WOLLONGONG CITY COUNCIL

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CONSENT

APPLICATION	DA-2013/1007
Determination	Deferred Commencement
Approval Authority	Wollongong City Council
Date	

NOTICE OF DETERMINATION OF INTEGRATED DEVELOPMENT CONSENT

Issued under Section 81 in accordance with section 80(3) of the Environmental Planning and Assessment Act 1979

The integrated development application described below has been determined:

Description	Mixed use development - Demolition of existing structures and construction of 3 stage mixed use development comprising of 160 residential units over 6 retail suites and parking for 260 vehicles
Location	Lot 1 DP 1089581, Lot 1 DP 1081086, Lot 8 DP 13378, Pt Lot 7 DP 13378, Lot 6 DP 655316, Lot 2 DP 1081086, Lot 30 DP 1148605, Lot 2 DP 507556
	34-48 Flinders Street and Lot 1 Flinders Street, WOLLONGONG NSW 2500

Consent has been granted for **deferred commencement.**

The development application has been determined by granting deferred commencement consent subject to the following conditions:

i **The Development Consent shall not operate until Council has been satisfied as to the following matters:**

a. **Maneuvering Requirements for Medium Rigid Vehicle (MRV)**
In accordance with AS2890.2 travel lanes either side of the median on the access driveway shall be a minimum of 3.5m wide in order to cater for the MRV. Amended plans addressing this matter are required to be submitted.

b. **Visitor Car Parking Spaces**
All visitor car parking spaces must be a minimum of 2.5m wide. Amended plans addressing this matter are required to be submitted.

ii The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent

iii If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

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

Approval under Part 3 Section 91 of the Water Management Act 2000 – Controlled Activity Approval from the NSW Office of Water.

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

Approved Plans and Specifications

1 To be inserted by Council

General Matters

2 **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.

3 **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.

4 **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.

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

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

6 **Restricted Vegetation Removal**
This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.

7 **Maintenance of Access to Adjoining Properties**
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until

such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

8 **Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

9 **Geotechnical**

a. All earthworks including 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.
b. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
c. Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying bedrock. Other foundation systems may be acceptable if supported by appropriate geotechnical advice.
d. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development. Selection of appropriate means of support should be based on geotechnical advice.
e. All excavations for foundations are to be inspected by a geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

10 All road works will be at no cost to RMS. All works shall be completed prior to occupation.

11 Post development stormwater discharge from the subject site into the classified road drainage system does not exceed the pre-development application discharge.

Prior to the Issue of the Construction Certificate

12 The construction certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval have been provided to the Principal Certifying Authority.

13 **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.

14 **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.

15 **Telecommunications**
The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

16 **Low Reflective External Finishes**
Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

17 **Dilapidation Report Prior to Construction**
A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads 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.

18 **Disabled Access and Facilities**
The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) - Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

19 The disabled access ramp(s) shall comply with the current relevant Australian Standard AS1428.1 – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

20 Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 – Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

21 **Car parking and Access**
The development shall make provision for a total of 264 car parking spaces, 9 motorbike spaces, and 68 bicycle spaces (with a minimum of 38 bicycle spaces for residents, a minimum of 10 bicycle spaces for resident's visitors, a minimum of 2 bicycle spaces for commercial/retail staff members). 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.

22 **Flinders Street, Gipps Street – Detailed Civil Engineering Design**
A detailed civil engineering design shall be provided for the proposed footpath works in Flinders Street and Gipps Street. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall include:

a. Levels and details of existing and proposed infrastructure such as kerb and gutter, crown of the road, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway and footpath levels, and shall extend a minimum of 10 metres beyond the limit of works.
b. Footpath longitudinal sections, and cross-sections at regular intervals including building entrance points demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
c. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.

d. All construction must be in accordance with the requirements of Council's Subdivision Code and the Wollongong City Council Public Domain Technical Manual. Evidence that this requirement has been met must be detailed on the engineering drawings.
e. A change in driveway paving is required at the entrance threshold to clearly show motorists they are crossing a pedestrian area
f. All construction costs, including any adjustments to levels within the footpath, kerb, and services, as a result of the detailed design and as required by Wollongong City Council, must be borne by the developer.

The detailed civil engineering design and supporting documentation shall be submitted to Wollongong City Council's Development Engineering Manager for approval prior to the issue of the construction certificate.

23 **Footpath Levels**
Footpath levels must be obtained from Council's Development Assessment and Certification Division prior to the issue of the Construction Certificate. The approved footpath levels shall be reflected on the Construction Certificate plans. All such structures and internal driveways shall be constructed to these approved levels.

24 **Permit to Enter and Exit Construction Site**
Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993. Where it is proposed to carry out activities such as construction vehicles entering and leaving the site from a public road reserve and/or installation of a fence or hoarding, a permit must be obtained from Council's Development Assessment and Certification Division prior to the issue of the Construction Certificate.

25 **Bicycle Parking**
Bicycle parking must have adequate protection and provide the appropriate level of security as required by Table 3.1 of AS2890.3 (1993) - Bicycle Parking facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). The location and size of each secure compound must be located that clearly demonstrates that sufficient manoeuvring and bicycle parking space is provided within each compound. Evidence that this requirement has been met must form a part of the construction certificate application.

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

27 Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

28 **Security Roller Shutters for Basement Car Parking Areas**
The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed 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.

29 **Crime Prevention through Environmental Design (CPTED) – Lighting**
All areas of the subject site which can be accessed by the public (including building entry points, communal open space areas, car parking areas and vehicle and pedestrian entrances) must have lighting provided in accordance with AS1158 (1999). This requirement shall be reflected on the Construction Certificate plans.

30 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.

31 Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 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.

32 **Orifice/Weir Calculations**
Orifice and weir calculations for each on-site detention facility must be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

33 **Detailed Drainage Design**
A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer strictly in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the concept drainage plan by Sherson Lautier Pty Ltd, Drawing No. 13039, Rev B, dated 16/01/2014.

34 **On Site Stormwater Detention - Design Criteria**
Each on-site stormwater detention facility must incorporate a minimum 900mm square lockable grate for access and maintenance purposes, provision for step irons where required, provision for safety, debris control screen and a suitably graded invert to prevent ponding (i.e., no sump). Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.

35 **On Site Stormwater Detention – Identification**
Details shall be provided of a corrosion resistant identification plaque for location on or close to the on-site detention (OSD) facility. The plaque shall include the following information:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
- The identification number [DA2013/1007]
- And any specialist maintenance requirements.

36 **Orifice Plate Design and Installation**
The orifice plate shall be designed and installed such that the orifice invert matches the invert level of the On Site Detention (OSD) control pit. 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.

37 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.

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

39 Details of the proposed method of connection of the On-site Detention (OSD) facility to Council's drainage system must be provided with the detailed drainage design for the site. The details must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

40 The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of Council's Wollongong DCP 2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

41 **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, in accordance with the Wollongong City Council Public Domain Technical Manual is as follows:

Main body of pavement to be 'Sante Fe, Illiad' by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed finish, 300 x 300 x 50mm

Driveway pavement to be 'Brickpave, Illiad' by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed, 230 x 113 x 80mm paving units in a herringbone pattern, contrasting band to be 'Brickpave, Off White' Adbri Masonry Pty Ltd (or approved equivalent) ivory coloured paving unit, honed finish, 230 x 113 x 80mm.

Samples to be approved by WCC Manager Project Delivery for approval.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (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 WCC.

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

42 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development are eight 200 litre, Tuckeroo (*Cupaniopsis anacardioides)*. Tree pit detailing is to be 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 WCC.

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

43 **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.

44 **Landscaping**

The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape DCP 2009 Chapter E6 Landscape and in accordance with the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate.

45 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 requirements:

45.1 The footpath pavement is to be extended across the vehicle entry and is to match the vehicle exit shown on the Ground Level Landscape Concept Plan by Ochre Landscape Architects dated 15.08.13. The footpath pavement is to be consistent along Flinders Street.

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

46 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.

47 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.

48 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.

49 **On-Site Detention – Structural Design**
The on-site detention facility must be designed to withstand loadings occurring from any combination of hydrostatic, earth, traffic and buoyancy forces. Details must be provided demonstrating these requirements have been achieved prior to the issue of the Construction Certificate.

50 **On-Site Detention - Maintenance Schedule**
A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of Council's Wollongong DCP 2009.

51 **Section 94A Levy Contribution**
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 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to $405,830.00 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 105.6. 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.

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 590329	• Credit Card
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted)		

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

The reason for Section 94A is 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

52 **Sign – Supervisor Contact Details**
Before commencement of any work, a sign must be erected in a prominent, visible position:

52.1 stating that unauthorised entry to the work site is not permitted;
52.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
52.3 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.

53 **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:

53.1 a standard flushing toilet; and
53.2 connected to either:
53.2.1 the Sydney Water Corporation Ltd sewerage system or
53.2.2 an accredited sewage management facility or
53.2.3 an approved chemical closet.

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

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

55 **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.

56 Prior to the commencement of works, the developer shall obtain a Section 138 consent under the Road Act, 1993 from Council for all works on Flinders Street

57 The developer shall apply for, and obtain a Road Occupancy Licence (ROL) from RMS Traffic Operations Unit (TOU) prior to commencing works that impact a travel lane of a State Road or or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon RMS receiving an accurate and compliant TMP.

58 **Demolition Works**

The demolition of the existing structures and buildings shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the NSW WorkCover Authority.

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

59 **Demolition Notification to Surrounding Residents**

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

60 **Consultation with WorkCover NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to WorkCover NSW at least five (5) days before licensed asbestos removal work is commenced.

61 **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

62 **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.

63 **Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

64 **Temporary Sediment Fences**

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

65 **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.

66 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

a. Digging or disruption to footpath/road reserve surface;
b. Loading or unloading machinery/equipment/deliveries;
c. Installation of a fence or hoarding;
d. Stand mobile crane/plant/concrete pump/materials/waste storage containers;
e. Pumping stormwater from the site to Council's stormwater drains;
f. Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
g. Construction of new vehicular crossings or footpaths;
h. Removal of street trees;
i. Carrying out demolition works.

67 **On Site Stormwater Detention – Scour Protection**

Scour Protection must be provided at the outlet of the on-site stormwater detention facility to the invert of the watercourse on the adjoining downslope lot. This requirement shall be reflected on the Construction Certificate plans.

68 **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 permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Development Engineering 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 RMS 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:

a. proposed ingress and egress points for vehicles to/from the construction site;
b. proposed protection of pedestrians, adjacent to the construction site;
c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
d. 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;
e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
g. 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 Maritime Services Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);

h. 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
i. 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.

During Demolition, Excavation or Construction

69 **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 approved 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.

70 **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

71 **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.

72 **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.

73 **Forty Eight Hours Notice – Prior to Works Commencing in any Road Reserve**
The applicant shall consult with Wollongong City Council's Divisional Engineer, giving 48 hours notice to arrange an on-site meeting, prior to any works commencing in any road reserve (footpath/carriageway). The purpose of the meeting will be to discuss any relevant issues such as a schedule of inspections, the need for a road opening permit and the provision of a traffic control plan as part of the works.

74 No direct vehicular access to Flinders Street will be permitted. All existing vehicular access points to Flinders Street shall be physically closed by reinstating the kerb and gutter to Council's satisfaction prior to occupation.

75 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

76 **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 normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

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

a the variation in hours required;
b the reason for that variation;

c the type of work and machinery to be used.

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 consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ($L_{Aeq\ (15\ min)}$) must not exceed the background noise level ($L_{A90\ (15\ min)}$) plus 10 dB(A), and a $L_{Aeq\ (15\ min)}$ of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

77 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.

78 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.

79 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

80 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

81 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with WorkCover NSW requirements (http://www.workcover.nsw.gov.au).

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

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

84 The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.

85 **BASIX**
All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) 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

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

87 **Completion of Engineering Works**
The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

88 **Works-as-Executed Plans**
On completion of any civil infrastructure works, the applicant must submit, to Council's Manager Development Engineering, 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.

89 **Drainage**
The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have 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 and certification must satisfy all the requirements stated in Chapter E14 of Council's Wollongong DCP 2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

90 **Restriction on use – On-site Detention System**
The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

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

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

The 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.

91 **Positive Covenant – On-Site Detention Maintenance Schedule**
A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant 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.

92 **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

93 **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site.

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 In accordance with clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 this notice of consent has no endorsement date. Once the Council is satisfied that the matters specified in condition number (i) have been complied with a notice will be issued giving the date from which this consent will operate.

2 The consent will lapse unless Council is satisfied in relation to the matters identified in the deferred commencement condition within the time period stipulated. Where the consent becomes operational, it must be commenced within five (5) years from the date referred to in (1) above.

3 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 six (6) months from the date of receipt of this notice.

4 The holder of a development consent must also hold a current:

a Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.

5 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.

6 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.

7 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

8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted (phone (02) 4285 5630) for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent.

9 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.

Department of Primary Industries
Office of Water

Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@water.nsw.gov.au
Our ref: 10 ERM2013/0719
Our file: 9057250
Your ref: DA2013/1007

The General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG NSW 2500

Attention: Anne Wheatley

2 October 2013

Dear Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2013/1007
Description of proposed activity: 3 Stage Mixed Use Development
Site location: Lot 1 DP 1089581, Lot 7 & 8 DP 13378, Lot 6 DP 655316, Lot 1 & 2 DP 1081086, Lot 30 DP 1148605, Lot 2 DP 507556, 34-48 Flinders Street, Wollongong

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).

- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

> "The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:
www.water.nsw.gov.au Water licensing › Approvals › Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Jeremy Morice
Water Regulation Officer
Office of Water - Water Regulatory Operations South

General Terms of Approval

for work requiring a controlled activity approval under s91 of the Water Management Act 2000

Our Reference:	10 ERM2013/0719	**File No:** 9057250
Site Address:	Lot 1 DP 1089581, Lot 7 & 8 DP 13378, Lot 6 DP 655316, Lot 1 & 2 DP 1081086, Lot 30 DP 1148605, Lot 2 DP 507556, 34-48 Flinders Street, Wollongong	
DA Number:	DA2013/1007	
LGA:	Wollongong City Council	

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2013/1007 and provided by Council: (i) Site plan, map and/or surveys (ii) Statement of Environmental Effects (iii) Drainage Plans Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) In-stream works (ii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

www.water.nsw.gov.au
Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740
I e information@water.nsw.gov.au I ABN 72 189 919 072
170912

Our Reference:	10 ERM2013/0719	**File No:** 9057250
Site Address:	Lot 1 DP 1089581, Lot 7 & 8 DP 13378, Lot 6 DP 655316, Lot 1 & 2 DP 1081086, Lot 30 DP 1148605, Lot 2 DP 507556, 34-48 Flinders Street, Wollongong	
DA Number:	DA2013/1007	
LGA:	Wollongong City Council	

Number	Condition
Rehabilitation and maintenance	
6	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
7	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Disposal	
8	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
9	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
10	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
11	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
12	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

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