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ADM Architects
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WOLLONGONG NSW 2520

APPLICATION
Determination
Approval
Endorsement

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 81 of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Description	The application proposes a mixed use development involving the construction of two (2) x nine (9) level buildings over one (1) level of basement carparking and two (2) x eight (8) level buildings over one level of basement parking. Each building consists of ground floor commercial with residential above comprising a total of 9 commercial units and 207 residential units with 316 carparking spaces. The development will be constructed in two (2) stages but is not staged for the purposes of the Act.
Location	Lot 37 DP 10704, Lot 38 DP 10704, Lot 39 DP 10704, Lot 40 DP 10704, Lot 41 DP 10704, Lot 42 DP 10704, Lot A DP 340379, Lot C DP 348551, Lot 2 DP 395582, Lot A DP 411527, Lot B DP 411527, Lot 1 DP 395582 22-30 Gladstone Avenue, WOLLONGONG NSW 2500, 32 Gladstone Avenue, WOLLONGONG NSW 2500, 6 Rowland Avenue, WOLLONGONG NSW 2500

Consent has been granted subject to the following conditions:

Approved Plans and Specifications

- 1 The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and
Specifications

General Matters

- 2 **Geotechnical**
 - a) All work is to be in accordance with the geotechnical recommendations contained in the Preliminary Geotechnical Investigation Report by Douglas Partners, reference 40288.02 dated 24 August 2010, and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

- b) Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- c) All earthworks, drainage, retaining wall and footing construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- d) Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- e) All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- f) excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

3 **Splay Corner**

The corner lot at the intersection of Gladstone Ave with Osborne Street shall be provided with a 4.25 metre splay. This splay corner is to be dedicated free of cost to Council and shall form part of the road reserve. The excised land must be dedicated at no cost to Council as road reserve on the final survey plan.

4 **Building Work - Compliance with the Building Code of Australia**

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

5 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

6 **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

7 **Footpath Paving**

The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development is to be in accordance with the Wollongong City Council Public Domain Technical Manual – Minor Civic Street category. A nominal two percent (2%) minimum 1%, maximum two and a half (2.5%) cross fall to be provided from property line to back of kerb.

Driveway entry threshold finish from property boundary line to face of kerb: To match footpath and be designed to withstand predicted traffic loadings.

Driveway threshold finish within property boundary line: To contrast with driveway entry.

Footpath must be installed to the satisfaction of Council (WCC Manager of Works).

Landscape Plan to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.

8 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development are 17 No., 200 litre specimens comprised of nine *Elaeocarpus reticulatis* (Blueberry Ash) within Rowland Avenue and Osborne Street, and eight *Syzygium luehmannii* (Lily Pily) along Gladstone Avenue, in accordance with the Wollongong City Council Public Domain Technical Manual. Dial before you Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be installed to the satisfaction of Council (WCC Manager of Works).

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

9 **Podium Planting**

All podium planting areas to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding to be installed to protect membrane from damage. All podium planting areas to be provided with an adequate drainage system connected to stormwater drainage system. Planter box to be backfilled with free draining planter box soil mix. If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

10 Car parking, motorcycle parking, bicycle parking shall comply with the relevant Australian Standard. This shall be reflected on the Construction Certificate plans.

11 **Asbestos Clearance Certificate**

A certificate from a competent occupational hygienist stating that there is no longer any asbestos on the site must be submitted to the Principal Certifying Authority (and Council in the event that Council is not the Principal Certifying Authority).

12 **Site Audit Statement**

A site audit statement and accompanying site audit report from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development must be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority for its records).

13 **Centralised Exhaust Vent System**

A centralised exhaust vent system for all proposed commercial premises shall be provided so that any proposed café or take away shops can connect to a common exhaust vent system. This requirement shall be reflected on the Construction Certificate plans.

14 **Gross Pollution Trap(s)**

Prior to discharge from the site, stormwater shall be treated via a gross pollution trap(s) or similar device(s) to achieve 100% reduction in gross pollutants and at least 80% reduction in total suspended solids. This requirement shall be reflected on the Construction Certificate plans.

15 **Dilapidation Report Prior to Construction**

A Dilapidation Report detailing the current structural condition of buildings, infrastructure and roads immediately adjoining the site, shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

16 **Stormwater Disposal**

Stormwater runoff from the development shall be piped to the existing on site piped watercourse. Details of this requirement shall be reflected on the Construction Certificate

plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

17 **Pier and Beam Footings Adjacent to Balloon Drain**

Buildings and structures (including brick fences) adjacent to the balloon drain shall be supported on pier and beam footings adjacent to the balloon drain. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipeline. Structural engineer's details are required detailing the size and levels of the existing drainage pipeline (balloon drain) and the design levels for the base of the piers adjacent to the drain.

18 **Basement Carpark Waterproofing Buildings A,B,C and D**

Full engineering details of the proposed wall around the basement car park must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These must include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as doors and ventilation louvers. Any backwater from the stormwater pipeline entering the basement car park level shall be addressed by using a flap gate or one-way valve system. The basement shall be waterproofed to a minimum level of RL18.00m AHD". This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

19 **Flood Storage Volume Calculations (Pre and Post Development Conditions)**

Detailed flood storage volume calculations showing flood storage volumes (for both the pre and post development conditions) in the floodplain for both the 1%AEP and PMF flood events shall be submitted with Construction Certificate plans and associated documentation to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The detailed calculations submitted by the engineering consultant shall confirm no loss of floodplain storage in the 1% AEP and PMF flood events as a result of this development.

20 **Flood Warning Signage**

The applicant shall provide and install appropriate flood warning signage throughout the development. The signage shall be strategically located and highly visible. The signage shall also advise of an evacuation process and of a refuge facility within the premises. This requirement shall be reflected on the construction certificate plans and associated documentation and submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.

21 **Depth of Flow Indicators**

Appropriate depth of flow indicators shall be strategically placed within the development, including main entry points and other areas expected to be inundated by flood waters from time to time. This requirement must be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

22 **Flood Compatible Security Fencing**

The applicant shall demonstrate that all security fencing associated with the development is flood compatible and can withstand the forces of flood waters and the impact of debris without adversely impact on the development site and on adjoining properties. Details of this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

23 **Basement Driveway Crests – Osborne and Rowland Streets**

The crests of the driveways from Osborne Street and Rowland Street entering the basement parking areas shall not be below 0.2m above the corresponding 1% AEP (Annual Exceedence Probability) flood level. This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

- 24 **Existing and Proposed Levels**
Existing and proposed levels to Australian Height Datum (AHD), including floor, ground, overland flow path, grate and pipe inverts shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 25 **Scour Protection**
All overland flow paths must incorporate appropriate scour/erosion protection measures. The final details of the proposed scour protection measures shall be reflected on the Construction Certificate plans.
- 26 **Civil Works – Engineering Drawings**
The applicant shall submit, to Council (Manager Design and Technical Services) for approval, detail design plans for civil engineering infrastructure works within the road reserve prior to the issue of the Construction Certificate. The plan shall include survey levels to AHD and cross sections at all building entrance points and driveway designs complying with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROADS road design standards. These must be submitted as separate engineering drawings for assessment by Council.

The drawings must show all public utility underground lines, pits, poles, stormwater lines and pits. If any adjustments to public utilities are proposed the applicant must also submit documentary evidence that they have the consent of the owner of the public utility authority.

The drawings and surveys should include levels of existing infrastructure such as kerb and gutter, public utility, pits, poles and stormwater drainage structures as well as adjacent road carriageway and footpath levels and extend 20 metres past the limit of the development site.
- 27 **Section 73 Compliance Certificate**
A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. 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 "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.
- 28 **Integral Energy Requirements**
The submission of documentary evidence from Integral Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Integral Energy PO Box 6366, Blacktown 2148.
- 29 **Glass Reflectivity Index**
The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.
- 30 The development shall incorporate where appropriate, design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:
- a) Adequate lighting in car park area – particularly near motorbike and bicycle storage locations.

- b) Landscape treatment which allows visibility from the road way and other public areas;
- c) Landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,
- d) Provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- e) Ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5 m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the Construction Certificate plans.

- 31 The submission of final design details of proposed security systems to be installed within the development to the Principal Certifying Authority, in order to minimise crime and vandalism related matters is required, prior to the release of the Construction Certificate.

32 **Parking and Access**

The development shall make provision for a total of 316 car parking spaces, 16 motorcycle parking spaces and 101 bicycle parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

- 33 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with Australian Standard AS2890.1 (2004), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

- 34 The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

- 35 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

36 **Stacked Residential Car Parking Spaces**

The stacked residential car parking spaces shall be allocated to the same residential units in. This requirement shall be reflected on the Construction Certificate plans.

37 **Security Roller Shutters for Basement Car Parking Areas**

An intercom system is required to be installed for visitor car parking spaces located behind security roller shutters to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

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

This particularly applies to the existing Telstra pit and Sewer manhole located within the Gladstone Ave footpath.

39 **Driveways**

All driveways within the development shall be constructed with a maximum vertical alignment as shown in Council Drawing No. 5000-C34-1 (Maximum Internal Grading – Units and Commercial Developments). This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

40 Structures Adjacent to the Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian / New Zealand Standard AS/NZ 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

41 Habitable floor levels must be constructed at a minimum of RL 18.00 metres AHD. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

42 Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

43 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirement:

43.1 deletion of *Cupanopsis anacardioides*, *Murraya paniculata* and *Raphiolepis* 'Springtime' since they are unsuitable for this type of development.

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

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

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

Section 94A Levy Contribution

46 The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of \$381,140.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 175.9.

The following formula for indexing contributions is to be used:

Contribution at time of payment = $\$C \times (CP2/CP1)$

Where

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website Catalog No 6401.0 - Consumer Price Index, Australia.

Payment of the S94A levy must be by cash or bank cheque only. A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au.

(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council).

Prior to the Commencement of Works

47 Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)

The submission, as part of an application for a consent under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- 47.1 proposed ingress and egress points for vehicles to/from the construction site;
- 47.2 proposed protection of pedestrians, adjacent to the construction site;
- 47.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 47.4 proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- 47.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 47.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 47.7 proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. - "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- 47.8 proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- 47.9 proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

48 **Truck Movement Plan**

The applicant must submit a vehicle movement plan in conjunction with the consent application and traffic management plan to cover the excavation phase of the development.

49 **Construction and Environment Management Plan (CEMP)**

A detailed Construction and Environment Management Plan (CEMP) is to be prepared and submitted for approval to Council, following the appointment of a builder and prior to the commencement of any construction works on site.

50 **Pavement Design**

The pavement design for all access roads and road shoulders must be carried out by a qualified geotechnical/civil engineer in accordance with the 'Australian Road Research Board' design criteria and the version of the Wollongong City Council Subdivision Code which are current at the date of this consent. The pavement design must be submitted to Council's Manager Design and Technical Services for approval prior to the laying of any pavement material.

The wearing course must consist of an asphaltic concrete seal.

51 The submission of documentary evidence to the Principal Certifying Authority from the NSW Fire Brigade, NSW Ambulance Service and the NSW Police Service verifying that each of the emergency service authorities are able to override the security system, in the event that a security intercom system is proposed to be installed within the development, prior to the release of the Construction Certificate.

52 The preparation of a safety audit report for the internal and external operation of the approved development in general accordance with the Department of Infrastructure, Planning and Natural Resources (now Department of Planning) "Crime Prevention Through Environmental Design" Guidelines/NSW Police Service "Safer by Design" Guidelines and in conjunction with any other requirements of the NSW Police Service, prior to the release of the Construction Certificate. This report shall address specific design features to minimise crime and safety related matters such as theft, graffiti, vandalism, undesirable activities etc and be supported by appropriate plans. The recommended strategies contained in the safety audit report shall be implemented, prior to the occupation or use of the development.

53 **Structure over Road**

The submission of an application is required for the proposed structures within or over the road reserve for Council's approval pursuant to the provisions of the Roads Act 1993 prior to the issue of the Construction Certificate. If approved, the Roads Act 1993 approval will, in part, require the owner and successive owners to maintain the structure in a satisfactory state of repair and shall indemnify Council against all claims arising from the structures. The approval will also include a provision that Council reserves the right to terminate the approval under the Roads Act 1993 at any time and for any reason.

54 The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.

55 **Dust Suppression Measures**

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifying Authority, prior to issue of the Construction Certificate.

56 **Civil Works – Final Construction Drawings**

Prior to any civil infrastructure construction works commencing, the applicant must submit, to Council's Manager Design and Technical Services, final construction drawings with specifications to ensure that the civil construction works can be built in accordance with Council's requirements.

- 57 **Appointment of Principal Certifying Authority**
Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- 57.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed (if Council is nominated as the PCA please use the attached form) and
 - 57.2 notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two days notice is required).
- The Principal Certifying Authority must determine when inspections and compliance certificates are required.
- 58 **Sign – Supervisor Contact Details**
Before commencement of any work, a sign must be erected in a prominent, visible position:
- 58.1 stating that unauthorised entry to the work site is not permitted;
 - 58.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - 58.3 showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.
- This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.
- 59 **Temporary Toilet/Closet Facilities**
Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- Each toilet provided must be:
- 59.1 a standard flushing toilet; and
 - 59.2 connected to either:
 - 59.2.1 the Sydney Water Corporation Ltd sewerage system or
 - 59.2.2 an accredited sewage management facility or
 - 59.2.3 an approved chemical closet.
- The toilet facilities shall be provided on-site, prior to the commencement of any works.
- 60 **Hoardings (within any Public Road Reserve)**
The site must be enclosed with a suitable hoarding (type A or B) or security fence to satisfy the requirements of the latest versions of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. An application must be lodged and a permit obtained from Council's Regulation and Enforcement Division before the erection of any such hoarding or fence. The applicant must ensure that any such Type A fencing only opens inwards into the private property.
- Note:** No building or construction work must commence before the hoarding or fence is erected.
- 61 **Enclosure of the Site**
The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.
- 62 **Consultation with NSW WorkCover Authority**
Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

63 **Waste Management**

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

64 **Support for Neighbouring Buildings**

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

65 **Supervision of Works and Notification to Council of Works in Road Reserve**

The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.

The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.

66 **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

67 **Site Management Program – Sediment and Erosion Control Measures**

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

68 **All-weather Access**

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

69 The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

70 **Vehicular Crossing**

The applicant shall remove the existing and non complying concrete vehicular crossings and replace them with new concrete crossings to service the development in accordance with Council's current policies and standards.

The applicant shall arrange, through Council's Regulation and Enforcement Division for a Council qualified concrete contractor to carry out the works.

A copy of the approval shall be submitted to the Principal Certifying Authority prior to works commencing. The entire length of any vehicular crossings must be constructed:

- a) to Council's currently adopted standard drawings;

- b) for the full width of the footpath; and
- c) by one of Council's qualified concrete contractors at the developer's expense.

71 **Footpath Levels**

Footpath levels must be obtained from Council's Regulation and Enforcement Division prior to works commencing. This can be achieved by filling out an application form and payment of the relevant fee.

All such structures and internal driveways shall be constructed to these approved levels.

The longitudinal grade of the footpath must be parallel to the top of kerb level and all building entrance adjustments for level access to building floor levels must be developed within the private property of the building in accordance with the requirements of the latest versions of AS1428.1, the Building Code of Australia and the Disability Discrimination Act. No adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted for access points to buildings.

A copy of the approved levels shall be submitted to the Principal Certifying Authority prior to works commencing.

72 **Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

During Demolition, Excavation or Construction

73 **Excess Excavated Material - Disposal**

Excess excavated material shall be classified according to the Office of Environment and Heritage's Waste Classification Guidelines - Part 1: Classifying Waste (2009) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

74 **Discharge of Accumulated Water**

Any water accumulating in excavations on-site shall not be discharged to Council's stormwater system, unless it is confirmed by testing at a NATA accredited laboratory that the pH is between 6.5 and 9, suspended solids are less than 30 mg/L, and that the water is free of oil and grease. Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.

75 **Pipe Connection**

All pipe connections to the existing balloon drain on the site must be constructed in accordance with good engineering practice. The developer must ensure that the condition of the balloon drain is not compromised and that the service life of the drain is not reduced as a result of the connection.

76 **Supervision of Engineering Works**

The developer shall engage a suitably qualified engineer to supervise the engineering works of the approved development. The civil engineer is to inspect at different stages of construction to ensure that the engineering works are being constructed in accordance with the approved plans and Development Consent conditions as well as good engineering practice. At the completion of the works, the developer shall submit to the Principal Certifying Authority certificates from the civil engineer which state:

- 76.1 the dates on which the site was inspected; and
- 76.2 that the engineering works carried out between the inspection dates were constructed using good engineering practice and in accordance with the approved plans and the Development Consent conditions.

The engineer is to immediately notify the Principal Certifying Authority if any works have occurred which are not in accordance with the approved plans.

Work on the site must stop and arrangements made with the Principal Certifying Authority concerning any works not in accordance with the approved plans. Work shall not proceed until the Principal Certifying Authority gives approval in writing.

The developer must submit to the Principal Certifying Authority the name of the civil engineer prior to works commencing on the site.

77 **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

78 **Supervision of Engineering Works**

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

79 **No Adverse Run-off Impacts on Adjoining Properties**

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

80 **Re-direction or Treatment of Stormwater Run-off**

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

81 **Redundant Crossings**

Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council recognized concrete contractor at the developer's expense.

The scope of works includes any adjustment to existing services as a result of the works above.

82 **Protection of Public Places**

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:

- 82.1 A hoarding or fence must be erected between the work site and the public place;
- 82.2 an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- 82.3 the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- 82.4 safe pedestrian access must be maintained at all times;
- 82.5 any such hoarding, fence or awning is to be removed when the work has been completed.

83 **Temporary Road Closure(s)**

If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to six weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742-Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

84 **Restricted Hours of Work (domestic residential scale ie single dwellings)**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7.00 am to

1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- the variation in hours required;
- the reason for that variation;
- the type of work and machinery to be used.

If jack hammers, rock drills, rock hammers, rock breakers or rock saws are to be used for excavation below ground, then the contractor shall inform all potentially noise affected residents in the locality by letter drop at least one week prior to the commencement of the work. The letter shall detail the nature of the work, the expected noise levels, the duration of the work, the hours of operation and the contact details of the site manager/contractor.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that the NSW DECCW Interim Construction Noise Guideline (August 2008) states that the noise management level for works during the recommended standard working hours is background plus 10 dB(A).

85 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

86 The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

87 **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

87.1 Does not spill onto the road pavement and

87.2 is not placed in drainage lines or watercourses and cannot be washed into these areas.

88 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

89 **External Plant and Equipment**

All external plant such as air conditioners, compressors/pumps, exhaust systems and other equipment likely to emit noise shall have suitable noise attenuation so that the noise (LAeq (15min)) emanating from the operation of external plant and equipment does not exceed 5 dB(A) above the background noise level (LA90 (15min)) of the area at any boundary of the land.

90 **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

Prior to the Issue of the Occupation Certificate

91 **Consolidation of allotments**

The following lots shall be consolidated and evidence presented to Council prior to Occupation Certificate:

Lot 37 DP 10704, Lot 38 DP 10704, Lot 39 DP 10704, Lot 40 DP 10704, Lot 41 DP 10704, Lot 42 DP 10704, Lot A DP 340379, Lot C DP 348551, Lot 2 DP 395582, Lot A DP 411527

92 **Safety Audit Report**

The preparation of a Safety Audit Report for the internal and external operation of the approved development in general accordance with the Department of Infrastructure, Planning and Natural Resources (now Department of Planning) "Crime Prevention Through Environmental Design" Guidelines/NSW Police Service "Safer by Design" Guidelines and in conjunction with any other requirements of the NSW Police Service. This report shall address specific design features to minimise crime and safety related matters such as theft, graffiti, vandalism, undesirable activities etc and be supported by appropriate plans. The recommended strategies contained in the safety audit report shall be implemented, prior to the occupation or use of the development.

93 **Restriction as to Use – Floodway**

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

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any finished surface levels within the floodway without the prior consent in writing of the authority benefited. The expression "Floodway" in this case relates to the area on the site affected by flooding between the buildings where a significant volume of water flows during flood events.

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

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

94 **Drainage Work As Executed**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans must include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. This information must be submitted to the Principal certifying Authority prior to the issue of the final occupation certificate.

95 **Flood Affection Certification**

The submission of certification from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate or commencement of use. This certification shall verify that the 'as constructed' development complies with the outcomes of the approved flood study undertaken by KFW (report KF109911) date modified 25 May 2011 for the subject site.

96 **Traffic Signals Contribution - Intersection Gladstone & Rowland Avenue**

The developer must pay a proportion of the cost of installing signals at the intersection Gladstone and Rowland Avenue.

In accordance with the written offer made by the developer, a contribution of 5% of the estimated cost of traffic signals shall be paid to Council prior to the release of any associated Occupation Certificate.

The amount to be paid will be adjusted at the time of actual payment. Indexing will occur quarterly in accordance with movements in the Consumer Price Index All Group Index for Sydney issued by the Australian Bureau of Statistics. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 175.9.

The following formula for indexing contributions is to be used:

Contribution at time of payment = \$C x (CP2/CP1)

Where

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website Catalog No. 6401.0 - Consumer Price Index, Australia.

- 97 A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

98 **Works-as-Executed Plans**

On completion of any civil infrastructure works, the applicant must submit, to Council's Manager Design and Technical Services, the Works-As-Executed plans for any works within any road reserve or other Council owned or controlled land. A certificate shall also be submitted by a registered surveyor confirming that the survey is a true and accurate record and that all pipelines and associated structures lie wholly within any easements required by the engineering works. The WAE plans shall also be certified by an accredited engineer indicating that construction works have been built in accordance with the conditions of development consent.

99 **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

Operational Phases of the Development/Use of the Site

100 **Restricted Hours of Operation**

The hours of operation for the commercial parts of the development shall be restricted to 9am to 5.30pm Monday to Saturday. Any alteration to the approved hours of operation will require separate Council approval.

101 **Restricted Delivery Hours**

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

102 **Noise Restrictions on Commercial Premises**

The noise ($L_{Aeq}(15min)$) emanating from commercial developments must not exceed 5 dB(A) above the background noise level ($L_{A90}(15min)$) of the area at any boundary of the land.ceed 5 dB(A) above the background noise level ($L_{A90}(15min)$) of the area at any boundary of the land.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.

Notes

- 1 This consent becomes effective and operates from the date shown as **“Endorsement Date”** on the front page of this notice. This consent will lapse unless development is commenced within five years from the endorsement date shown on this notice.
- 2 Section 97 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve months from the date of receipt of this notice.
- 3 The holder of a development consent that is being acted upon must also hold a current Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
- 4 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.
- 5 A Tree Management Order has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or are within 3 metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.
- 6 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 7 Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within 12 months after the date on which the applicant received the notice of determination and must be accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.
- 8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted (phone (02) 4285 5630) for assistance in relocating native fauna prior to removal of trees and bushland.

Prolonged Rainfall Events

The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

This letter is authorised by

Nigel Lamb

Development Project Officer
Wollongong City Council
Direct Line (02) 4227 7287

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