

Attachment 4 – Draft Conditions

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 **Temporary Parking**

The Developer/Applicant must demonstrate, to the satisfaction of Council, a location/s where the 150 car spaces displaced during the construction of the proposed development will be accommodated.

Note: Reliance on the public road network to accommodate the 150 car spaces will not be acceptable.

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 approval bodies listed below:

NSW Office of Water

The recommendations contained in the letter from the NSW Office of Water dated 20 November 2015 and attached to this consent at Attachment 1 shall form part of the conditions of consent for this application.

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 **Tree removal**

Permission is granted to remove the existing trees as indicated on approved Landscape Plan prepared by Taylor Brammers dated 1.10.15 issue A and as numbered and described in Arborist report prepared by Luke Dawson ArborSafe 28 September 2015.

All recommendations in Arborist's Report shall be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones.

No further tree removal is permitted without prior written permission from Wollongong City Council.

3 **Geotechnical**

All work is to be in accordance with the geotechnical recommendations contained in the report dated 28 September 2015 by Coffey Geotechnics and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

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

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

5 **Construction Certificate**

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

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

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

6 **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 (2009) – 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.

7 **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.

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 **Site Waste Minimisation and Management Plan**

A Site Waste Minimisation and Management Plan shall be prepared and submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

10 Cyclists Dismount (G9-58) signage is to be provided at either end of the proposed pedestrian bridge in accordance with AS1742.9 (2000) to ensure that the bridge is to be used by pedestrians only. This requirement is to be reflected on the Construction Certificate plans.

11 **Detailed Drainage Design**

A detailed drainage design for the proposed development shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP 2009 and

conditions listed under this consent. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

12 **Existing/Proposed Levels**

Existing and proposed levels to Australian Height Datum (AHD), including floor, ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

13 **Scour Protection**

All overland flow paths and stormwater outlets shall incorporate appropriate scour/erosion protection measures in accordance with good engineering practice. The final details of the proposed scour/erosion protection measures shall be reflected on Construction Certificate plans.

14 **Stormwater Disposal**

Stormwater from the development shall be piped to existing stormwater drainage system within the car park. This requirement shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

15 **Protection of Building from Ingress of Stormwater Runoff**

Detailed design of the development shall ensure that there will be no ingress of external site surface runoff into the proposed multi storey car park. Finished surface levels shall be graded away from building entrances/openings. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

16 **Pedestrian Bridge Design and Certification**

The design of the proposed pedestrian bridge structure must be undertaken by a suitably qualified civil (structural) engineer in accordance with the relevant Australian Standards and Flood Study by Cardno (Reference No. 82016018, Report 001, Version 2 dated 12 November 2015). The bridge structure shall also be designed to withstand the forces of floodwater, debris and buoyancy up to and including the adjacent 100 year ARI flood level plus 0.5 metres freeboard. Details of the bridge and a design certification from a suitably qualified civil (structural) engineer certifying compliance of the design with the above requirements shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

17 **Fire Safety Schedule**

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

18 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap in, 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.

19 **Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Endeavour 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, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

20 In order to maximise visibility in the multi-storey carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

- 21 In order to reduce the opportunities for “hiding places” the proposed landscaping must:
- 21.1 use shrubs/plants which are no higher than 1 metre.
 - 21.2 the type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.
- This requirement shall be reflected on the Construction Certificate plans.
- 22 The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:
- 22.1 Landscape treatment which allows visibility from the road way and other public areas;
 - 22.2 Landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,
 - 22.3 Provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
 - 22.4 Ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5 m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.
- This requirement shall be reflected on the Construction Certificate plans.
- 23 The development shall provide suitable light spillage mitigation measures within the development to mitigate against any adverse light spillage impacts upon surrounding properties. This requirement shall be reflected on the Construction Certificate plans. The implementation of the approved light spillage mitigation measures is required prior to the use or occupation of the development.
- 24 **Car Parking and Access**
The development shall make provision for a total of 359 car parking spaces and 24 motorbike spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.
- 25 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.
- 26 Any portion of the proposed pedestrian bridge structure below the adjacent 100 year ARI flood level plus 0.5 metres freeboard should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of ‘flood compatible materials’ as stated in Chapter E13 of the Wollongong DCP2009. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 27 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. Each overflow path shall be designed to ensure no ingress of stormwater into the proposed multi storey car park. Details of each overflow path shall be provided on the detailed drainage design. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 28 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

- 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:
- 29.1 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;
 - 29.2 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
- 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 **Tree Protection and Management**
- The existing trees are to be retained upon the subject property and any trees on adjoining properties 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:
- 32.1 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.
 - 32.2 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- 33 All site offices must be located on-site plan and are to be located in already cleared areas outside the canopy of any existing trees to be retained. Details of the location of the site offices shall be submitted to the Principal Certifying Authority, prior to release of the Construction Certificate.
- 34 **Provision of a Fire Hydrant**
- The provision of a fire hydrant in accordance with AS2419 (1994) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.
- 35 **Engineering Plans and Specifications - Retaining Wall Structures**
- The submission of engineering plans and supporting documentation of all proposed retaining walls to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following where applicable:
- 35.1 A plan of the wall showing location and proximity to property boundaries;
 - 35.2 an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
 - 35.3 details of fencing or handrails to be erected on top of the wall;
 - 35.4 sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;

- 35.5 the proposed method of subsurface and surface drainage, including water disposal;
- 35.6 reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
- 35.7 the assumed traffic loading used by the engineer for the wall design.

Prior to the Commencement of Works

36 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.

37 Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- 37.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- 37.2 notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

38 Sign – Supervisor Contact Details

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

- 38.1 stating that unauthorised entry to the work site is not permitted;
- 38.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 38.3 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.

39 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:

- 39.1 a standard flushing toilet; and
- 39.2 connected to either:
 - 39.2.1 the Sydney Water Corporation Ltd sewerage system or
 - 39.2.2 an accredited sewage management facility or
 - 39.2.3 an approved chemical closet.

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

- 40 **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.
- 41 **Demolition Works**
Any demolition works 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.
- 42 **Consultation with NSW WorkCover Authority**
Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.
- 43 **Waste Management**
The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.
- 44 **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.
- 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 The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.
- 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.

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

During Demolition, Excavation or Construction

49 **Water Sensitive Urban Design (WSUD)**

The developer shall install the WSUD infrastructure as described in the Stormwater Management Report prepared by Abel & Brown Pty. Ltd dated 28 September 2015.

50 **Demolition Materials - Disposal**

All demolition materials not being reused on-site shall be disposed of only at a recycling or waste management facility that may lawfully receive that waste.

51 **Pipe Connections**

All pipe connections to existing stormwater drainage systems shall be constructed in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

52 **Flood Compatible Materials – Electrical**

All power service (metering) equipment, wiring, power outlets, switches etc. shall be located above the adjacent 100 year ARI flood level plus 0.5 metres freeboard. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below the adjacent 100 year ARI flood level plus 0.5 metres freeboard should be capable of disconnection by a single plug and socket assembly.

53 **Fences**

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

54 **Supervision of Engineering Works**

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

55 **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.

56 **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.

57 **Protection of Public Places**

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

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

58 **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.

59 **Restricted Hours of Work (not domestic residential scale)**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to 1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

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

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

- 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 ($L_{Aeq} (15 \text{ min})$) must not exceed the background noise level ($L_{A90} (15 \text{ min})$) plus 10 dB(A), and a $L_{Aeq} (15 \text{ min})$ 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.

60 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.

61 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.

62 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

63 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.

64 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.

65 **Dust Suppression Measures**

Activities occurring during the demolition and construction phases of the development must be carried out in a manner that will minimise the generation of dust.

66 **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.

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

- 68 **Excess Excavated Material – Disposal**
Excess excavated material shall be classified according to the NSW Environment Protection Authority’s Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

Prior to the Issue of the Occupation Certificate

- 69 **Drainage WAE**
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 shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifying Authority prior to the issue of the final occupation certificate.
- 70 **Structural Soundness Certification**
The submission of a report from a suitably qualified and experienced civil (structural) engineer to the Principal Certifying Authority is required to certify that ‘as constructed’ pedestrian bridge structure
- has been constructed in accordance with the approved Construction Certificate details and satisfies the relevant Australian Standards; and
 - can withstand the forces of floodwater, debris and buoyancy up to and including the adjacent 100 year ARI flood level plus 0.5 metres freeboard.
- The report shall be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate and commencement of use.
- 71 **Fire Safety Certificate**
A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:
- 71.1 Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- 71.2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- 72 **Retaining Wall Certification**
The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.
- 73 **Access Certification**
Prior to the occupation of the building, the Principal Certifying Authority must ensure that a certificate from an “accredited access consultant” has been issued certifying that the building complies with the requirements of AS 1428.1.
- 74 **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.

Operational Phases of the Development/Use of the Site

75 Provision of Car Spaces

A minimum of 275 car spaces, dedicated to the student residents of Buildings 73, 74 & 75, must be maintained at all times. A total of 614 car spaces must be maintained within the P3 carpark precinct at all times.

76 Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition, at all times.

77 Loading/Unloading Operations/Activities

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



Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@dpi.nsw.gov.au

Our ref: 10 ERM2015/1083
Our file:
Your ref: DA-2015/1254

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

Attention: Andrew Kite

20 November 2015

Dear Sir

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA-2015/1254

Description of proposed activity: Wollongong University - Multi Storey Carpark

Site location: Lot 1 DP 1188267, 2 Northfields Avenue, Keiraville

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) 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, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI 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, DPI 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.

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 | e water.enquiries@dpi.nsw.gov.au
Template Ref: CA04, Version 1.2 – July 2015

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI 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, DPI 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 DPI 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 DPI 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 DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

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

DPI Water also requests that Council provides DPI 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

Water Regulatory Operations, Water Regulatory Operations South

NSW Department of Primary Industries – DPI Water

General Terms of Approval

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

Number	Condition	File No:
Site Address:	Lot 1 DP 1188267, 2 Northfields Avenue, Keiraville	
DA Number:	DA-2015/1254	
LGA:	Wollongong City Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA-2015/1254 and provided by Council:</p> <ul style="list-style-type: none">(i) Statement of Environmental Effects(ii) Civil and Drainage Plans(iii) Landscape Plans(iv) Flood Study <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>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 DPI 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.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) Construction Civil and Drainage Plans(ii) Erosion and Sediment Control Plan	
4	<p>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 DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.</p> <ul style="list-style-type: none">(i) Vegetation Management Plans(ii) Laying pipes and cables in watercourses(iii) Riparian Corridors(iv) In-stream works(v) Outlet structures(vi) Watercourse crossings	
5	<p>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 DPI Water.</p>	

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
 e water.enquiries@dpi.nsw.gov.au
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Number	Condition	File No:
Rehabilitation and maintenance		
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.	
7	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 DPI Water.	
Reporting requirements		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
Disposal		
9	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 DPI Water.	
Drainage and Stormwater		
10	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 DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI 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 DPI 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 DPI Water.	
END OF CONDITIONS		

www.water.nsw.gov.au

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