirements of the TMP and Driver Code of Conduct are to cover the matters referred to within the TMP Annexure (attached).
The TMP is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP and Driver Code of Conduct is to be provided to contractors and employees as a part of the site induction and a copy is to be made available to Transport for NSW with each major update.

Please be advised that under the provisions of the *Environmental Planning & Assessment Act 1979* it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Please forward a copy of Council's determination of DA2020/464 to TfNSW at the same time it is sent to the applicant. If you wish to discuss this matter further, please contact Howard Orr on 02 6861 1530.

Yours faithfully



Andrew McIntyre
Manager Development Services West
Regional and Outer Metropolitan

TMP Annexure: Traffic Management Plan and Driver Code of Conduct

The Traffic Management Plan (TMP) and Driver Code of Conduct is to outline measures to manage traffic related issues associated with the demolition and construction phases of the development, any construction or excavated materials, machinery and personnel involved. The TMP is to detail the potential impacts associated with the development, the measures to be implemented, and the procedures to monitor and ensure compliance. The TMP is to address (but not be limited to):

- a) Details of origin, destination, quantity, size and frequency of vehicle movements associated with the development including those accessing and egressing the site.
- b) Timings and staging of demolition and construction of the development.
- c) Loads, weights, lengths and number of movements of haulage and construction related vehicles including Over Size Over Mass (OSOM) loads.
- d) The management and coordination of construction and staff vehicle movements to the site and measures to limit disruption to other motorists, including special OSOM management measures.
- e) Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours.
- i. Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.
- f) Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.
- g) Consideration to minimise the route length for road transport, particularly for OSOM loads.
- h) Any OSOM will be the subject of separate permits through the National Heavy Vehicle Regulator.
- i) Mitigation of local climate conditions that may affect road safety for vehicles used during construction, operation and decommissioning of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).
- j) Transport of hazardous materials in accordance with the relevant transport codes.
- k) Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of on-site construction unless specifically approved otherwise in the conditions of consent.
- l) Consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
- m) Policies and procedures for addressing concerns raised by the community on project related matters.
- n) Dust suppression and mitigation measures on public roads and within the site boundaries.
- o) Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
- p) Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
- q) Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.

(End of TMP Annexure)



The General Manager
Blue Mountains City Council


30 September 2021

ATTENTION: Debbie Pinfold

Dear Sir or Madam

I refer to the referral of 20 September 2021 from NSW Planning & Environment regarding NSW Government concurrence and referral request CNR-28412 for Blue Mountains City Council Development Application X/1436/2021 at 203-223 Leura Mall, LEURA NSW 2780 (Lot 20 DP 1076123) for 'Restoration of the site to allow for its continued use as a residential care facility with 137beds, including the demolition of existing structures, retention and conservation of the Ritz Hotel building and Manager's Residence, tree removal, earthworks, construction of new buildings, landscaping, stormwater drainage works, retaining walls, basement car parking and a new substation'. Submissions need to be made to Council by 10 October 2021.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (and extracts from Google Maps Street View) there are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage overhead power lines and part low voltage underground cables to the Leura Mall road verge / roadway.
- Low voltage overhead power lines coming from the opposite side of Megalong Street to a streetlight pole on the road verge going
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage overhead power lines (including pole mounted substation no. 9360 indicated by the symbol ) to the Wascoe Street road verge / roadway.

Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

Endeavour Energy has noted the following in the Statement of Environmental Effects addressing whether electricity services are available and adequate for the development.

Services and Utilities

Electricity, gas, water, sewerage and telecommunications are currently provided to the existing buildings on the site. The proposed development seeks to utilise these existing connections to ensure that it is adequately serviced. This includes a new proposed electricity substation located along the site's southern boundary adjacent to Wascoe Street.

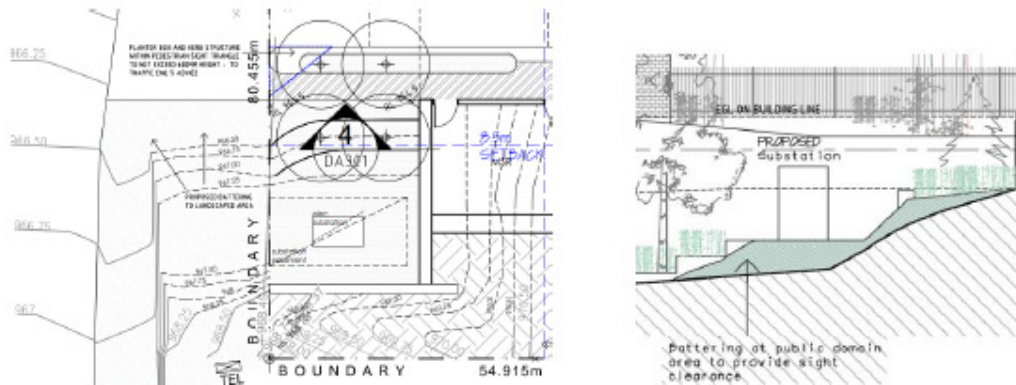


51 Huntingwood Drive, Huntingwood, NSW 2148
PO Box 811, Seven Hills, NSW 1730
T: 133 718

endeavourenergy.com.au

ABN 11 247 365 823

The following extracts of the Architectural Plans show the provision for a padmount substation to the south western Wascoe Street road frontage (which is shown in the below extract of Google Maps Street View).

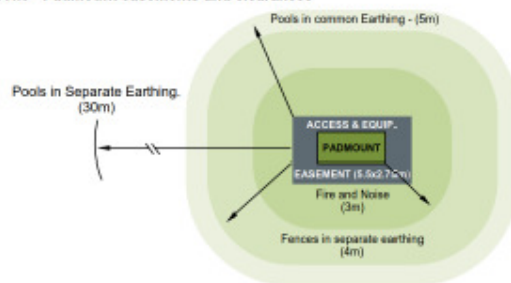


From Endeavour Energy's perspective the fact that provision is being made for a padmount substation is a positive (which may facilitate the removal of pole mounted substation no. 9360). Endeavour Energy's general requirements is for a padmount substation to be at ground level and have direct access from a public street (unless provided with appropriate easements for the associated underground cables and right of access).

As shown in the following extract of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Figure A4.3 'Padmount easements and clearances', padmount substations require:

- Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
- Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth and 6 metres vertically from the same point.
- Restriction for swimming pools which extends 5 metres from the easement.

A4.3 - Padmount easements and clearances



The easement should not cross property boundaries but the restriction/s may affect any adjoining property provided they are able to be registered on the title to that property. In addition Endeavour Energy's Mains Construction Instruction MCI 0006 'Underground distribution construction standards manual Section 7 – Substations & Switching Stations' includes the following requirements for the provision of a padmount substation site.

7.4.2 Substation site

7.4.2.1 Site contours and retaining walls

The easement represents the minimum working area required for normal operation of the substation and the following requirements must be adhered to:

- Substation site shall be flat and level over the entire easement area. It is the responsibility of the ASP to determine the easement location. Endeavour Energy will assess the easement based on the location, access and other conditions as indicated in this standard.
- Where it is necessary to carry out excavations to provide a level site, the batter adjacent to the site shall be no steeper than 1 in 3 for at least 1m outside the easement.
- Where a step is used adjacent and outside the easement the maximum step size (up or down) permitted is 300mm in each 1000mm.
- Retaining walls are to be used only when absolutely necessary. Retaining walls may be up to 700mm in height (maximum of 1000mm after approval from Network Substations Manager) constructed from concrete or brick, but not treated pine.

Given the south western Wascoe Street road frontage has an embankment to where the padmount substation is proposed to be located. Accordingly the site contours and access available to the site will need to be fully assessed.

In addition the following matters also need to be considered in regard to the fire restriction:

- Personnel access doors and fire exit doors to a building are not permitted within the fire restriction area.
- Gas mains/pipes shall not pass through the fire restriction area.
- A 10 metre clearance distance shall be maintained between substation and fire hydrants, booster valves, and the like in accordance with AS2419.1 'Fire hydrant installations System design, installation and commissioning' as updated from time to time.
- Any landscaping that potentially could transfer / provide connectivity for flame or radiant heat from a fire in the substation to a dwelling or building should be avoided.
- The storage of and / or use of flammable, combustible, corrosive or explosive material within the fire restriction should be avoided.

Please find attached for the applicant's information 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.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

As well as the capacity / provision of distribution substations, 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. Accordingly an extension and / or augmentation of the existing local network may be required. However the extent of the works will not be determined until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an appropriate application based on the maximum demand for electricity for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined.

Depending on the outcome of the assessment, any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

For more complex connections, advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Further details of the entire range of connection services including temporary builder's supply; asset relocation and removal; subdivisions; meeting the requirements of development approval etc; are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>.

Alternatively the applicant may 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. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works> .

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

- Network Asset Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design' includes the following updated requirements for electricity connections to new urban subdivision / development.

5.11 Reticulation policy

5.11.1 Distribution reticulation

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed² areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

² A "treed" area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown

5.11.1.1 Urban areas

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- Streetlighting

With the increase in both vehicular and pedestrian traffic resulting from the overall development occurring in the area, although the existing streetlighting is designed for an urban environment, the streetlighting may need to be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm or email mainsenquiry@endeavourenergy.com.au.

- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.

Inadequate connection to the earth to allow a leaking / fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

The earthing system is usually in the form of an earth electrode consisting of earth rods or mats buried in the ground. It should be designed by a suitably qualified electrical engineer / ASP following a site-specific risk assessment having regard to the potential number of people could be simultaneously exposed, ground resistivity etc. For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Prudent Avoidance

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Vegetation Management

The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Particularly for overhead power lines, ongoing vegetation management / tree trimming is a significant network cost and falling trees and branches during storms are a major cause of power outages.

Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.

Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Endeavour Energy's recommendation is that existing trees which are of low ecological significance in proximity of overhead power lines be removed and if necessary replaced by an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning. The landscape designer will need to consider if the proposed plantings achieve the foregoing requirements.

- **Dial Before You Dig**

Before commencing any underground activity the applicant is required to obtain advice from the *Dial Before You Dig* 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. all electrical apparatus shall be regarded as live until isolated and proved de-energised by approved means.

Depending on the extent of the demolition works, the low voltage service conductor and customer connection may need to be isolated and/or removed during demolition. Please refer to the below point 'Removal of Electricity Supply' for further information.

Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- **Removal of Electricity Supply**

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 from) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply. For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Site Remediation

Endeavour Energy's Environmental Business Partner Team have advised that the remediation of soils or surfaces impacted by various forms of electricity infrastructure is not uncommon but is usually not significant eg. transformer oil associated with leaking substations, pole treatment chemicals at the base of timber poles etc. The method of remediation is generally the removal of the electricity infrastructure, removal of any stained surfaces or excavation of any contaminated soils and their disposal at a licensed land fill.

The decommissioning and removal of the redundant electricity infrastructure will be dealt with by Endeavour Energy's Network Connections Branch as part of the application for the connection of load for the new development – please refer to the above point 'Network Capacity / Connection'.

If the applicant has any concerns over the remediation works related to redundant electricity infrastructure they should contact Environmental Business Partner Team via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Please find attached copies of Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure within the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au .

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours / 7 days. Endeavour Energy's contact details should be included in any relevant risk and safety management plan.

I appreciate not all the foregoing issues may be directly relevant or significant to the Development Application ie. a padmount substation may not be required on the site. 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 proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? 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 the attachment 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 is preferred.

With the COVID-19 health risk a significant number of Endeavour Energy staff are working from home. Access to emails and other internal stakeholders can accordingly be somewhat limited. As a result, it may sometimes take longer than usual to respond to enquiries. Thank you for your ongoing understanding during this time.

Yours faithfully

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