

# **DEVELOPMENT ASSESSMENT REPORT – DA190/21 - Proposed Telecommunication Works, Lot 1 DP1094395, Lot 249 DP, Lot 1 DP 1192477, Hassans Walls Reserve, Great Western Highway, Lithgow NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA190/21 for the installation of fibre optic cable on land known as Lot 1 DP1094395, Lot 249 DP751650, Lot 1 DP 1192477, Hassans Walls Reserve, Great Western Highway Lithgow.

The proposed works include saw cutting for the purposes of installing telecommunication transmission facilities including conduit, fibre optic cable, cable markers and pits.

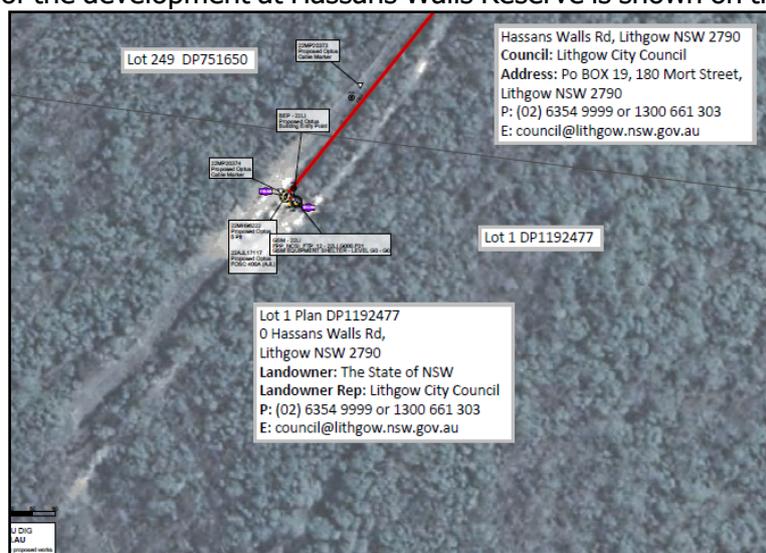
The proposed trench is 20cm wide and 800mm deep. Seven pits are to be installed, with asset marker posts. The development will follow clear paths, consisting of electrical infrastructure.

The site is predominantly surrounded by bushland, vehicle and walking tracks, powerlines, Council Water Reservoir and the Optus Mobile Phone Tower.

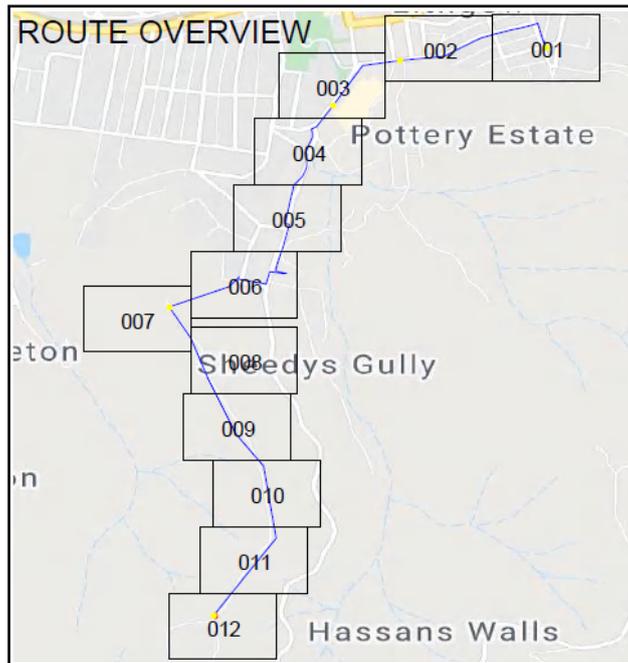
The development is located within an environmentally sensitive area and therefore the works are not exempt as per Clause 116 'Exempt Development' under the State Environmental Planning Policy (Infrastructure) 2007.

Other ancillary works involve underground conduits and pits running along Hassans Walls Road, Lithgow Street, Bent Street, Eskbank Street and Hill Street. These works are being completed by Optus under the provisions of the Telecommunications Act 1997 and do not require Council approval.

The location of the development at Hassans Walls Reserve is shown on the map below:



The overall route of the development is shown below:



The existing tower is shown below:



## 2. SUMMARY

To assess and recommend determination of DA190/21 with recommendation for approval subject to conditions.

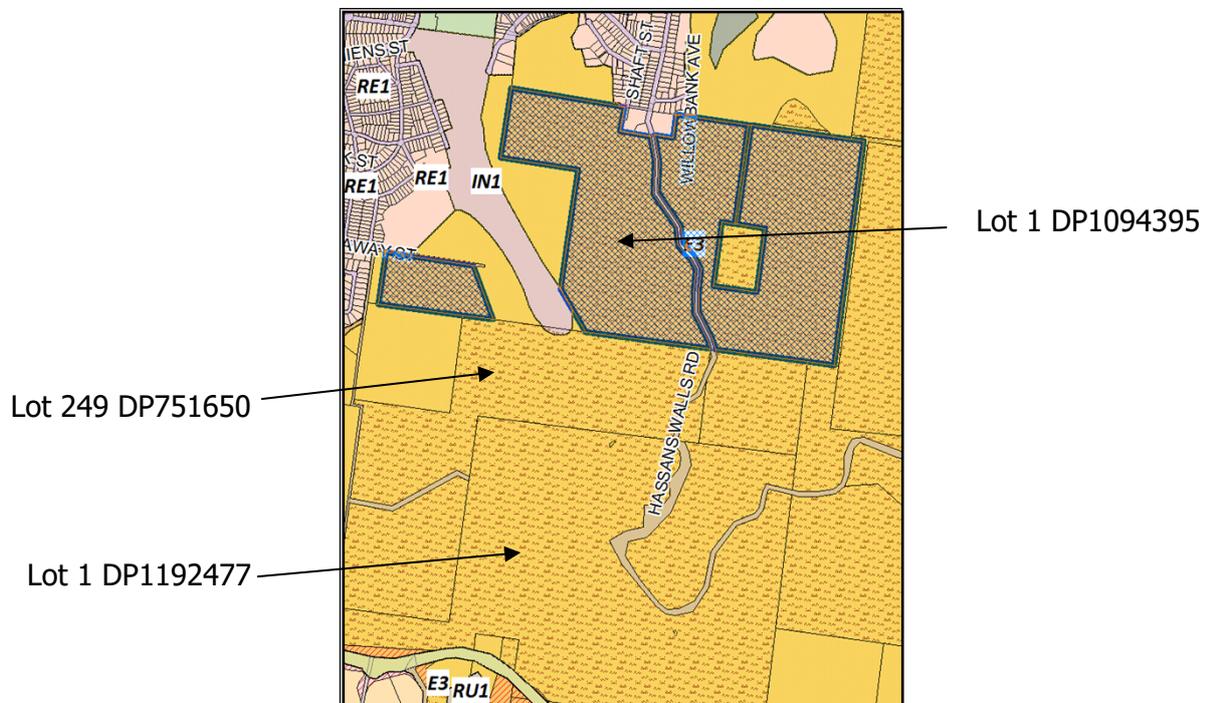
### 3. LOCATION OF THE PROPOSAL

Legal Description: Lot 1 DP1094395, Lot 249 DP751650, Lot 1 DP 1192477  
Property Address: Hassans Walls Reserve Great Western Highway LITHGOW  
NSW 2790

### 4. ZONING

The land is zoned E3 Environmental Management in accordance with the *Lithgow Local Environmental Plan 2014* (LEP).

The zoning map showing the location of the allotments is shown below:



### 5. PERMISSIBILITY

The proposed use is defined as being ancillary works to an existing telecommunications facility (defined below) (Optus Tower) which is permitted with consent as per Clause 115 'Development permitted with consent' under the State Environmental Planning Policy (Infrastructure) 2007.

**telecommunications facility** means—

- any part of the infrastructure of a telecommunications network, or
- any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- any other thing used in or in connection with a telecommunications network.

## **5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)**

### **Lithgow Community Participation Plan**

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes the following types of development as exempt from requiring notification:

#### **2.0 APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN**

- Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.

Therefore, no adjoining or adjacent landowners have been notified of the proposal as part of this process.

### **Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land**

This policy requires that a development application relating to Crown land managed by Council be referred to an Ordinary Meeting for the consideration and determination by Council. As Hassans Walls Reserve is Crown Land ownership under the care, control and management of Lithgow City Council, the application is reported to an Ordinary Meeting of Council for determination in accordance with this Policy.

## **5.2 FINANCIAL IMPLICATIONS**

### **Section 94A (Section 7.12) Development Contributions Plan 2015**

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 **does not** apply to this development as per the following clause:

#### ***C7 Are there any exemptions to the levy?***

*Other development exempted from the levy*

*The following types of development or components of development will also be exempted from a levy under this Plan:*

- g) An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building.*

## **5.3 LEGAL IMPLICATIONS**

### ***Biodiversity Conservation Act 2016***

The development is located within an environmentally sensitive area and therefore the works are not exempt as per Clause 116 'Exempt Development' under the State Environmental Planning Policy (Infrastructure) 2007.

The proposal has been assessed in relation to clearing of native vegetation and the Biodiversity Offset Scheme threshold under the provisions of this Act. The works proposed do not require any further biodiversity assessment under this scheme as the application does not trigger the area (1ha threshold) or map thresholds of the Biodiversity Offset Scheme (BOS).

An Ecological Assessment was undertaken for the proposed development and states that as the proposed alignment is within an area zoned for environmental management and within mapped environmentally sensitive areas, the works would not be considered a low-impact facility as described in the Telecommunications (Low-impact Facilities) Determination 2018 (Cth) under the Telecommunications Act 1997.

The proposed works therefore requires approval to ensure that the natural values of the area are conserved and protected.

Based on this assessment, recommended mitigation measures to minimise impacts on threatened flora or fauna species include:

- locating the proposed alignment wholly within the existing cleared track,
- locating all pits and access areas in disturbed areas that have been previously cleared of native vegetation,
- avoiding the removal of trees and shrubs for all works, including access, stockpiling, earthworks and installation of ducts and pits,
- implementing the Optus tree protection policy,
- under-boring any watercourse crossings or drainage lines.

As the site is mapped within an environmentally sensitive area and provides potential habitat for threatened species, a site assessment was undertaken to ensure ecological values are identified and protected.

The site assessment resulted in vegetation along the alignment to consist of open forest which is dominated by *Eucalyptus piperita* (Sydney Peppermint) and *Eucalyptus macrohyncha* (red stringy bark). Sections of the proposed alignment occur within a cleared track, however some sections traverse through understorey and canopy vegetation. This vegetation was surveyed with no threatened species recorded.

Further along the alignment, potential habitat for threatened species such as *Eucalyptus pulverulenta* (silver-leaf mountain gum) and *Callocephalon fimbriatum* (gang-gang cockatoo) does occur. These species are not expected to be impacted by the proposed works. The survey did not record any host plants for the threatened Bathurst copper butterfly. The survey noted that some of the proposed pits are located under tree canopy. It is recommended that these pits are moved towards the centre of the track and are positioned outside of the dripline of trees.

Conditions will be imposed on the consent to reflect the above and minimise potential impacts on threatened flora and fauna species.

#### ***Coal Mine Subsidence Compensation Act 2017***

The development is considered to be integrated under this Act (via Division 4.8 of the EP & A Act 1979). Accordingly the approval from NSW Subsidence Advisory was required prior to Council being in a position to determine the application. Approval from the NSW Subsidence Advisory has been obtained subject to General Terms of Approval.

#### ***Environmental Planning and Assessment Act 1979***

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	E3 Environmental Management	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.4</b>	Terrestrial biodiversity	Yes
<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.7</b>	Sensitive lands	Yes

**Comment:** The development is considered to comply with the objectives of the zone. The zone objectives are:

#### **1 Objectives of zone**

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive lands and riparian areas.*
- *To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.*
- *To maintain or improve the water quality of receiving water catchments.*

The development is located on a property that is utilised as a native bushland/public reserve. The reserve is made up of several large allotments and contains existing infrastructure services. The development is proposed to be compatible with the existing infrastructure on the allotment with minimal impact to vegetation or the public services i.e. bushwalking tracks or vehicle tracks.

#### Clause 7.1 Earthworks

Earthworks will be undertaken for the trench to be approximately 20cm wide by 800mm deep. Soil and erosion controls will be in place during construction work. This will be conditioned on the consent.

The development is located within an environmentally sensitive area and therefore the works are not exempt as per Clause 116 '*Exempt Development*' under the State Environmental Planning Policy (Infrastructure) 2007.

The proposal has been assessed in relation to clearing of native vegetation and the Biodiversity Offset Scheme threshold under the provisions of this Act. The works proposed do not require any further biodiversity assessment under this scheme as the application does not trigger the area (1ha threshold) or map thresholds of the Biodiversity Offset Scheme (BOS).

An Ecological Assessment was undertaken for the proposed development and states that as the proposed alignment is within an area zoned for environmental management and within mapped environmentally sensitive areas, the works would not be

considered a low-impact facility as described in the Telecommunications (Low-impact Facilities) Determination 2018 (Cth) under the Telecommunications Act 1997.

The proposed works therefore requires approval to ensure that the natural values of the area are conserved and protected.

Based on this assessment, recommended mitigation measures to minimise impacts on threatened flora or fauna species include:

- locating the proposed alignment wholly within the existing cleared track,
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- under-boring any watercourse crossings or drainage lines.

As the site is mapped within an environmentally sensitive area and provides potential habitat for threatened species, a site assessment was undertaken to ensure ecological values are identified and protected.

The site assessment resulted in vegetation along the alignment to consist of open forest which is dominated by *Eucalyptus piperita* (Sydney Peppermint) and *Eucalyptus macrohyncha* (red stringy bark). Sections of the proposed alignment occur within a cleared track, however some sections traverse through understorey and canopy vegetation. This vegetation was surveyed with no threatened species recorded.

Further along the alignment, potential habitat for threatened species such as *Eucalyptus pulverulenta* (silver-leaf mountain gum) and *Callocephalon fimbriatum* (gang-gang cockatoo) does occur. These species are not expected to be impacted by the proposed works. The survey did not record any host plants for the threatened Bathurst copper butterfly. The survey noted that some of the proposed pits are located under tree canopy. It is recommended that these pits are moved towards the centre of the track and are positioned outside of the dripline of trees.

Conditions will be imposed on the consent to reflect the above and minimise potential impacts on threatened flora and fauna species.

The development is located within Council's overlay maps for the following environmentally sensitive areas:

- Terrestrial Biodiversity (Clause 7.4)
- Groundwater Vulnerability (Clause 7.5)
- Sensitive Lands (Clause 7.7)

An Ecological Assessment was undertaken for the proposed development and states that as the proposed alignment is within an area zoned for environmental management and within mapped environmentally sensitive areas, the works would not be considered a low-impact facility as described in the Telecommunications (Low-impact Facilities) Determination 2018 (Cth) under the Telecommunications Act 1997.

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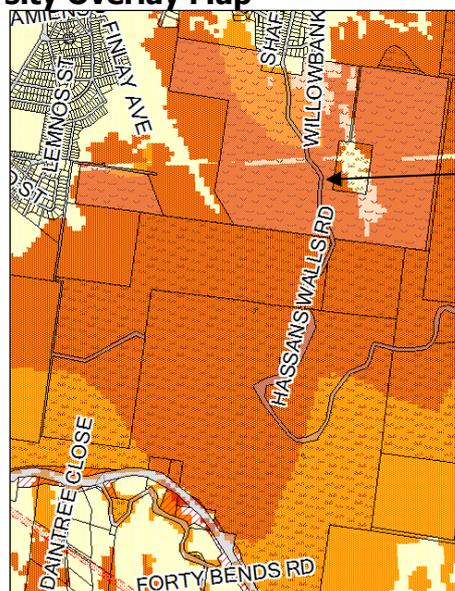
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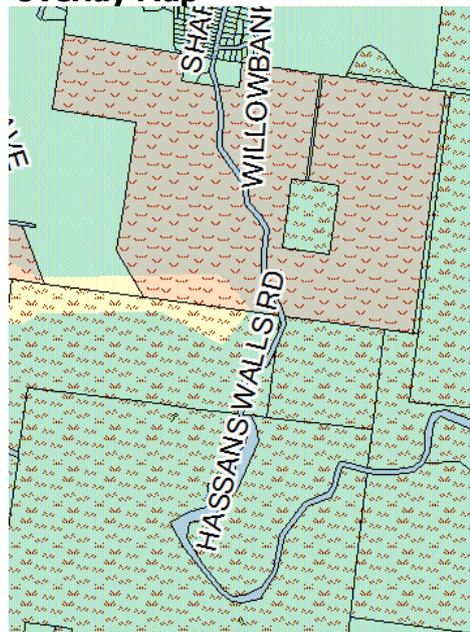
Conditions will be imposed on the consent to reflect the above and minimise potential impacts on threatened flora and fauna species.

### Terrestrial Biodiversity Overlay Map

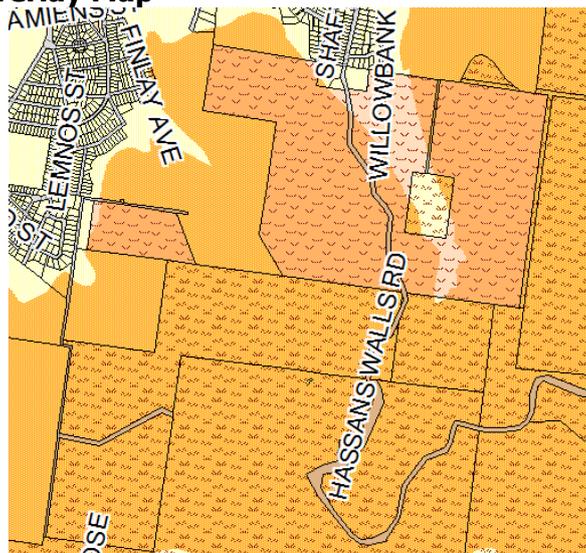


Approximate location of the development (along Hassans Walls Road)

**Water vulnerability Overlay Map**



**Sensitive Land Overlay Map**



The land is deemed suitable for the proposal and is considered to comply with Council’s LEP 2014.

***State Environmental Planning Policy (Infrastructure) 2007 and the Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)***

SEPP (Infrastructure) 2007 – Compliance Check		
	Clause	Compliance
<b>Division 21</b>	Telecommunications and other communication facilities	Yes
<b>116</b>	Exempt Development	Yes
<b>Schedule 3A</b>	Exempt and complying development in relation to telecommunications facilities	Yes

<b>Part 11</b>	Underground conduit or cable including subscriber connection and fibre-optic cable for broadband	Yes
	<b>Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)</b>	
	Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact	Yes
	Principle 2: Telecommunications facilities should be co-located wherever practical.	Yes
	Principle 3: Health standards for exposure to radio emissions must be met.	Yes
	Principle 4: Minimise disturbance and risk, and maximise compliance.	Yes

**Comment:** The development is located in an environmentally sensitive area and therefore is not exempt as per Clause 116 (d) or Schedule 1A, part 11. Clause 116 (1)(d) states:

*(1) Development carried out by or on behalf of any person on land in connection with a telecommunications facility is exempt development if—*

*(d) the land on which the development is proposed to be carried out is not located in an environmentally sensitive area within the meaning of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,*

Given that the development is located within an environmentally sensitive area, refer to Council Officer's comments previously stated in this report, under the Lithgow Local Environmental Plan 2014

The development will be connected to the existing tower/base station. There will be no visual impacts as the works will be located at or below ground level. There will be no removal or any trees or vegetation.

The works are essential to provide additional communication services within the Lithgow area.

Works proposed are cables within conduit. The development will result in existing microwave transmission being substituted with optical cable, leading to lower overall emissions between towers.

The height of the existing tower will not change as part of the proposal.

***State Environmental Planning Policy (Koala Habitat Protection) 2021***

The land has an area greater than 1 hectare and therefore must take into consideration the SEPP. Clause 11 of this SEPP applies to the development application and includes the following:

*Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat*

The proposed development does not require the removal of any vegetation or potential koala habitat trees and will not impede movement between koala habitat as the cables will be located along existing roads/walking tracks and power lines. Because of this, the proposal is categorised as Tier 1 development (low or no direct impact) under the Koala Habitat Protection Guidelines and development consent can be granted in accordance with the clause above.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

Concurrence from Water NSW under Clause 11 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) was received for the proposed development.

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

Water NSW considered the development application and advised that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality 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 conditions. These conditions are included under Schedule A.

***State Environmental Planning Policy No 55—Remediation of Land***

Council is satisfied that the land is not contaminated under SEPP 55 as the property has been utilised as a nature bushland reserve. The development does not change the use of the reserve. The location of the development has not previously or is currently being used by any activities as specified under Table 1 of the contaminated land planning guidelines.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

**Lithgow Council’s Development Control Plan 2021**

Development Control	Assessment Comments
<b>Chapter 2 – Site Requirements</b>	
<b>2.2 Site Analysis, Local Character &amp; Context</b>	
2.2.1 Site Selection	<p>The development would not impact existing or potential land uses for the area, given that works are ancillary to existing infrastructure on the land.</p> <p>The property is bushfire prone however given that the works are not for</p>

	<p>habitable purposes and is ancillary to existing infrastructure, no requirements are applicable.</p> <p>There are no heritage issues associated to this property.</p>
2.2.2 Site Analysis & Development Response	The development has taken into consideration the topography of the land, climate and natural environment.
2.2.3 Local Character & Context	<p>The proposed development will be located within an established nature reserve and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.</p> <p>The land is considered generally suitable for the development.</p>
2.2.4 Visually Prominent Sites	The development will blend into the existing landform and will have no visual impacts to surrounding developments as the works will be located at or below ground level. Dense vegetation surrounds the development and is proposed to remain as part of this application.
<b>2.6 Vehicle Access &amp; Parking</b>	
2.6.1 Guidelines & Standards	Access for the construction and continued maintenance of the development is existing within Hassans Walls Reserve.

<b>Development Control</b>	<b>Assessment Comments</b>
<b>Chapter 3 – Natural Environment &amp; Hazards</b>	
<b>3.2 Bush Fire Prone Land</b>	
<p><i>Note: Section 4.14 of the Environmental Planning and Assessment Act requires a consent authority to be satisfied a development conforms to the specifications and requirements of Planning for Bushfire Protection prior to granting consent.</i></p>	<p>The property is located within a bushfire prone area. The vegetation around the development is proposed to remain to limit environmental impacts and preserve the scenic amenity. The facility is not expected to increase bushfire risk as it does not involve any hazardous materials, emit undue heat, sparks or open flame.</p> <p>Given that the works are not for habitable purposes and is ancillary to</p>

	existing infrastructure, no requirements are applicable.
<b>3.3 Biodiversity &amp; Vegetation Clearing</b>	
	<p>Biodiversity is located over majority of the property. This is further identified as Endangered Ecological Community (EEC). This area will be retained as no clearing is proposed for the development. The works will be confined within an existing cleared area under powerlines and where existing infrastructure exists.</p> <p>In general, no significant adverse impact on ecological values or significant flora and fauna. Refer to previous comments in this report.</p>
<b>3.4 Land &amp; Soils</b>	
	<p>The property is identified as being sensitive land (land subject to steep slopes, shallow soils and salinity). Hassans Walls Reserve is located on a hill with the development (conduits) to be designed to suit the topography of the land. The proposed pits will be located on relatively flat sections of the property.</p>
<b>3.6 Ground &amp; Surface Water Protection</b>	
	<p>The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the development would utilise a small section of land on the property. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
<b>3.7 Mine Subsidence Risk</b>	
	<p>Approval from NSW Subsidence Advisory is required prior to Council being able to determine the application. Approval from the NSW Subsidence Advisory has been obtained subject to General Terms of Approval.</p>

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

No.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Adjoining Landuse:** The site is predominantly surrounded by bushland, vehicle and walking tracks, powerlines, Council Water Reservoir and the Optus Mobile Phone Tower.

The development is proposed to be undertaken on or below the ground and therefore, the development will have no impact to adjoining landuses.

**Context and Setting:** The proposed development will be located within an established reserve and will have no major impact on the context and setting of the area.

**Access:** Access for the construction and continued maintenance of the development is existing within Hassans Walls Reserve. As majority of the access will be utilised during the construction phase and for a short period of time, there will be no traffic impacts in the area.

**Flora and Fauna:** Refer to previous comments outlined in this report.

**Social and Economic Impact:** As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected a generally positive social and economic impact will result.

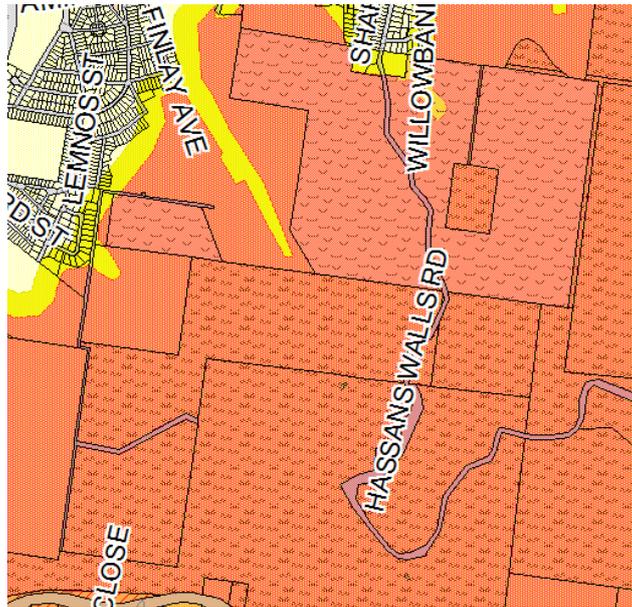
The development will have a positive social and economic impact as it will support the provision of telecommunication facilities, generating social and economic impacts to Lithgow.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied.

**Natural Hazards:** The property is located within a bushfire prone area. The vegetation around the development is proposed to remain to limit environmental impacts and preserve the scenic amenity. The facility is not expected to increase bushfire risk as it does not involve any hazardous materials, emit undue heat, sparks or open flame.

Given that the works are not for habitable purposes and is ancillary to existing infrastructure, no requirements are applicable. The bushfire map is shown below:



**Noise and Vibration:** Emissions associated with the development would be limited to the construction phase. Noise generated would be for a short duration and is to be in accordance with the standards outlined in the Environmental Protection Regulation 1998 and Environmental Protection (Noise) Policy 1997. Construction works will only occur between the hours of 7.00am and 6.00pm. This will be conditioned on the consent.

As such the development would not create noise or vibration impacts in the vicinity.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for residential pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Subsidence Advisory, Endeavour Energy and WaterNSW for commenting with recommendations detailed below.

#### **SUBSIDENCE ADVISORY**

Subsidence Advisory have no objection to the application subject to General Terms of Approval (GTA's). These GTA's will be attached to the consent.

#### **ENDEAVOUR ENERGY**

Reference is made to Endeavour Energy comments and conditions received 7 October 2021.

Endeavour Energy have no objection to the application subject to conditions. These conditions are detailed under Schedule A.

## **WATERNSW**

Reference is made to WaterNSW comments and conditions received 12 October 2021.

WaterNSW have no objection to the application subject to conditions. These conditions are detailed under Schedule A.

### 5.3.9 The public interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land.

## **6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## **8. RECOMMENDATION**

**THAT** development application DA155/21 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

### **REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.

- To ensure adequate soil conservation and protect against movement of soil and sediments.

## Schedule A

### Conditions of Consent (Consent Authority) and General Terms of Approval (Subsidence Advisory)

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### ADMINISTRATIVE CONDITIONS

0. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

Plan No.	Plan Name	Rev	Date
	Aboriginal Heritage Due Diligence Assessment By Rochelle Benstead		15 December 2020
	Ecological Assessment By Ecosure		June 2021
	Waste Management Plan By David Carey		June 2021
	Site Plans By Optus		N.D

1. **Crown Road**  
Crown Roads can only be used in their current state, must not be developed, damaged or disturbed.
2. **Council's Infrastructure**  
There is to be no damage or impacts to Council's Infrastructure and Services that is located within the vicinity of the development as a result of the development. Should such occur, Council is to be notified immediately of the incident.
4. **Ecological Assessment**  
The recommended mitigation measures outlined within the Ecological Assessment By Ecosure, to minimise impacts on threatened flora or fauna species is to be adhered to. These measures include:
- locating the proposed alignment wholly within the existing cleared track,
  - locating all pits and access areas in disturbed areas that have been previously cleared of native vegetation,
  - avoiding the removal of trees and shrubs for all works, including access, stockpiling, earthworks and installation of ducts and pits,
  - implementing the Optus tree protection policy,
  - under-boring any watercourse crossings or drainage lines.
5. **Wind and Dust**  
Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).
6. **Run-off and erosion controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

7. **Community Safety**

A temporary hoarding or temporary construction site fence must be erected around the work site before the works begin, and must be kept in place until after the completion of works, if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

*Note. Clauses 2.67 and 2.68 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.*

8. **Native Vegetation**

There is to be no clearing of native vegetation without prior approval of Council.

## **ENDEAVOUR ENERGY REQUIREMENTS**

9. **Easement Management/Network Access**

- (1) Endeavour Energy's preference is for no activities or encroachments to occur within its easements. If any proposed works or activities (other than those approved/certified by Endeavour Energy's Network Connections Branch as part of an enquiry/application for load or asset relocation project) will encroach/affect Endeavour Energy's easements or protected assets, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on business days on direct telephone 9853 7139 or alternately email [Easements@endeavourenergy.com.au](mailto:Easements@endeavourenergy.com.au) .
- (2) Details of all the proposed works or activities within the easement or affecting the protected assets (even if not part of the Development Application) must be referred to Endeavour Energy's Easements Officer for assessment and possible approval provided it meets the minimum safety requirements and controls.
- (3) Prior to works commencing additional details relating to compaction and backfilling of the trench is to be submitted to Council.
- (4) Access to the existing electrical infrastructure on and in proximity of the site is to be maintained at all times.

10. **Earthing**

The construction of any building or structure (including fencing, signage, 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.

11. **Asbestos**

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or asbestos containing materials (ACM) must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

## **WATERSNSW REQUIREMENTS**

12. **General**

- (1) The works shall be undertaken as specified in the Statement of Environmental Effects (dated August 2021) and the Waste Management Plan (dated June 2021) both prepared by David Carey Town Planning and Development and shown on the Plans showing details (Project No. GI07322LI12640855, Sheets 2 to 14, Version 3, dated 20210202) prepared by CiS International Pty Ltd. No revisions to the extent of works that will impact on water quality, shall be permitted without the agreement of Water NSW.
- (2) No excavated material shall be disposed of within 100 metres of a permanent or intermittent watercourse and 40 metres of a drainage depression on the property.

## **CONDITIONS APPLYING DURING THE WORKS**

*Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.*

13. **Standard hours for construction**

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 8.00am and 1.00pm on Saturday. No construction is to be carried out at any time on a Sunday or a public holiday.

14. **Works outside standard hours for construction**

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—
  - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
  - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction—
  - (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
  - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

15. **Construction Noise**  
Construction noise shall be in accordance with the 'Noise Control Guidelines for Construction Noise Standards'.
16. **Compliance with plans**  
(1) Works must be carried out in accordance with the plans and specifications to which the development consent relates.  
(2) A copy of the stamped and approved plans, development consent are to be on the site at all times.
17. **Excavation Work**  
All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
18. **Maintenance of site**  
(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.  
(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.  
(3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.  
(4) During construction—  
(a) all vehicles entering or leaving the site must have their loads covered, and  
(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.  
(5) At the completion of the works, the work site must be left clear of waste and debris.

#### **ADVISORY NOTES**

##### **ENDEAVOUR ENERGY REQUIREMENTS**

AN1. **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.

AN2. **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. I have attached 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.

AN3.

**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.