

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Wollongong City Council on Thursday 17 March 2016 at 3:00 pm

Panel Members: Pam Allan (Chair), Allen Grimwood, Alison McCabe, Vicki Curran and Michael Mantei

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014STH024 Wollongong 2014/1262 [at 9-15 Railway Parade, Wollongong] as described in Schedule 1.

Date of determination: 17 March 2016

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* and subject to conditions in Attachment 4 of the Council Officer's report.

Panel consideration:






The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The development is appropriate for the zoning of the site, and generally complies with the essential criteria and intent of the relevant controls
2. The development is consistent with the existing and desired future character of the area
3. The development will not result in significant adverse impacts on the amenity of the surrounding area

Conditions: As outlined in Attachment 4 of the Council Officer's report and attached at Schedule 2.

Panel members:

 Pam Allan (chair)	 Allen Grimwood	 Alison McCabe
 Vicki Curran	 Michael Mantei	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014STH024 Wollongong DA-2014/1262
2	Proposed development: Demolition of existing commercial buildings and construction of 25 storey shop top housing development
3	Street address: 9-15 Railway Pde, Wollongong
4	Applicant: PRD Architects
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Wollongong Local Environmental Plan (WLEP) 2009 • Wollongong Development Control Plan 2009 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated: 4 March 2016 Written submissions during public exhibition: three (3) Verbal submissions at the panel meeting: Against: Mr Ron Knowles; On behalf of the applicant: P Rasa
8	Meetings and site inspections by the panel: Site Visit and briefing meeting on 30 July 2015
9	Council recommendation: Approval
10	Recommended conditions: Attached to Council Assessment Report

1. Approved Plans

[To be confirmed 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) Excavation Exclusion Zone within the Fig Tree Protection Zone

No excavation is to occur within the Tree Protection Zone which extends west from the existing Fig Tree on the adjacent site for the full width of Waters Lane beneath the tree canopy.

All construction certificate architectural/civil/structural plans and supporting documents are to clearly highlight the tree protection zone.

5) Tree Retention

The developer shall protect the existing Fig Tree (*Ficus macrophylla*) on the adjacent eastern site (7 Rawson Street), in so far as it extends into the subject site.

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

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

No excavation will be permitted within the nominated Tree Protection Zone.

6) This consent permits removal of all trees within the development site.

7) Geotechnical

a A detailed geotechnical investigation is required for the design of site preparation earthworks, drainage, footings and retaining walls.

b An earthworks plan is then to be developed by the geotechnical consultant prior to start of earthworks.

c All recommendations of the geotechnical consultant are to be accommodated in the earthworks plan.

d The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.

e Due to the sensitivity of the site to changing geotechnical conditions and close proximity to adjoining structures, all earthworks including drainage, retaining wall and footing construction must be undertaken with Level 1 geotechnical supervision as defined in

Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.

f. There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.

g. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.

8) 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

9) Noise attenuation building design

Prior to issue of the Construction Certificate, details are to be provided to the Principal Certifying Authority demonstrating that the building would achieve internal noise levels not exceeding those prescribed in 'Development Near Rail Corridors and Busy Roads – Interim Guideline' 2008 and State Environmental Planning Policy (Infrastructure) 2007.

The relevant LAeq levels are:

- in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

· anywhere else in the residential areas of the building (excluding a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

10) 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.

11) 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 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 ATB Consulting Engineers, Project No. 14058 SW1, Rev A dated 2/10/2014 – SW2, Rev C dated 10/2/2016 – SW3, Rev E dated 10/2/2016 – SW4, Rev E dated 10/2/2016 – SW5, Rev E dated 10/2/2016 – SW6, Rev C dated 10/2/2016 – SW7, Rev G dated 10/2/2016 – SW8, Rev C dated 10/2/2016.

12) Stormwater Connection to Kerb

Connection across footways shall be by means of one or two (maximum) 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

13) Roofwater Drainage

All roof areas must be provided with a roofwater drainage system designed to collect and convey roofwater up to a 1 in 100 year ARI storm event. All roof gutters, downpipes, and pipelines (incl. water storage tank overflows) shall be designed to cater for a 1 in 100 year ARI storm event in

accordance with AS 3500.3 (2003) – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and downpipe locations shall be reflected on the Construction Certificate plans.

14) Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development are ten *Cupaniopsis anacardioides*, 200 litre. . In the event that the overhead power lines remain in place, the tree species shall be Magnolia 'Little Gem'. 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 Manager of Works.

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

15) 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 'Basalt Dark' by Wilmid Pty Ltd (or approved equivalent) dark grey basalt with an exfoliated finish, 600 x 300 x 40mm, lay perpendicular to kerb

Vehicle Crossing pavement: to be 'Basalt Dark' by Wilmid Pty Ltd (or approved equivalent) dark grey basalt with an exfoliated finish, 300 x 300 x 60mm, maximum crossfall 2.5%.

Samples to be approved by WCC Manager Project Delivery prior to construction.

Pedestrian & Vehicle Ramp: Broom finished concrete.

Sealant: Penetrating sealer 'Natural Paving Sealer' by Spirit Marble & Tile Care Pty Ltd (or approved equivalent).

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 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.

16) 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

17) **Present Plans to Sydney Water**

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

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

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

18) **Car Parking and Access**

The development shall make provision for the following car parking, motorcycle and bicycle parking spaces.

Residents

84 residential car parking spaces (including 8 car parking spaces capable of being adapted for people with disabilities)

16 visitor car parking spaces

27 secure residential bicycle spaces

7 visitor bicycle spaces

7 motorcycle spaces

Commercial

26 car parking spaces

2 secure staff bicycle spaces

2 customer bicycle spaces

1 motorcycle space

Total: cars 126, motorbikes 8 and bicycles 38.

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.

19) 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.

20) 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.

21) 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.

22) 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.

23) A change in driveway paving is required at the entrance threshold to clearly show motorists they are crossing a pedestrian area. The developer must construct the paving in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works.

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

24) 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.

25) Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining 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.

26) 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.

27) **Structure over Road**

The submission of an application is required for the proposed awning structure 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 structure. 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.

28) 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.

29) 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:

a) planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

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

b) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

c) the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and

d) any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

30) 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.

31) 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.

32) 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.

33) Tree Protection and Management

The existing trees located upon the adjoining property 7 Rawson Street shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

34) Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). This requirement shall be reflected on the Construction Certificate plans.

Section 94A Levy Contribution

35) 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 \$762,099.42 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 155.6.

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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.

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

36) Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a) stating that unauthorised entry to the work site is not permitted;
- b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- c) 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.

37) Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

38) 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.

39) Demolition Works

The demolition of the existing building 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.

40) 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.

41) Hazardous Material Survey

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

- a) the location of hazardous materials throughout the site;
- b) a description of the hazardous material;
- c) the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d) an estimation (where possible) of the quantity of each particular hazardous material by

volume, number, surface area or weight;

e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;

f) identification of the disposal sites to which the hazardous materials will be taken.

42) Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with WorkCover NSW's requirements (<http://www.workcover.nsw.gov.au>). The strategy shall be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

43) 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.

44) 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.

45) Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures

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

46) Certification from Arborist - Adequate Protection of Trees to be Retained

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

47) 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.

During Demolition, Excavation or Construction

48) Supervision of Engineering Works

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

49) Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a permit from Council's Development Engineering Manager.

50) 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.

51) **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.

52) **Forty Eight Hours Notice – Prior to Works Commencing in any Road Reserve**

The applicant shall consult with Wollongong City Council's Development Engineering Manager, 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.

53) **Prior approval from Council for any works in Road Reserve**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. 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 RMS Traffic Control at Worksites Manual.

Note: This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

54) **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.

55) **Restricted Hours of Work**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to 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 (LAeq (15 min)) must not exceed the background noise level (LA90 (15 min)) plus 10 dB(A), and a LAeq (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.

56) 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.

57) **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>).

58) **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 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.

59) **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.

Prior to the Issue of the Occupation Certificate

60) **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.

61) The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, three 100 litre container mature plant stock shall be placed on the podium level. The suggested species are Illawarra escarpment species.

62) Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to confirm that internal noise levels in residential parts of the building would not exceed levels prescribed in *'Development Near Rail Corridors and Busy Roads – Interim Guideline'* 2008 and State Environmental Planning Policy (Infrastructure) 2007.

The relevant LAeq levels are:

- in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- anywhere else in the residential areas of the building (excluding a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

63) Dilapidation Report Post 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 Occupation Certificate.

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

64) Consolidation of allotments is required. Prior to issue of the Occupation Certificate, details must be provided to the Principal Certifying Authority confirming all allotments have been consolidated.

Operational Phases of the Development/Use of the Site

65) Stacked parking spaces must comply with the requirements of Chapter E3 of Wollongong Development Control Plan 2009. Each stacked parking arrangement (double car space one in front of the other) must be allocated to the same residential unit or retail/commercial tenancy within the building.

66) All site servicing and deliveries are to be undertaken outside of normal retail trading hours and the traffic network peak to ensure that service/delivery vehicles reversing within car parking areas do not impact on the safety of the general public.

67) Garbage collection shall occur within the building. On-street placement of bins is not permitted.

68) Prior to issue of the final Occupation Certificate public artwork is to be installed in at least one Waters Place elevation at podium level. This is required to enliven the streetscape at ground levels. Details are to be provided to Council prior to installation.

69) Crime Prevention Through Environmental Design (CPTED)

Surveillance is required of enclosed spaces located on the basement and upper parking levels, which do not offer alternative egress. These areas include the residential storage room and waste storage room. Security access is to be implemented separating residential and retail functions.