

Attachment 6 – Draft Conditions

Deferred Commencement Conditions

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

- (i) **The Development Consent shall not operate until the applicant satisfies 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:-**

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):

1. 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, and include a specific section relating to the Standards and any potential impacts (including demolition- and excavation- induced vibrations) to the rail corridor including tracks and assets.
 2. 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.
 3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation, structural design of sub ground support adjacent to the rail corridor, distance from the centre of the nearest track to the nearest point of excavation, distance from the overhead high voltage aerial lines to the boundary, and set back of the building to the boundary. Horizontal measurements and RL depths are to be verified by a Registered Surveyor.
 4. Detailed accurate Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land including distance verified by a registered surveyor from the boundary to the centre of the nearest track and overhead high voltage aerial lines.
 5. 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.
- (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:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications *to be inserted by Council* prepared by ADM Architects 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

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

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

3 **Construction Certificate**

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

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

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

4 **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.

5 **Maintenance of Access to Adjoining Properties**

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

6 **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.

7 **Geotechnical**

- A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- 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.
- Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- All work is to be in accordance with the geotechnical recommendations contained in the report dated 8 December 2017 by Network Geotechnics and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

- An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- All recommendations of the geotechnical consultant in their geotechnical report dated 8 December 2017 are to be accommodated in the earthworks plan.
- The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
- All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

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

The water cycling management treatment nodes shall be constructed as per the Water Cycle Management Study prepared by Jones Nicholson Consulting Engineering dated December 2017 to achieve the treatment goals for the removal of pollutants and nutrients which shall be: Gross Pollutants (GP) – 90%, Total Suspended Solids (TSS) – 85%, Total Phosphorus (TP) – 60% and Total Nitrogen (TN) – 45%.

9 **Advertising Signage**

Any advertising signs require separate Council approval unless such signage is exempt.

10 **Lot Consolidation**

The subject allotments shall be consolidated prior to the issue of an Occupation Certificate for the building.

11 **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 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Sydney Trains Conditions

- 12 Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- 13 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.
- 14 Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

- 15 A final Electrolysis Report based on the final approved development is to be prepared prior to the issue of a construction certificate. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
- 16 A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System.
- The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RailCorp that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.
- 17 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 shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 18 The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- 19 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 the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 20 No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- 21 Given the proximity of the existing building to the rail corridor boundary prior to the undertaking of any demolition works, demolition methodology and works programme is to be submitted to Sydney Trains for review and endorsement prior to the undertaking of those works. Demolition shall not be undertaken until written confirmation has been provided by Sydney Trains that this condition has been complied with.
- 22 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. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 23 If required, on completion of works the applicant shall provide a Validation Contamination Response report to Sydney Trains for review.
- 24 Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easement) and must be adequately managed/ disposed of.
- 25 Given the development site's location next to the rail corridor, drainage from the development must be adequately managed/ disposed of and not allowed to be discharged into the corridor (and its easements) unless prior approval has been obtained from Sydney Trains.
- 26 No work is permitted within the rail corridor, or its easements, at any time unless prior approval for an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate

until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

- 27 Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.
- 28 Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 29 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 30 Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- 31 To ensure that graffiti can be easily removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.
- 32 During all stages of the development, environmental legislation and regulations will be complied with.
- 33 During all stages of the development, extreme care shall be taken to prevent any form of pollution (including dust) entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 34 During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- 35 There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor and nearby high voltage assets. The development landscaping and planting plan should be submitted to Sydney Trains for review and endorsement.
- 36 The applicant shall not at any stage (during works and post development) block the rail corridor access gate on Hercules Street and shall make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities. Prior to commencement of works, the applicant shall consult with Sydney Trains regarding any potential impact by the development to the existing rail corridor access gate to ensure easy and ongoing 24/7 access to the rail corridor is maintained.
- 37 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.
- 38 Sydney Trains advises they have a 33kV H/V aerial transmission line near to this site and any works, scaffolding and crane movements within 6 metres of the nearest transmission line conductor must be discussed and approved by Sydney Trains beforehand. All works within 6 metres of the nearest transmission line conductor must comply with:

- ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
- 39 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.
- 40 No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- 41 Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- 42 The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupation Certificate. The Principal Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- 43 Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings shall indicate that there has been no encroachment into Sydney Trains land or easements. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 44 Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupation Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- 45 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.
- 46 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.
- 47 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.
- 48 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.

- 49 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.

Prior to the Issue of the Construction Certificate

50 **Demolition Plan**

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed demolition work plan prepared by a suitably qualified person shall be submitted to and approved by Council. The plan shall be prepared in accordance with Australian Standard AS 2601-2001 – The Demolition of Structures, and shall include the following details:

- Identification of any hazardous materials,
- the proposed method and timing of demolition works;
- the expected duration of the demolition works;
- an outline of the machinery and equipment to be employed to undertake the demolition works;
- precautions to be employed to minimise any dust nuisance and;
- the disposal methods for hazardous materials.

A Construction Certificate shall not be released by the Principal Certifying Authority and no demolition works shall commence until such time as Council's written approval has been obtained for the demolition plan. The approved demolition plan shall be complied with at times.

51 **Construction Management Plan**

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed Construction Management Plan (CMP) prepared by a suitably qualified person shall be submitted to and approved by Council. The construction management plan shall include (but not be limited to) the following details:

- a details of staging and timing
- b plan of proposed construction storage area;
- c parking for construction workers during the demolition and construction phases;
- d the type of materials/plant/ equipment to be transported to and stored at the site and how is it to be transported and stored;
- e timing of delivery of materials;
- f the proposed access points to the site during construction;
- g treatment of barricading/ hoarding for construction/and restricting access;
- h address all environmental aspects of the development's demolition and construction phases including soil and water management/erosion and sediment control plan; noise and vibration management plan; dust suppression/ dust management plan; waste management plan and litter control;
- i construction noise mitigation measures; and
- j timing of waste collection during construction.

A Construction Certificate shall not be released by the Principal Certifying Authority and no works shall commence until such time as Council's written approval has been obtained for the construction management plan. The approved construction management plan shall be complied with at times.

52 **Site Environmental Management Plan**

Prior to the issue of a Construction Certificate, the developer is required to submit to the PCA a site construction environmental management which shall address, as a minimum, the 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. The approved Site Environmental Management Plan shall be complied with at times during the course of demolition and construction.

53 **Site Assessment Report (Stage II) and Remediation Action Plan Under CLM Act 1997.**

The Stage II (detail site assessment report) 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: (1) the [Site Contamination Practitioners Australia](#) (SCPA) scheme; (2) the Environment Institute of Australia and New Zealand's (EIANZ) [Contaminated Land Assessment Specialist Certified Environmental Practitioner](#) (CLA Specialist CEnvP) scheme; or (3) the Soil Science Australia (SSA) [Certified Professional Soil Scientist Contaminated Site Assessment and Management](#) (CPSS CSAM) certification.

54 **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.

55 **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.

56 **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.

57 **Substation Design**

Prior to the release of a Construction Certificate, the developer shall obtain and provide evidence of Endeavour Energy's approval of the substation design.

58 **Telecommunications**

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

- 59 **Utility Services**
Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 60 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate.
- 61 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.
- 62 **Dilapidation Report Prior to Construction**
A Dilapidation Report detailing the current structural condition of the existing streetscape, street trees and neighbouring buildings prior to work commencing and include a detailed description of elements and a photographic record. The report shall be prepared and endorsed by a qualified structural engineer.

The report shall be submitted to the satisfaction of the Certifying Authority prior to issue of the Construction Certificate. The report shall also identify the condition of all Council assets in the vicinity of the proposed works.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.
- 63 **Lighting of western façade, forecourt and Denison Street entry**
Provision should be made for lighting in and around the Denison Street primary entry and the west-facing forecourt area. The lighting scheme shall provide for quality lighting to the forecourt area and entries to provide for safe access and a night-time presence. Details demonstrating compliance shall be provided to Council for approval prior to the release of the Construction Certificate.
- 64 **Glass Reflectivity Index**
The reflectivity index of the glass and other finishing materials used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.
- 65 **External Finishes**
The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours except where amended by conditions of this consent. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 66 Pedestrian access ways, entry paths and lobbies must be constructed with durable materials commensurate with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours.
- 67 **Finish of Vehicular Entries**
Vehicular entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No ducts or pipes are to be visible from the street.
- 68 **Placement of Air Conditioning Units**
Air conditioning systems are to not be located where they are visible from Denison or Hercules Streets. Plans submitted to the Principal Certifying Authority prior to issue of the Construction Certificate are to identify any external components of air conditioning systems to ensure they meet the requirements of this condition.

- 69 **Integration of Rooftop Structures in Approved Building Envelope**
All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.
- 70 **Mechanical Ventilation of the Car park**
The car park shall be mechanically ventilated, to be ducted to the roof. Details demonstrating compliance shall be provided with the Construction Certificate.
- 71 **External Lighting**
Any lighting of external areas within the development shall be designed and located in a manner to prevent light spill and/ or glare impacts on neighbouring properties. Light placement and design shall be indicated on the construction certificate drawings.
- 72 **Car Parking and Access**
The development shall make provision for the following:
- 193 car parking spaces (including 5 disabled car parking spaces)
 - 8 motorcycle parking spaces
 - 58 secure (Class B) employee bicycle spaces
 - 16 visitor bicycle spaces (Class C)
- This requirement shall be reflected on the Construction Certificate plans. Any change in the 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.
- 73 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.
- 74 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.
- 75 The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 76 The development shall make provision for 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.
- 77 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.
- 78 Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.
- 79 Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). This requirement shall be reflected on the Construction Certificate plans.
- 80 Gradients of ramps and access driveways shall be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.

- 81 **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 Civil Design Ground Level Stormwater Drainage Plan, Job no. 17020036, drawing no. C01, rev P3, by Jones Nicholson, dated 08/05/2018.
- 82 **On-Site Detention – Design Criteria**
The on-site stormwater detention facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen and a suitably graded invert to the outlet to prevent ponding. Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.
- 83 **On-Site Detention – Identification**
The construction certificate plans are to detail a corrosion resistant identification plaque for location on or close to the on-site stormwater detention (OSD) facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:

The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.

Identification number – DA-2017/1729

Any specialist maintenance requirements.
- 84 **Orifice/Weir Calculations**
Orifice and weir calculations for the on-site detention facility shall be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The orifice shall be of circular shape, designed to allow free discharge and have no influence from any tailwater levels in the downstream drainage system.
- 85 **Roofwater Drainage**
All roof gutters and downpipes designed to convey impervious area to the OSD system shall be designed to cater for a 1 in 100 year ARI storm event in accordance with the current version of AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.
- 86 **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.
- 87 **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.
- 88 **Excavation and Retaining Structures adjacent to Public Road**
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 geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- A dilapidation survey of the existing Council infrastructure
- 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.

89 **Ground Anchors**

Permanent ground anchors are not permitted within the road reserve. 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.

90 **Hercules and Denison Streets– Detailed Civil Engineering Design – Council Land**

A detailed civil engineering design shall be provided for the proposed footpath, drainage and road works within the road reserve and/or Council Land. 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 The Landscape Concept Plan, drawing no. 1827-LD01A, dated 15/11/2017 and The Civil Design Hercules Street, Job no. 17020036, drawing no. C10 (Rev P3) & C11 (Rev P1), by Jones Nicholson, dated 08/05/2018. The design 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, street signs (clearly identifying the type of sign) and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.
- b) Footpath longitudinal sections, Road Longitudinal Sections, and cross-sections at 10 metre intervals as well as including 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) Vehicular access must be provided for the adjoining lots on Hercules Street, details of the proposed vehicular crossings to access the lots must be provided.
- d) Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- e) 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.
- f) 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.
- g) Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves.

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

91 **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 other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. 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.

92 **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.

93 **Protection of Buildings from Ingress of Stormwater Runoff**

Detailed design of the development shall ensure that there will be no ingress of surface stormwater runoff into the proposed buildings. All building entrances shall be provided with a suitable freeboard above the adjacent local blocked pipe situation 100 year ARI water surface level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

94 **On Site Detention Structural Design**

The on-site detention facility located within the proposed driveway shall withstand the maximum loading and configuration imposed by the heaviest vehicle likely to use the accessway as specified in the RTA Heavy Vehicle Mass Loading and Access documentation, and applied in accordance with the current code: AS/NZS 1170 - Structural Design Actions. The design loading adopted, and details of this detention facility shall be submitted prior to the release of the Construction Certificate.

95 **On-site Detention – Structural Design**

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

96 **On-Site Detention - Maintenance Schedule**

A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of the Wollongong DCP2009.

97 **Overflow Paths**

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

98 **Details of Proposed Method of Connection of OSD**

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

99 **Provide OSD**

The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of the Wollongong DCP2009.

Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

100 **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:

- 1 A plan of the wall showing location and proximity to property boundaries;
- 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;
- 3 Details of fencing or handrails to be erected on top of the wall;
- 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;
- 5 The proposed method of subsurface and surface drainage, including water disposal;
- 6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- 7 The assumed loading used by the engineer for the wall design.
- 8 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.

101 **Landscaping**

The submission of a final Landscape Plan will be required in accordance with the requirements of Chapter E6 of Wollongong Development Control Plan (DCP) 2009 and the submitted Landscape Plan for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate. The final landscape plan shall make provision for the required street tree planting and footpath paving works as required by other conditions of this consent.

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

102 **Landscape and Drainage Compatibility**

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.

103 **Landscape Maintenance Program**

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

104 **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 verge. 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.

105 **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:

- 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 the bends in the wall at the passing bay of the accessway;
- g the assumed traffic loading used by the engineer for the wall design.

106 **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.

107 **External Lighting**

Any lighting of external areas within the development such as driveways and car parking entry, shall be designed and located in a manner to prevent light spill and/ or glare impacts on neighbouring properties. Light placement and design shall be indicated on the Construction Certificate drawings.

108 **Crime Prevention**

CCTV shall be installed throughout the basement levels. Any CCTV installed at the site shall comply with relevant legislation and guidelines regarding SOPs, image retention, access and placement.

109 Lighting within the basement levels should meet Australian and New Zealand Lighting Standards, as outlined in AS 1158 for public streets, car parks and pedestrian areas. The generally accepted yardstick is lighting should be bright and even enough to permit an observer to see inside a parked vehicle.

110 **Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)**

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior

to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

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

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

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

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

111 Works in Road Reserve

Prior to the issue of a Construction Certificate, the owner or contractor shall provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The policy is to note Council as an interested party.

112 Supervision of Works within Road Reserve

The works within Council's road reserve shall be supervised by a suitably qualified and experienced Civil Engineer or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number), together with a written construction program and anticipated duration of the construction works shall be submitted to Council's Development Engineering Manager prior to the commencement of works within the road reserve.

113 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 \$410,000.00 (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: 920865	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • 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

114 Temporary Road Closure(s)

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

Note: It may take up to eight (8) weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742-Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

115 Prior approval from Council for any works in Road Reserve

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

versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

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

116 **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.

117 **Construction Noise and Vibration Management Plan**

Prior to commencement of works a Construction Noise and Vibration Management Plan shall be prepared by an appropriately qualified Noise and Vibration Consultant.

118 **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.

119 **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.

120 **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.

121 **Structural Engineer's Details**

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

122 **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.

123 **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.

124 **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.

125 **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.

126 **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.

- 127 **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.
- 128 **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.
- 129 **Demolition Works**
The demolition of the existing structures 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.
- 130 **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>).
- 131 **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.
- 132 **Notification Prior to Use of Rock Hammers**
At least two (2) days written notice shall be given to any residence or business within 50m of the site prior to the commencement of any work involving hydraulic rock hammers.
- 133 **Consultation with SafeWork NSW**
Prior to any work commencing on the site it is the responsibility of the owner to contact SafeWork NSW in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.
- 134 **Support for Neighbouring Buildings**
This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 135 **Site Management Program – Sediment and Erosion Control Measures**
A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

136 **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.

During Demolition, Excavation or Construction

137 **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.

138 **Minimise Nuisance**

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.

139 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.

140 **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.

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

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

143 **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.

144 **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.

145 **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.

146 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system.

- 147 **Flows from Adjoining Properties**
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.
- 148 **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 149 **Protection of Excavations**
If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:
- a must preserve and protect the adjoining building from damage; and
 - b if necessary, must underpin and support the building in an approved manner; and
 - c must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.
- 150 All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.
- 151 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 152 **Excess Excavated Material - Disposal**
Excess excavated material shall be classified according to 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.
- 153 **Importation of Soils to Site**
Prior to importing any soils to site for the purpose of back-filling also requires validation testing following the EPA (1995) *Sampling Design Guidelines* to confirm suitability for the proposed land use.
- 154 **Acid Sulfate Soils**
The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.
- Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.
- Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.
- 155 **Discharge of Accumulated Water**
Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless all the following criteria are met:
- 1 The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
 - 2 The pH of the water to be discharged is between 6.5 and 8.5; and

- 3 The water to be discharged contains no visible oil or grease; and
- 4 If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
- 5 The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- 6 The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and
- 7 A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council's Environment Planning Team (phone 4227 7111; fax 4227 7277; email records@wollongong.nsw.gov.au, attention Environment Planning Team Manager); and
- 8 Written permission is obtained from Council's Environment Planning Team prior to any discharge.

Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.

156 **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.

157 **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

158 **Water Sensitive Urban Design**

Water sensitive urban design concept stated in WSUD Jones Nicholson Consulting Engineering dated December 2017 must be implemented.

159 **Site remediation and validation**

The recommendations of the site assessment report must be implemented for remediation of the site of the proposed development. The Contaminated Land Management Act 1997 and Chapter E20 of Wollongong DCP 2009 must be considered for the proposed remediation works.

160 **Site Validation Report**

The submission of a site validation report to Council is required, prior to the commencement of construction of the building. This validation report shall verify that:

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

The report shall be prepared by qualified and experienced consultant who has one of the following certification schemes: (a) the Site Contamination Practitioners Australia (SCPA) scheme; (b) the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme or (c) the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

Prior to the Issue of the Occupation Certificate

161 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.

162 Post Dilapidation Report

The developer shall provide Wollongong City Council with a post construction dilapidation report, identifying the condition of Council assets and all land in the vicinity of the proposed works at the completion of works.

163 Drainage

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the 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.

164 Restriction on use – On-site Detention System

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

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

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

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

165 Positive Covenant – On-Site Detention Maintenance Schedule

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

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

166 On-Site Detention – Structural Certification

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

167 External Plant and Equipment

All external plant such as air conditioners, compressors/pumps, exhaust systems and other equipment likely to emit noise shall have suitable noise attenuation so that the noise (LAeq(15min))

emanating from the operation of external plant and equipment does not exceed 5dB(A) above the background noise level (LA90(15min)) of the area at any boundary of the land.

168 **CCTV**

All stormwater pipes within road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Councils Development Engineering Manager for assessment prior to the issue of the Occupation Certificate. Below standard work must either be replaced or repaired to Councils satisfaction prior to the issuing of the Occupation Certificate.

169 **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:

- 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.
- Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- Provides a post construction dilapidation survey

170 **Works-as-Executed Plans – Works within Council Land**

The submission of a Works-As-Executed (WAE) plan for works within Council land must be submitted to Councils Development Engineering Manager for assessment, prior to the release of the occupation Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- Final locations and levels for all works associated with the development within Council land
- the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

171 **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 must be 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.

172 **Mailboxes & Street Numbering**

The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. The mailboxes must be provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

173 **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.

Operational Phases of the Development/Use of the Site

174 Waste Collection

All waste collection is to be undertaken from within the site. On-street collection of waste is not permitted at any time.

175 Storage of Waste Bins and Waste

All waste and bins associated with the development shall be stored within the waste storage rooms at all times. No waste shall be allowed to accumulate or shall be stored on or adjacent to the street frontages of the site at any time.

176 Loading/Unloading Operations/Activities and Maintenance Vehicles

Vehicles associated with deliveries to the building and any maintenance shall park within the site where possible. Loading / unloading activities shall take place within the loading dock and shall not obstruct vehicle movements within Hercules Street.

177 Graffiti Removal

Any graffiti shall be removed immediately from the exterior of the building or any associated structures including any fences, site services and retaining/ planter bed walls.