

Attachment 8 – 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:

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

a Sydney Trains Deferred Commencement condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items:

- i Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- ii Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- iii Cross sectional drawings showing the rail corridor with horizontal distances and RL depths from the rail corridor boundary and first track to the site boundary and nearest point of proposed excavation, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- iv Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land with horizontal distances from the rail corridor boundary to the site boundary and nearest point of proposed excavation.
- v If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

2 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.

3 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:

Approved Plans and Specifications

- 4 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans

Site Plan 004 C dated 2 July 2018 prepared by Level 33 Architectural Division

Basement 090 E dated 2 July 2018 prepared by Level 33 Architectural Division

Ground Floor 100 E dated 2 July 2018 prepared by Level 33 Architectural Division

Level 1 101 E dated 2 July 2018 prepared by Level 33 Architectural Division

Level 2 102 E dated 2 July 2018 prepared by Level 33 Architectural Division

Level 3-Podium 103 D dated 2 July 2018 prepared by Level 33 Architectural Division

Level 4 104 D dated 2 July 2018 prepared by Level 33 Architectural Division

Level 5 105 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 6 106 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 7 107 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 8 108 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 9 109 E dated 2 July 2018 prepared by Level 33 Architectural Division

Level 10 110 D dated 2 July 2018 prepared by Level 33 Architectural Division

Level 11 111 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 12 112 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 13 113 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 14 114 C dated 2 July 2018 prepared by Level 33 Architectural Division

Level 15 115 D dated 2 July 2018 prepared by Level 33 Architectural Division

Level 16 116 D dated 2 July 2018 prepared by Level 33 Architectural Division

Level 17 117 A dated 2 July 2018 prepared by Level 33 Architectural Division

Level 18 118 A dated 2 July 2018 prepared by Level 33 Architectural Division

Roof Plan 119 A dated 2 July 2018 prepared by Level 33 Architectural Division

South / East Elevation 121 E dated 2 July 2018 prepared by Level 33 Architectural Division

North / West Elevation 122E dated 2 July 2018 prepared by Level 33 Architectural Division

Detail Elevation 123 B dated 2 July 2018 prepared by Level 33 Architectural Division

Section 1 130 E dated 2 July 2018 prepared by Level 33 Architectural Division

Section 2 and 3 131 E dated 2 July 2018 prepared by Level 33 Architectural Division

Detail Section 132 E dated 2 July 2018 prepared by Level 33 Architectural Division

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

5 Geotechnical

- a Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- b A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by a geotechnical consultant.

- c No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- d Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- e There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
- f An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- g The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the bulk earthworks.
- h Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.

6 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.

7 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.

8 Occupation Certificate

An 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 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

9 Tree Retention / Removal

The developer shall retain the existing tree(s) indicated in the Arborist Report by Arboreport dated 9/11/2017 consisting of trees numbered T1 and T2.

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.

All recommendations in Arborist's Report by Arboreport dated 9/11/2017 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered T3, T4, T5 and T6 as indicated in the arborist report by Arboreport dated 9/11/2017. No other trees shall be removed without prior written approval of Council.

Prior to the Issue of the Construction Certificate

10 Acoustic requirements

The development is to comply with the recommendations contained in the Acoustic Assessment dated 27 February 2018 prepared by Acoustic Logic. These requirements must be reflected on the Construction Certificate.

11 CCTV

The common storage area and podium level common area are to be fitted with CCTV.

12 Driveway threshold

The surface treatment where it crosses the footpath is to be of a different finish such as brick to delineate the transition from the private to the public domain.

13 Sydney Trains conditions

- a If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- b An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- c Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- d The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- e Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- f No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- g Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- h If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- i If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- j If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- k Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- l No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- m Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- n Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- o Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- p Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

14 Laneway signage

Signage is to be provided along Waters Lane indicating public accessibility and the street to which the lane connects.

15 Waste separation

Separate waste receptacles must be provided for general and recyclable materials. This requirement is to be reflected on the Construction Certificate.

16 **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 Basement B1 Drainage Design, Project # 14136, Drawing # D6, Issue B, by EZE Hydraulic Engineers, Dated 13/03/2018
- The Ground Floor Drainage Design, Job # 14136, Drawing # D2, Issue B, by EZE Hydraulic Engineers, Dated 13/03/2018
- The Level 1 Drainage Design, Job # 14136, Drawing # D3, Issue B, by EZE Hydraulic Engineers, Dated 13/03/2018

17 **Retaining Wall on Common Boundary**

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.

18 **Pump System**

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

19 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

20 **Council Footpath Reserve Works**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter to match the existing. The verge from the back of kerb to the boundary must be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

21 **Rawson Street, Railway Parade and Waters Lane – Detailed Civil Engineering Design**

A detailed civil engineering design shall be provided for the proposed footpath works within the road reserve and/or Council Land. The details must be submitted to Councils Development Engineering Manager for assessment. 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 be generally in accordance with the Kerb & Gutter and Footpath reconstruction Drawing – Ground Level, Job # 2313-DA, Drawing # RW010, Issue C by Mance Arraj, dated 27/03/2018 and shall include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway

crown and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.

- b. Footpath longitudinal sections, and cross-sections at minimum 10 metre intervals as well as at building entrance points and transitions to existing at the property boundary 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. Details of the proposed substation to service the development must be provided, where the substation is proposed within a footpath area a minimum 1.2 m path of travel must be provided around the substation.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserve.
- g. The kerb and gutter is required to be replaced for the entire frontage of the site and frontage works requirements must be in accordance with the conditions listed under this consent.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate.

22 Waters Lane – Resheet

The developer is responsible for the asphalt resheet of the entire length of Waters Lane. Details of the proposed asphalt resheet works must be provided to Council's Development Engineering Manager for assessment prior to the release of the construction certificate. All works must be generally in accordance with Council's Subdivision Code.

23 Ground Anchors

Permanent ground anchors are not permitted within the road. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.

24 Excavation and Retaining Structures adjacent to Public Roads

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the Principal Certifying Authority prior to the issue of the Construction Certificate. The design must be prepared in accordance with the RMS Technical direction GTD 2012/001, by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design. The plan must clearly show that all components of the retaining structure and associated drainage is wholly located within the subject site. The design must be supported by:

- a. A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- b. A dilapidation survey of the existing Council infrastructure
- c. Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

- 25 **Reflectivity**
A Reflectivity Report is required to be submitted demonstrating the visible light reflectivity from the facades will not exceed 20%.
- 26 **Wind Impact Assessment**
A Wind Effects Report is to be submitted to Council prior to the issue of the Construction Certificate. The report shall include results of a wind tunnel test validating the preliminary findings of the Pedestrian Wind Environment Statement (WC070-04F02(REV0) dated 4 July 2018 prepared by Windtech) and demonstrate compliance with the following wind criteria:
- i) 10 metres/second in retail streets,
 - ii) 13 metres/second along major pedestrian streets, parks and public places, and
 - iii) 16 metres/second in all other streets.
- 27 **Excess car parking**
Excess car parking to that required by this consent is to be removed from the plans submitted for the Construction Certificate.
- 28 **Contamination requirements**
A Stage II (detail site assessment report) is required to assess the nature and volumes of soil contamination and identify areas of environmental concern (AEC). Based on the Stage-II assessment report a stage III (remediation action plan - RAP) must be prepared so that site is suitable for proposed development. The Stage II and III reports must be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites, published by NSW Office of Environment & Heritage. August 2011.
- The report shall be prepared by qualified and experienced consultant who has one of the following certification schemes:
- i the Site Contamination Practitioners Australia (SCPA) scheme
 - ii the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme
 - iii the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification
- 29 **Present Plans to Sydney Water**
Approved plans must be submitted online using Sydney Water Tap, 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.
- 30 **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 "Builders and Developers" section of the web site www.sydneywater.com.au then search to "Find a Water Servicing Coordinator". Alternatively, 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.

31 **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.

32 **Car parking and Access**

The development shall make provision for a total of 122 car parking spaces, including 21 visitor spaces, 10 commercial spaces and 6 accessible 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 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

33 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with 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.

34 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.

35 **Designated Loading/Unloading Facility**

The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

36 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.

37 **Gradients of Ramps and Driveways as per AS 2890.1**

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

38 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement 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.

39 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle 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.

40 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.

- 41 Details of the proposed connecting pipeline to Council's existing drainage system shall be provided in conjunction with the detailed drainage design for the site. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 42 **Landscaping**
The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and 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.
- 43 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 24 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.
- 44 **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m 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:
- a A plan of the wall showing location and proximity to property boundaries;
 - b 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;
 - c Details of fencing or handrails to be erected on top of the wall;
 - d 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;
 - e The proposed method of subsurface and surface drainage, including water disposal;
 - f Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
 - g The assumed loading used by the engineer for the wall design.
 - h Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 45 **Bicycle Parking Facilities**
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). In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.
- 46 **Property Addressing Policy Compliance**
Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** (propertyaddressing@wollongong.nsw.gov.au), for the site addressing prior to the issue of the construction certificate. Enquiries regarding property addressing may be made by calling 4227 8660.

47 **Footpath Paving City Centre**

The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verges on Rawson Street, Waters Lane and Railway Parade. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual.

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. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Works.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

48 **Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development:

- Rawson Street 4 (four) *Ulmus parvifolia* 'Todd'
- Railway Parade 6 (six) *Ulmus parvifolia* 'Todd'

Street trees are to be 200 litre container size in accordance with AS 2303:2015 Tree stock for landscape use. 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 underground services, service pits or street light poles.

Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Works.

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

49 **Development Contributions - City Centre**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong Section 94A Development Contributions Plan (2017), a monetary contribution of \$615,300.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate as outlined in Clause 25K of the Environmental Planning and Assessment Regulation 2000.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

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

Where:

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

CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference:	• 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 BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong Section 94A Development Contributions Plan (2017) 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

Prior to the Commencement of Works

50 Construction Environmental Management Plan

A Construction Environmental Management Plan is to be submitted to the Principal Certifying Authority prior to works commencing. The plan shall include, but not be limited to the following:

- vehicle traffic
- odour and vapour
- dust
- plant and machinery noise
- water and sediment management
- surface water
- subsurface seepage and accumulated excavation water
- sediment from equipment and cleaning operations
- site security
- working hours
- contact information
- incident response and contingency management.

51 Excavated Soil Disposal Plan

An excavated soil material disposal plan is to be prepared and submitted to the Principal Certifying Authority with batching, sampling and analysis procedures as per the DECCW (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

52 Dilapidation Report

The developer shall provide Wollongong City Council's Development Engineering Manager with a dilapidation report, identifying the condition of Council assets and all land in the vicinity of the proposed works prior to the commencement of works.

- 53 **Appointment of Principal Certifying Authority**
Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- a) 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
 - b) 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.
- 54 **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.
- 55 **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.
- 56 **Hoardings (within any Public Road Reserve)**
The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.
- 57 **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.
- 58 **Demolition Works**
Demolition 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 SafeWork NSW.
- 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 Notification to SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

60 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.

61 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.

62 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 SafeWork NSW requirements (< <http://www.safework.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.

63 Consultation with SafeWork NSW – Prior to Asbestos Removal

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

64 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.

- 65 **Sediment Control Measures**
The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
- 66 **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.
- 67 **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.
- 68 **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

- 69 **Dust Suppression Measures**
Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.
- 70 **Waste Classification of excavated soils**
Excavated soils must be classified in accordance with the DECCW (2009) *Waste Classification Guidelines* and disposed of at an approved landfill facility.
- 71 **Importation soils to site**
Imported soil to be used for back-filling is required to have validation testing following the EPA (1995) Sampling Design Guidelines to confirm suitability for the proposed land use.
- 72 **Water Sensitive Urban Design**
A 360 Jellyfish JF2250 Stormwater device is to be installed in accordance with the WSUD Report dated 22 May 2017.

- 73 **Protection of Council Infrastructure**
The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Wollongong City Council's Development Engineering Manager shall be notified immediately in the event of any damage to Council's assets. Any damage to Council's assets shall be made good to the satisfaction of Council, with all associated costs borne by the developer.
- 74 **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.
- 75 **No Adverse Run-off Impacts on Adjoining Properties**
The design of the development shall ensure there are no adverse effects to adjoining properties 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.

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.
- 76 **Branch or Root Pruning in accordance with Australian Standard**
Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).
- 77 **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 is in possession of this development consent and/or the approved landscape plan, in respect to the trees which have been given approval to be removed in accordance with this consent.
- 78 **Treatment of any Tree Damage by a Supervised Arborist**
Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.
- 79 **Restricted Hours of Construction 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 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 (length of duration);
 - b the reason for that variation (scope of works);
 - c the type of work and machinery to be used;
 - d method of neighbour notification;
 - e supervisor contact number;
 - f any proposed measures required to mitigate the impacts of the works.
- 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.
- 80 **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 SafeWork NSW requirements (< <http://www.safework.nsw.gov.au> >).
- 81 **Asbestos Clearance Certificate**
The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is

free of asbestos is to be submitted to Council by a licensed asbestos assessor within fourteen (14) days of the completion of renovations (or prior to the Occupation Certificate being issued).

82 Asbestos Waste Collection, Transportation and Disposal

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork 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.

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 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 4.55 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.”

85 Provision of Taps/Irrigation System

The provision of common taps 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 implemented in accordance with the approved Landscape Plan.

86 Podium Planting

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is 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

Prior to the Issue of the Occupation Certificate

87 Site Validation Report and Site Auditor's Statement (SAS)

A site validation report and site auditor's statement (SAS) are to be submitted to Council prior to issue of Occupation Certificate. The validation report shall verify that:

- a) all site contamination remediation works have been satisfactorily completed;
- b) the site is not affected by any soil strata and/or groundwater table contamination, above the NSW DECCW threshold limit criteria; and
- c) the site is rendered suitable for the proposed development..

The submission of a site audit statement (SAS) is required from the NSW EPA accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

88 Lot consolidation

The following lots are to be consolidated prior to the issue of the Occupation Certificate:

Lot 2 Sec 2 DP 4201

Lot 3 Sec 2 DP 4201

Lot 1 DP 1134542

Lot 1 DP 1134554

89 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.

90 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. 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.

91 Completion report for excavation adjacent to a public road

A report be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design that:

- a Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2012/001.
- b Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- c Provides a post construction dilapidation survey

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

93 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 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 stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

94 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.

95 **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.

96 **Completion of Landscape Works**

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

97 **Loading/Unloading Operations/Activities**

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