

# DRAFT CONDITIONS FOR:

## DA-2023/895

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NSW Rural Fire Service (RFS) Pursuant to Section 100B – authorisation under the Rural Fires Act 1997 – Bush Fire Safety Authority issued by the NSW RFS 28 March 2024 as attached shall form part of this Notice of Determination. Conditions imposed by Council as part of this Integrated Development Consent are:

### GENERAL CONDITIONS

Conditions				
<b>1. Approved Plans and Supporting Documentation</b>				
Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.				
Plan No	Revision No	Plan Title	Drawn By	Dated
2300259-PS	G	Plan of Proposed Subdivision	Beveridge Williams	18-10-2024
22-112	Issue 13	Old Bulli Hospital Landscape Masterplan	Taylor Brammer	08 April 2025
22-526-DA-C010	H	Cover Page	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C100	H	General Arrangement Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C105	G	Notes and Legends Sheet	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C120	H	Sediment and Erosion Control Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C130	L	Cut and Fill Plan	Infrastructure & Development Consulting	09 April 2025
22-526-DA-C135	F	Site Sections Sheet 1	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C136	G	Site Sections Sheet 2	Infrastructure & Development Consulting	09 April 2025
22-526-DA-C150	H	Road Alignment Control Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C160	G	Road Longitudinal Sections	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C200	I	Site Works Plan Sheet 1	Infrastructure & Development Consulting	09 April 2025
22-526-DA-C201	H	Site Works Plan Sheet 2	Infrastructure & Development Consulting	03 October 2024

22-526-DA-C202	K	Site Works Plan Sheet 3	Infrastructure & Development Consulting	09 April 2025
22-526-DA-C205	H	Pavement Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C210	I	Retaining Wall Plan Sheet 1	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C215	J	Stormwater Basin Plan	Infrastructure & Development Consulting	10 October 2024
22-526-DA-C219	G	Existing Catchment Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C220	G	Proposed Catchment Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C250	G	Signage and Linemarking Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C255	G	Vehicle Simulation Plan	Infrastructure & Development Consulting	03 October 2024
22-526-DA-C300	F	Combined Services Plan	Infrastructure & Development Consulting	03 October 2024
62816/147714	Rev 0	Remedial Action Plan	JBS&G	07 December 2022
62816-153201	Rev 1	L09: Southern Retaining Wall Assessment, Old Hospital	JBS&G	01 September 2023
62816-151370	Rev 1	L06: Northern Retaining Wall Asbestos Impact Delineation, Old Bulli Hospital	JBS&G	01 June 2023
PSM4313-010L		Bulli Hospital and Aged Care Centre – Southern Boundary Retaining Wall Condition	PSM	05 July 2023
62816-148715	Rev 0	L03: Aesthetic Impact (Coal Wash /Ash) Delineation, Old Bulli Hospital	JBS&G	19 January 2023
62816-152375	Rev 3	L07: Remedial Action Plan Addendum 01, Old Bulli Hospital	JBS&G	03 July 2023
PSM4313-007R	Rev 1	Geotechnical Site Investigation and Assessment	PSM	20 October 2023
D5136	Final	Arboricultural Impact Assessment Report – Stage 3	Allied Tree Consultancy	August 2023

21103		Bushfire Assessment	Peterson Bushfire	27 October 2023
RFI Response		Response to RFI – Proposed Subdivision: 27-29 Hospital Road, Bulli	Peterson Bushfire	22 February 2024
22127	7	Historical Heritage Assessment	Austral Archaeology	17 May 2023
22127		Aboriginal Cultural Heritage Due Diligence Advice		1 June 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

## 2. Phasing of Works

Works on site shall be undertaken in two distinct phases:

Phase 1 – demolition, tree removals and remediation works.

Phase 2 – subdivision works generally.

Prior to undertaking any Phase 2 works within areas of the site, both an interim Validation Report from an Accredited Environmental Consultant and Interim Advice from an accredited EPA Site Auditor are to be submitted to Council's Manager Planning.

Reason:

To ensure protection of the environment and comply with legislation.

## 3. Vehicular access

All vehicular traffic shall be controlled during remediation and construction works. Access and egress to the site should generally be confined to Hospital Road. Vehicular access to the site via Dumbrell Road is only permitted for works associated with the underground on-site detention tank, adjacent open space and works to the southern boundary.

Reason:

To protect the amenity of the surrounding area.

## 4. Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan. Primary access and egress are to be via Hospital Road, Bulli only.

Reason:

To comply with legislation and Australian Standards.

## 5. Archaeological Report - Research Design

Any excavation and ground disturbing works on site are to be undertaken in strict accordance with the Archaeological Research Design prepared by Austral Archaeology and dated 11 May 2023 and in compliance with the NSW Heritage Act 1977 Relics Provisions. In the event that

unexpected archaeological material is encountered works should cease and appropriate notification procedures undertaken.

Reason:

To ensure archaeology considerations are met.

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## **6. Heritage Impact Statement**

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The development is to be progressed in strict accordance with the relevant recommendations and conclusions of the Historic Heritage Assessment Report prepared by Austral Archaeology and dated 17 May 2023. In particular, Recommendation 3 of this report is to be fully enacted during the course of the excavation works.

Reason:

To ensure heritage considerations are met.

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## **7. Unexpected Finds of Aboriginal Cultural Heritage**

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If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must ensure:

- a. No further harm is undertaken to the object(s);
- b. Immediately cease all work at the particular location;
- c. Secure the area so as to avoid further harm to the Aboriginal object(s);
- d. Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location;
- e. Not recommence any work at the particular location unless authorised in writing by Heritage NSW;
- f. If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.

Wollongong City Council's Heritage Staff should also be notified by calling 4227 7111.

Reason:

To satisfy the requirements of the legislation.

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## **8. Geotechnical Conditions**

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- a. All work is to be in accordance with the recommendations contained in the geotechnical report and bulk earthworks specification dated 20 October 2023 by PSM
- b. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
- c. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- d. No excavation is to occur within the zone of influence of structures on adjoining properties.
- e. There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
- f. At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the designs for the structures to be constructed on the prepared site.
- g. Structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

Reason:

To satisfy Council policy.

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**9. Coal Washery Rejects**

Any Coal Washery Reject (CWR) material retained or reused on site is to comply with Australian Standard AS3798 *Guidelines on Earthworks for Commercial and Residential Developments*, unless located within the Tree Protection Zones.

Reason:

To comply with Council's Development Control Plan and protect neighbourhood amenity.

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**10. Contamination Material**

No contamination material is to be located on/under land to be transferred to Council.

Reason:

To comply with Council's requirements. And so as not to burden Council and Community in perpetuity.

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**11. Contamination Cells**

No contamination cells are to be located on/under land to be transferred to Council.

Reason:

To comply with Council's requirements. And so as not to burden Council and Community in perpetuity.

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**12. Tree Retention/Removal**

The developer shall retain the existing tree(s) indicated on Landscape Masterplan Landscape Approach 3.3 Tree Retention and Removal Plan by Taylor Brammer Landscape Architects dated 22 October 2023 and The Arboricultural Impact Assessment by Allied Tree Consultancy Dated August 2023 consisting of tree(s) numbered 37, 38, 39, 56, 57, 58, 59, 60, 61, 65, 66, 67, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 81, 100 -132, and 134-143. Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites. All recommendations in the Arboricultural Impact Assessment Arboricultural Impact Assessment by Allied Tree Consultancy Dated August 2023 page nos 54-58 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 62, 63, 64, 75, 82, 84, 85, 93, 94, 95, 96, 97 and 133 as indicated on the Landscape Masterplan Landscape Approach 3.3 Tree Retention and Removal Plan by Taylor Brammer Landscape Architects dated 22 October 2023 and The Arboricultural Impact Assessment by Allied Tree Consultancy Dated August 2023.

No other trees shall be removed without prior written approval of Council. Trees not mentioned in this consent have prior consent for removal; under DA – 2022/1634

Reason:

To protect the amenity of the environment and the neighbourhood.

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**13. Development Contributions**

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$80,200.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Subdivision Certificate.

This amount has been calculated based on the proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution go to [www.wollongong.nsw.gov.au/contributions](http://www.wollongong.nsw.gov.au/contributions) and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au).

**Reason:**

To ensure the development contributes to the provision of local infrastructure, through the payment of development contributions.

#### 14. Housing and Productivity Contribution

Below applies to applications 'accepted' between 01 Oct 2023 and 01 Jul 2024:

- a) The Housing and Productivity Contribution (HPC) set out in the table below, but as adjusted in accordance with condition b), is required to be made:

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution (base component)	\$8,145.03
Total Housing and Productivity Contribution	\$8,145.03

- b) The amount payable at the time of payment is the amount shown in condition a), as the total Housing and Productivity Contribution adjusted by multiplying it by:

***highest PPI number***

***consent PPI number***

where:

*highest PPI number* is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2<sup>nd</sup> last quarter before the quarter in which the payment is made, and

*consent PPI number* is the PPI number last used to adjust HPC rates when consent was granted, and

*June quarter 2023* and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- c) The HPC must be paid before the issue first Subdivision Certificate in relation to the development, or before the commencement of any work authorised by this consent (if no Subdivision Certificate is required). However, if development is any of the kinds set out in the table below, the total Housing and Productivity Contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
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Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first Subdivision Certificate
High-density residential development within the meaning of the HPC Order for which no Construction Certificate is required	Before the issue of the first Strata Certificate
Development that consists only of residential Strata Subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first Strata Certificate
Manufactured home estate for which no Construction Certificate is required	Before the installation of the first manufactured home

In the table, *HPC Order* means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

- d) The HPC must be paid using the NSW Planning Portal (<https://pp.planningportal.nsw.gov.au/>).
- e) If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - i. the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - ii. the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition b), at the time of payment.

- f) Despite condition a), the Housing and Productivity Contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

**Reason:**

To satisfy the requirements of the legislation.

## **15. Compliance with the Building Code of Australia (BCA)**

Building work must be carried out in accordance with the requirements of the BCA.

**Reason:**

To ensure the development is built in accordance with the Building Code of Australia.

## BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Conditions
<p><b>16. Final Landscape Plan Requirements</b></p> <p>The submission of a final Landscape Plan to the Principal Certifier, prior to the issue of the Subdivision Works Certificate. The final Landscape Plan shall address the following requirements:</p> <ol style="list-style-type: none"><li>All proposed benches or seats in the Southern open space area should be equal to Town and Park Metro seat by Stoddard or approved equal. Frame shall be cast aluminum with clear anodised aluminium battens. Three arm rests are required on each seat.</li><li>Interpretive signage to be made from 12mm folder 316 stainless steel plate to form a small lectern sign with vinyl graphics by applicant to meet the IN1 Interpretive sign within the Wollongong City Council City Centre Signage Manual Issue C. All proposed interpretive signage including text and images along with digital files to be provided to Councils heritage officer for written approval prior to installation.</li><li>No bin enclosures are permitted in open space.</li><li>No water fountains or Bubblers are to installed in public space.</li><li>Steps must be provided with handrails, tactiles and nosing strips to meet Australian Standards.</li><li>All proposed mass planting beds with gradients steeper than 1 in 3 must be stabilised with a geo fabric and coil logs to allow the establishment of planting on the embankments.</li><li>Retaining walls are to be structurally engineered with Core filled Block or sandstone sleepers to structural / civil engineers design. Bricks are permitted only as a single course tied into the structural wall skin.</li><li>All historical artifacts and reconstructed landscape items recommended in the Historical Heritage Assessment report by Austral Archaeological dated June 2023 are to place on private land.</li><li>Screen planting along the eastern boundary of the Southern Basin are to be <i>Tristaniopsis laurina</i> 'Lucious', <i>Elaeocarpus reticulatus</i>, <i>Crinum pandiculatus</i>, <i>Themeda australis</i>, and <i>Dianella caerulea</i>.</li><li>The following tree species are not supported as planting within the streetscape or open space, <i>Acacia binervata</i>, <i>A. longifolia</i>, <i>A. maidenii</i>, <i>Allocasuarina torulosa</i>, <i>Casuarina glauca</i>, and <i>Melaleuca styphelioides</i>.</li><li>All Lots are to be landscaped with turf rolls or spray turf to establish ground cover to mitigate water and wind erosion.</li></ol> <p>The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of a Subdivision Certificate.</p> <p><u>Reason:</u> To protect the amenity of the environment and the neighbourhood.</p>
<p><b>17. Interim Heritage Interpretation Plan</b></p> <p>An Interim Heritage Interpretation Plan including details of all proposed Interpretation Signage or Interpretive Installations and Outcomes is to be provided to Council's Heritage Staff for written endorsement prior to the release of the Subdivision Works Certificate.</p> <p>The Heritage Interpretation Plan prepared by Austral Archaeology and dated 7 June 2023 is required to be updated to address the outcome of Test Excavations, Aboriginal Community Consultation and ongoing conversations with Council regarding landscape Masterplan and</p>



dedication of embellishments and assets. The updated Report should provide final deliverable detail on:

- a. Information on Location of Cottage Hospital and how this important find is proposed to be interpreted in layout of proposed development, or other interpretive elements such as a sign marking the location;
- b. Proposed Artefact Display location/details and long term management of any relics not displayed;
- c. Interpretive Signage locations and test final detail. Any proposed signage located within the public domain or on land proposed to be handed back to Council are required to be consistent with the applicable Wollongong Council Open Space Design Manuals (West Dapto, City Centre) and be an agreed upon typology/treatment. Ongoing maintenance requirements may be required to be costed.
- d. Display of Plaques;
- e. Reuse of bricks, chimney plates, footings, memorial plaques;
- f. Information on why Brick Pillars cannot be retained and must be reconstructed and appropriate recording if demolition is proposed.

This will ensure that the final document is able to inform the implementation of final interpretation outcomes as an outcome of the redevelopment of the site. Any signage graphics and artwork are to be provided to Council following installation in a reproducible format along with the appropriate copyrights to allow ongoing maintenance to be undertaken by Council.

Reason:

To ensure heritage considerations are met.

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#### **18. Heritage – Archaeological Monitoring Report**

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An Interim Archaeological Monitoring Report prepared by Austral Archaeology following completion of archaeological works to date is to be provided to Council's Heritage Staff prior to Subdivision Works Certificate being issued. The Report should provide detail and clearly document the location of the Cottage Building Unexpected Find, and all archaeological relics identified during works to date.

Evidence the Report was provided to Heritage NSW as per the requirements of Exception 2(e), the archaeological monitoring report will be supplied to Heritage NSW in accordance with Section 146 of the Heritage Act and any subsequent advice from Heritage NSW.

Reason:

To ensure heritage considerations are met.

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#### **19. Signs and Linemarking**

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A sign and linemarking diagram must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Subdivision Works Certificate.

Reason:

To comply with Council Policy.

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#### **20. Environmental Management Plan**

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The submission of a detailed Environmental Management Plan which addresses but is not limited to, the following issues:

- a. Introduction.
- b. Project Description.

This section should include:

- i. Timing and duration of works.
- ii. location of work sites offices, compounds, stockpiles and refuelling areas.

- iii. a description of the site and surrounds and location of environmentally sensitive areas.

c. Objectives of the CEMP.

This section should state what the CEMP is trying to achieve.

d. Context of the CEMP.

This section should specify how the CEMP fits into the planning process of the project.

e. Planning Project Environmental Actions.

f. Environmental Impact Assessment (EIA) Obligations.

This section should identify all EIA documentation related to this project.

g. Environmental Aspects.

This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.

h. Legal and Other Requirements.

This section should detail the legislative requirements of the work, and all other specifications.

i. Supplementary Environmental Plans.

These include:

- i. Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
- ii. Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" Landcom, 2004.
- iii. Noise and Vibration Management Plan.
- iv. Landscaping and Revegetation Plan.
- v. Flora and Fauna Management Plan.
- vi. Traffic Management Plan/Traffic Control Plan (TCP).
- vii. Air Quality Management Plan.
- viii. Waste Management Plan.
- ix. Acid Sulfate Soil Management Plan (ASSMP).
- x. Indigenous and European Heritage Plan.
- xi. Contaminated Soil Management Plan.

j. Implementation.

k. On-site Structure and Responsibility.

This section should state the duties and responsibilities of all contractors and sub-contractors working on site and the relationship between these parties.

l. Training, Awareness and Competence.

This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:

- i. Knowledge and understanding of the CEMP.
- ii. Site induction, and may include:
  - Emergency response training.

- Familiarisation with site environmental controls.
- Erosion and sediment control training.

m. Communication.

This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency. This section should identify and list details for relevant external stakeholders such as:

- EPA.
- NPWS.
- NSW Fisheries.
- DPE.
- Aboriginal Groups.
- Council.

This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.

n. Emergency Planning and Response.

This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:

- The names of key emergency response personnel.
- Personnel responsibilities and contact details.
- Contact details for emergency services (ambulance, fire brigade, spill clean up services).
- The location of on-site information on hazardous materials, including SDSs and spill containment material.
- The procedure to follow to minimise/control the emergency.
- Procedures for notifying the Superintendent, the public and/or EPA.

Emergency Response Contacts should be listed in table form.

o. Auditing and Monitoring.

p. Environmental Action Monitoring.

This section should detail how all environmental actions identified in Section 2 are going to be monitored and verified. This section should also detail or refer to a procedure to ensure that all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.

q. Auditing.

This section should detail audit criteria, frequency and scope.

r. Non-Conformance and Corrective and Preventive Action.

This section should state how these items should be addressed.

s. Review of CEMP.

This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.

t. Appendix 1 - Environmental Action Table.

The Environmental Action Table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table should include all environmental actions that were identified in Section 2.0 of the

CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it.

u. Appendix 2 - Environmental Action Monitoring Table.

This section should detail how all of the environmental actions listed in Appendix 1 are going to be monitored and verified. The monitoring must clearly convey what monitoring is required, when the monitoring is to take place and who is to do it.

Reason:

To protect the environment.

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## **21. Site Specific Unexpected Finds Protocol**

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A site-specific Contamination Unexpected Finds Protocol must be submitted to the principal certifier for approval, prior to the issue of the Subdivision Works Certificate. The Plan must incorporate a *site-specific* Unexpected Finds Protocol in the event that any previously unidentified contaminated materials are uncovered during works.

Any finds must be notified to Wollongong City Council within 48 hours of the find. Additionally, besides any emergency works required, any changes that are required to be made to the site remediation works, requires written approval from Councils Environment Scientist.

Reason:

To ensure the health and safety of the persons undertaking the works and the surrounding environment.

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## **22. Fencing**

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The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows, the landscape plan should show:

- a. where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the matching/compliments brickwork as that used in the external wall of the building; and
- b. rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

Reason:

To comply with Council's Development Control Plan.

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## **23. Crime Prevention Through Environmental Design (CPTED) - Landscaping**

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In order to reduce the opportunities for "hiding places" the proposed landscaping must:

- a. Use shrubs/plants which are no higher than one 500mm.
- b. The type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.
- c. Be set back 1 metre from the centre of the pathway.

This requirement shall be reflected on the Subdivision Works Certificate plans.

Reason:

To satisfy the requirements of Australian Standards.

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## **24. Certification for Landscape and Drainage**

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The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the issue of the Subdivision Works Certificate, confirming that the landscape plan and the drainage plan are compatible.

Reason:

To ensure development does not impact services.

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**25. Landscape Maintenance Plan**

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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 Certifier prior to issue of the Subdivision Works Certificate.

Reason:

To comply with Council's Development Control Plan.

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**26. Tree Protection and Management**

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The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures for trees to be retained, including (but not necessarily limited to) the following:

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Subdivision Works Certificate.
- b. Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Subdivision Works Certificate.
- c. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch.
- d. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

Reason:

To comply with Council's Development Control Plan.

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**27. Footpath Paving**

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The developer is responsible for the construction of footpath paving for the entire frontage of the development. The type of paving for this development is a 1500mm wide, 100mm thick, reinforced, broom finished concrete. 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 be broom finished concrete to match the footpath 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 Wollongong City Council.

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

Reason:

To comply with Council Policy.

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## **28. Street Trees**

The developer must address the Hospital Road, street frontage by installing street tree planting. The number and species for this development are Eight *Waterhousia floribunda* 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use.

One *Toonia Ciliata* 200Litre Container size in accordance with AS 2303:2018: Tree stock for landscape use is to be installed in proposed Lot B1 to the north of the eastern road entry. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Before You Dig Australia' must be consulted prior to any excavation on site.

The developer must address the internal street frontages by installing street tree planting. The number and species for this development are Forty-Three *Melaleuca linariifolia* 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use.

The verge must be prepared by excavating a trench of 1.2m x 3m for each street tree. each trench is to be excavated and the base and walls broken up to avoid glazing of the pit. Trench to be backfilled with imported topsoil for both 300mm depth of topsoil equal to Soilco Gold Blend and 450mm depth imported soil with no compost. Soils must be tamped down in layers of 150mm. Tree trench preparation to be inspected and process recorded by Arborist. Root control barrier to kerb side of trench 600mm deep and extended along three metres along footpath. Installation of root barrier to be inspected by Arborist who must make a photographic record of the installation of all street trees. Tree pits must be adequately mulched, plants staked (2400 x 50 x 50mm) – final height of stake max 1600mm above finish level) and edging installed to the satisfaction of Wollongong City Council.

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

Reason:

To comply with Council's Development Control Plan.

## **29. Redundant Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored 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. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Subdivision Works Certificate Plans.

Reason:

To comply with Council's Development Control Plan.

## **30. Dilapidation Report**

Before the issue of a Subdivision Works Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Reason:

To establish and document the structural condition of adjoining properties and public land for

comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

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### **31. Landscaping in Bush Fire Prone Areas**

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Please note extensive ember attacks can occur beyond 100 metres of a bushfire, therefore it is recommended that landscaping to the site comply with the principles in Appendix 4 of Planning for Bush Fire Protection 2019 (BPB 2019), AAS 3959: 2018 and Standards for Asset Protection Zones (NSW Rural Fire Service).

Reason:

To satisfy the requirements of the legislation and Australian Standards.

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### **32. Sydney Water Section 73 Compliance Certificate**

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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](http://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 Certifier prior to issue of the Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation.

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### **33. Utilities and Services**

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Before the issue of the relevant Subdivision Works Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a Subdivision Works certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

Reason:

To ensure relevant utility and service providers' requirements are provided to the certifier.

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### **34. Gradients of Ramps and Driveways as per AS 2890.1**

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

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS 2890.1: Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Subdivision Works Certificate plans.

Reason:

To ensure compliance with Australian Standards.

### **35. 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 Certifier and Council (in the event that Council is not the Principal Certifier) for approval of both the Principal Certifier and Council is required, prior to the issue of the Subdivision Works 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 AS 1742: Traffic Control Devices for Works on Roads and the TfNSW 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 TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "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 a Registered 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 traffic control plan endorsed by Council shall be implemented, prior to the commencement of Phase 2 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.

Reason:

To ensure compliance with Australian Standards.

### **36. Depth and Location of Services**

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

Reason:

To ensure development does not impact services.



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**37. Provision of a Fire Hydrant**

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The provision of a fire hydrant in accordance with AS 2419.1:2005: Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Subdivision Works Certificate plans prior to the issue of the Subdivision Works Certificate.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

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**38. Road Design**

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The road design must be designed with Council's Subdivision Policy and comply with the following:

- a. The grading and layout of all roads and lots must not allow for trapped low points and in addition ensure that overland flow is passed safely over public land.
- b. The road pavement must be designed with one layer of AC10 asphalt having a minimum thickness of 40mm. The pavement design for the proposed roads must be carried out by a qualified Geotechnical/Civil Engineer in accordance with AUSTROADS Guide to Pavement Technology.
- c. All vertical and horizontal alignment of all streets and all street intersections within the development must have adequate sight distance provided in accordance AUSTROADS requirements.
- d. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit a 12.5 m HRV Heavy Rigid Vehicle to manoeuvre in order to enter and leave each road travelling in a forward direction and without leaving the carriageway and crossing centre lines.
- e. The relevant drawings must be annotated and properly referenced, showing compliance with this condition and comply with Council's Subdivision Policy. The drawings must be submitted with application for a Subdivision Works Certificate for approval by the Certifying Authority.

Reason:

To comply with Council's Development Control Plan.

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**39. Subdivision Works**

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All subdivision works must obtain a Subdivision Works Certificate prior to any commencement of Phase 2 works on site. Details of all subdivision engineering works are to be submitted to the Principal Certifier for approval.

The Principal Certifier must ensure that engineering plans are consistent with the stamped approved plans and that all subdivision works have been designed in accordance with conditions of this consent, Wollongong City Council's Subdivision Policy, AUSTROAD Guidelines and best engineering practice.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**40. Detailed Civil Engineering Design – Council Land**

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A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council land. The details must be submitted to and approved by Council's Development Engineering Manager. 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 Reference No. C200 to C202, issue H to J prepared by Infrastructure and Development Consulting, dated 03/10/2025 and shall include:

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

carriageway crown, 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, and cross-sections at 10 metre intervals and transitions to existing at the property boundary
- c. 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.
- d. 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.
- e. All construction must be in accordance with the requirements of Council's Subdivision Policy. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified Engineer to the expected traffic loadings and type.
- g. Where the new stormwater is proposed within Dumbrell Road and Hospital Road the following is required:
  - i. Half road of Dumbrell Road and Hospital Road must be resealed with one layer of AC10 asphalt having a minimum thickness of 40 mm
  - ii. New kerb and gutter must be provided
  - iii. All existing driveways affected by stormwater construction are to be reconstructed in accordance with Wollongong City Council Standard Drawings, to the existing driveway finish
  - iv. Existing access to all properties not the subject of this approval must be maintained at all times.

Evidence that the above requirements have been met must be detailed on the engineering drawings. 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 Subdivision Works Certificate. The application must be made via Wollongong City Council's Frontage Works Application process with details available on [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au). It is recommended that where the development also may include landscaping in the public domain or other works such as temporary anchors, that details and supporting information be included with the frontage works application.

Reason:

To comply with Council's Development Control Plan and Australian Standards.

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#### **41. Road Naming**

All roads must be named in accordance with Wollongong City Council's Road Naming Policy. The developer must lodge a Road Naming Application with Council, with an appropriate name prior to issue of the Subdivision Works Certificate. If the developer fails to lodge an appropriate name prior to issue of the Subdivision Works Certificate, Council will reserve the right to nominate a suitable name.

Reason:

To comply with Council Policy.

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#### **42. Street Lighting**

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Wollongong City Council's standards.

The developer must submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for contestable works in NSW and submitted to the Energy provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements. All costs associated with the installation of street lighting must be borne by the developer.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

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**43. Soil and Water Management Plan (SWMP) - Greater than 2500m<sup>2</sup> Disburbance**

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A SWMP must be prepared by a suitably qualified person in strict accordance with the requirements set out in "Managing Urban Stormwater: Soils and Construction" NSW Dept of Housing, 4th Edition. The plan must be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason:

To comply with Council's Development Control Plan.

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**44. Details of Proposed Pit and Pipeline**

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Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Subdivision Works Certificate plans and supporting documentation.

Reason:

To ensure development does not impact services.

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**45. Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**

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The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. a plan of the wall showing location and proximity to property boundaries;
- b. an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. details of fencing or handrails to be erected on top of the wall;
- d. sections of the wall showing wall and footing design, property boundaries, subsoil drainage 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, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. the proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. the assumed loading used by the engineer for the wall design; and
- g. 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.

Reason:

To comply with Council's Development Control Plan.

#### **46. Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Subdivision Works Certificate. The detailed drainage design must satisfy the following requirements:

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by Infrastructure and Development Consulting, Reference No. C200 to C202, issue H to K, dated 09/04/2025
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to [Council's existing stormwater drainage system/natural watercourse/inter-allotment drainage system/infiltration trench].
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall 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% AEP events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Council's Development Control Plan.

#### **47. On-Site Stormwater Detention (OSD) Design**

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Subdivision Works Certificate. The OSD design and details must satisfy the following requirements:

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD 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.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.

- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Subdivision Certificate:
  - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - ii. Identification number [DA-2023/895].
  - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Council's Development Control Plan.

#### **48. Compliance with Findings and Recommendations of the Bush Fire Impact Assessment Report**

The findings and recommendations contained in the Bush Fire Hazard Assessment Report dated 27.10.2023 prepared by Peterson Bushfire shall be implemented and maintained, except where amended by other conditions of this consent.

Reason:

To satisfy the requirements of the legislation.

## **BEFORE BUILDING WORK COMMENCES**

### **Conditions**

#### **49. Dust and Air Quality Management Plan**

A detailed Dust and Air Quality Management Plan shall be submitted to the Principal Certifier for approval, prior to the commencement of any earthworks works. The plan shall include provisions for real-time dust and air quality monitoring, and monthly reporting to Council on dust monitoring results.

Reason:

To ensure protection of the environment and neighbourhood amenity.

#### **50. Works in Road Reserve - Major Works**

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.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any 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.

Restoration must be in accordance with the following requirements:

- j. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road Reserve".
- k. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

Reason:

To satisfy the requirements of the legislation.

#### **51. Signs regarding contact details for site works concerns**

Prior to the commencement of works, signs are to be placed at key point on all site boundaries displaying the name and contact details of the Responsible Person(s) accountable for the following areas:

- General contact
- Noise
- Dust and air quality
- Water quality and site runoff

This information is to also be provided to all residents within a 300m radius by mail.

Reason:

To ensure site management measures are implemented during the carrying out of site work and maintain neighbourhood amenity.

#### **52. Demolition Works**

Demolition shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of 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 Certifier. 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.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

#### **53. 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.

Reason:

To protect neighbourhood amenity.

#### **54. Erosion and Sediment Controls in Place**

Before the commencement of any site or building work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance

with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Subdivision Works Certificate' (the Blue Book) (as amended from time to time).

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

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**55. Implementation of Dust and Air Quality Management Plan**

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The Dust and Air Quality Management Plan required and approved as part of this consent must be implemented in full.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**56. Notification Prior to Commencement of Remediation Works**

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Where any odours and/or dust is are likely to be released, at least two (2) days notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains, and the principal of any school within the same radius, advising of the date on which remediation works will commence.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**57. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures**

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**58. Certification from Arborist - Adequate Protection of Trees to be Retained**

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**59. Tree Protection**

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Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).

Tree Protection Zones must be established prior to the commencement of any work that will affect trees to be retained and associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones unless specified within the Arboricultural Impact Assessment Report.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**60. Signs On Site**

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A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

#### **61. Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Subdivision Certificate.

Reason:

To ensure services are not impacted.

#### **62. Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW 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 TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "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 a Registered 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.

Reason:

To satisfy the requirements of the legislation.

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### **63. Adjustment to Public Utility Service**

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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 Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to Phase 2 works commencing on site.

Reason:

To ensure services are not impacted.

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### **64. Subdivision Requirements**

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Prior to the commencement of Phase 2 work, the person having the benefit of the Development Consent and the Subdivision Works Certificate must:

- a. Notify Council in writing of their intention to commence works, this is to be submitted on Council's M10 form (at least two [2] days notice is required.).
- b. Appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed
- c. All works must be approved by way of issue of a Subdivision Works Certificate and constructed in accordance with the version of the Wollongong City Council Subdivision Policy current at the time of this consent. These documents including Development Consent, Subdivision Works Certificate approved drawings and other management plans outlined in this consent are to be kept on site at all times.
- d. A suitably qualified and experienced Civil Engineer, Registered Surveyor or experienced Civil Engineering Foreman must be appointed by the developer before any work commences on site.

Reason:

To satisfy the requirements of the legislation.

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### **65. Vibratory Rollers**

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No vibratory rollers are to be used during the construction of the subdivision without the prior written approval of the Principal Certifier. The Principal Certifier shall not issue this approval unless the geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent dwellings.

Reason:

To ensure geotechnical considerations are met.

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### **66. Temporary Road Closure**

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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 (TCP) prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information. The TCP shall satisfy the requirements of the latest versions of Australian Standard AS 1742-Traffic Control Devices for Works on Roads and the Transport for NSW Traffic Control at Worksites Manual.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

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**67. Appointment of Principal Certifier**

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

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

Reason:

To satisfy the requirements of the legislation.

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**68. Notification of Excavation Works or Use of High Noise Emission Appliances/Plant**

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The immediately adjoining neighbours of the site must be given a minimum of 48 hours notice, in writing, that excavation, shoring or underpinning works or use of high noise emission appliances/plant are about to commence. Contact details of the site supervisor are also to be provided.

Reason:

To ensure the protection of the environment and neighbourhood amenity. To mitigate adverse amenity impacts in the locality.

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**69. Temporary Toilet/Closet Facilities**

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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.

Reason:

To satisfy the requirements of the legislation.

## DURING BUILDING WORK

Conditions
<b>70. Hours of Work</b>
<p>The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"><li>• 7:00am to 5:00pm on Monday to Saturday</li></ul> <p>The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p>Any variation to the hours of work requires Council's approval.</p> <p>Any request to vary the approved hours shall be submitted to the Council in writing detailing:</p> <ol style="list-style-type: none"><li>a. The variation in hours required (length of duration);</li><li>b. the reason for that variation (scope of works);</li><li>c. the type of work and machinery to be used;</li><li>d. method of neighbour notification;</li><li>e. supervisor contact number; and</li><li>f. any proposed measures required to mitigate the impacts of the works.</li></ol> <p>Note: The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><u>Reason:</u> To protect the amenity of the surrounding area.</p>
<b>71. Coal Washery Reject management</b>
<p>During works, site controls are to be maintained in place to isolate the emplaced CWR from external sources of combustion and to prevent run-off and dust nuisance.</p> <p><u>Reason:</u> To comply with Council's Development Control Plan and protect neighbourhood amenity.</p>
<b>72. Control of Access to Prevent Tracking of Sediment</b>
<p>Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.</p> <p><u>Reason:</u> To comply with Council's Development Control Plan.</p>
<b>73. Provision of Waste Receptacle</b>
<p>The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.</p> <p><u>Reason:</u> To comply with Council's Development Control Plan.</p>

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**74. Building Site to be Kept Free of Rubbish**

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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.

Reason:

To comply with Council's Development Control Plan.

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**75. Implementation of the site management plans**

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While vegetation removal, demolition, earthworks and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan/CEMP and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason:

To ensure site management measures are implemented during the carrying out of site work.

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**76. Erosion and Sediment Control Measures**

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**Erosion and Sediment Control Measures**

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as the ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

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**77. Discharge of Accumulated Water**

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Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless a Section 68 approval issued under the Local Government Act 1993 has been obtained and all the following criteria are met:

- a. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and
- c. The pH of the water to be discharged is between 6.5 and 8.5; and
- d. The water to be discharged contains no visible oil or grease; and
- e. 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
- f. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- g. 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
- h. 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](mailto:records@wollongong.nsw.gov.au), attention Environment Planning Team Manager); and
- i. 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.

Reason:

To satisfy the requirements of the legislation.

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**78. Tree protection**

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While site or building work is being carried out that will affect trees to be retained, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason:

To protect and retain trees.

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**79. Demolition Materials - Disposal**

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

Reason:

To comply with legislation.

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**80. Cut and Fill**

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While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to resource recover exemption by the NSW EPA.

Reason:

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

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**81. Record of dust complaints and incidents**

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A register is to be kept of all dust complaints and incidents for the duration of approved DA works. The register shall include, as a minimum:

- Date and time
- Details of the complaint or incident
- identify cause(s),
- record the measures taken to resolve the issue.

The register is to be made available to Council and the NSW EPA if requested.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**82. No off-site effects of dust**

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There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect at or beyond the boundary of the site.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**83. Notification and management of excessive dust**

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In the event that daily dust monitoring identifies any exceedances of previously approved targets levels identified in the *Dust and Air Quality Management Plan*, the Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within 48 hours of the incident. This is to be accompanied by a report that assesses the reasons for the exceedance and details the corrective action(s) undertaken. Along with this, the approved *Dust and Air Quality Management Plan* approved under this consent will be updated and resubmitted to identify all required management measures that will be required to be undertaken in future to prevent such exceedances.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**84. Construction Noise Limits**

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Construction noise shall not exceed the background noise level [ $L_{A90}$  (15 min)] plus 10 dB(A), and a continuous equivalent sound pressure level [ $L_{Aeq}$  (15 min)] of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 m above ground level. If the property boundary is more than 30 m from the residence, the location for measuring noise levels is at the most noise-affected point within 30 m of the residence.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**85. Dust Suppression Measures**

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

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**86. Site Contamination Remediation Works**

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The completion of any site contamination remediation works (if necessary) in accordance with the remediation measures recommended in the site contamination audit report and any additional measures as required by the site contamination auditor, if necessary.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**87. Site Contamination Remediation Works**

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Seven (7) days prior to the commencement of site remediation works, Wollongong City Council must be notified in writing of the chosen/confirmed remediation methodology.

Any changes that are required to be made to the chosen/confirmed remediation methodology/works during site remediation works, will require written approval from Councils Environment Scientist.

Reason:

To ensure protection of the environment and comply with legislation.

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**88. Copy of Consent in the Possession of Person carrying out Tree Removal**

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The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

---

**89. Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area**

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No washing of equipment and or the disposal of building materials such as cement slurry must occur within the drip line of any tree which has been nominated for retention of the site and adjacent property.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**90. Treatment of any Tree Damage by a Supervised Arborist**

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Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**91. Landscaping**

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Landscaping to the site is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'.

Reason:

To satisfy the requirements of the legislation.

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**92. Provision of Taps/Irrigation System**

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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.

Reason:

To comply with Council's Development Control Plan.

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**93. Screen Planting**

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To mitigate impact to adjoining dwelling a continuous hedge is to be established along external boundary of Lots 1 (Eastern) and 11 (Eastern and Southern) for the length of property boundary.

Recommended species:

- a. *Syzygium australe* "Aussie Compact",
- b. *Syzygium luehmannii* x *S.wilsonii* "Cascade",

Minimum spacing 900mm.

Minimum pot size 5 lt.

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

Reason:

To comply with Council's Development Control Plan.

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**94. Responsibility for Changes to Public Infrastructure**

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While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerbs and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason:

To ensure payment of approved changes to public infrastructure.

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**95. Supervision of Engineering Works**

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All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

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Reason:

To ensure compliance with relevant Standards.

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**96. Works in Accordance with Council Documents**

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All works, inspection hold points and testing requirements are to be in accordance with Council's Subdivision Policy and Standard Drawings.

Reason:

To ensure construction Standards are met.

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**97. Level 1 Supervision**

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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.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

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**98. Service Conduits**

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Services conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored. Services conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored.

Reason:

To satisfy Council policy.

---

**99. Works to be in accordance with Soil and Water Management**

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All works must be carried out in accordance with the approved Soil & Water Management Plan and the Managing Urban Stormwater – Soils and Construction 'Blue Book'.

All erosion and sedimentation control measures are to be in place, prior to the commencement of any works. Daily maintenance of the erosion and sedimentation control measures is to be undertaken to ensure their effectiveness.

Reason:

To satisfy Council policy.

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**100. Construction Site Water Pollution Sources**

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All potential sources of water pollution derived from the development must be managed at all times in a way that prevents them from entering a watercourse or the stormwater system. The stormwater system, which is designed only to receive or pass rainwater and floodwater, includes, but is not limited to, channels, pipes, culverts, road gutters and stormwater drains. Potential building site related pollution sources which must be prevented from entering a waterway or the stormwater system include but are not limited to oil and fuels from vehicles and machinery, cement, sand, sediment, paint, plaster, packaging, litter, waste, brick, tile, aggregates and driveway construction run-off.

Reason:

To comply with the relevant legislation and protect the environment.

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**101. Construction Site Materials and Equipment Management**

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Building or construction related activities such as the temporary placement or storage of materials, mixing of mortar, brick cutting and the washing of tools, paint brushes, plant and equipment must not be carried out on the roadway, verge, public footpath, driveway or any



other position from which matter (whether solid, liquid or gaseous) is likely to fall, descend, be washed, blown or percolate into the stormwater system or any watercourse.

Reason:

To comply with the relevant legislation and protect the environment.

---

**102. Rock Breaking, Rock Hammering, Rock Sawing, Blasting, Sheet Piling, Pile Driving**

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The operation of high noise emission appliances, plant and/or machinery such as rock breaking, rock hammering, rock sawing, blasting, sheet piling, pile driving may only be carried out between the following hours:

9:00am to 12:00pm Monday to Friday;

2:00pm to 5:00pm Monday to Friday; and

9:00am to 1:00pm Saturday.

Any request to vary these hours shall be submitted to the **Council** in writing prior to works being undertaken and shall detail:

- The variation in hours required (length of duration);
- the reason for that variation (scope of works);
- the type of work and machinery to be used;
- method of neighbour notification;
- supervisor contact number;
- any proposed measures required to mitigate the impacts of the works.

**Note:** Blasting for excavation works is only permitted where it has been identified within a submitted and approved Demolition, Construction, Noise and Vibration Management Plan and must be undertaken observing all the requirements of SafeWork NSW.

Reason:

To ensure protection of the environment and neighbourhood amenity. To mitigate adverse amenity impacts in the locality.

## BEFORE ISSUE OF AN SUBDIVISION CERTIFICATE

Conditions
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**103. Defects and Damage Liability Period**

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The developer must maintain the road, drainage and street landscape works for a defects liability period of twelve months from the date of registration of the final plan of subdivision.

Reason:

To comply with Council policy.

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**104. Heritage Documents Local Studies Library**

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A bound hard copy and digital copy of all heritage documents related to this development application should be provided to Councils Heritage Staff for inclusion in the local studies library. The documents should be included as one document with an index page and posted or delivered to Wollongong Council Administration Building marked 'Confidential Care of Heritage Officer'. Document(s) required include but are not limited to:

- a. Heritage Impact Statement;
- b. Archaeological Research Design;
- c. Final Test Excavation Report;
- d. Archival Recording; and

e. Final Heritage Interpretation Plan

Reason:

To ensure heritage considerations are met.

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**105. Interpretation Works**

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Prior to the release of the Subdivision Certificate, the applicant is to complete any works that are recommended and detailed in the endorsed Heritage Interpretation Plan to the written satisfaction of Council's Heritage Staff.

Reason:

To ensure heritage considerations are met.

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**106. Compensatory Planting**

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The developer must make compensatory provision for the trees required to be removed as a result of the development. The completion of compensatory planting as per the final approved Landscape Plan is required, prior to the issue of a Subdivision Certificate

Reason:

To comply with Council's Development Control Plan.

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**107. Completion of Landscape and Tree Works**

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Before the issue of the Subdivision Certificate, the Principal Certifier must be satisfied that all landscape and tree works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Reason:

To comply with the legislation.

---

**108. Completion of Landscape Works on Council Owned or Controlled Land**

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The developer must complete all landscape works required within Council's Road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Subdivision Certificate.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

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**109. Arborist Verification – Street Tree Installation**

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Prior to the issue of Subdivision Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:

- a. The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use.
- b. The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

Reason:

To comply with the Australian Standards.

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**110. Preservation of survey marks**

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Before the issue of a subdivision certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or

- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

Reason:

To protect the State's survey infrastructure.

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**111. Future Development Restrictions - External Finishes and Colours**

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To ensure that future development within the subdivision is compatible with the setting of the Illawarra Escarpment, the developer is to develop and implement a Section 88B instrument to restrict future development within the subdivision to ensure that the materials, colours and finishes of all future development are restricted to include muted natural earthy or bushland tones with low reflective qualities. In this regard the use of white or bright colours should be limited in the future development.

A draft Section 88B instrument is to be prepared and provided to Council's Heritage staff for separate written approval for the release of the Subdivision Certificate.

Reason:

To ensure protection of the environment and neighbourhood amenity.

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**112. Section 88 instrument**

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If any contamination containment cells or similar are proposed to be located on site, a suitable and legally enforceable s88 instrument must be prepared and submitted to Council for approval prior to the release of the subdivision Certificate.

The restriction must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

Upon Council approval of the draft instrument, the instrument must be established and registered.

Reason:

To ensure protection of the environment and comply with legislation.

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**113. Long Term Environmental Management Plan**

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If any contamination containment cells or similar are proposed to be located on site, a Long Term Environmental Management Plan will be required. A draft Long Term EMP shall be submitted for Council approval prior to the release of the subdivision Certificate. The LTEMP must include, but is not limited to:

- a. LTEMP objectives
- b. detailed mitigation measures, maintenance programs, and ongoing monitoring requirements with an associated table
- c. specified active or passive management systems
- d. restrictions on use that apply to the site
- e. specific and detailed measures/requirements to ensure the LTEMP can be legally enforced with table of legal obligations resulting from LTEMP
- f. who is responsible for implementing it and their tasks with contact details
- g. the time frames for completing the actions specified, and who will undertake those actions
- h. a mechanism for monitoring its implementation
- i. a mechanism, detail, and procedure for periodically review and amendment
- j. a mechanism for submitting for review and approval the finalised LTEMP following the completion of all remedial action works

- k. where it will be recorded and how the public will be made aware of it
- l. A detailed Unexpected Finds Protocol
- m. A legally enforceable disclaimer that any and all proposed changes to LTEMP need to be reviewed and approved by Wollongong City Council
- n. affected stakeholders
- o. A3 architectural and civil drawings highlighting all relevant information of the LTEMP
- p. Site identification, including
  - i. street number
  - ii. street name and suburb
  - iii. lot and deposited plan (DP) numbers
  - iv. coordinates
  - v. locality map
  - vi. site survey plan
- q. Site owner
- r. Local government area
- s. Consent authority
- t. Site zoning
- u. a detailed Groundwater Management Plan (GMP) which must be produced by a suitable qualified hydrogeologist – if needed.
- v. Tabulated financial risk analysis

Reason:

To ensure protection of the environment and comply with legislation.

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#### **114. Site Contamination Validation Report and Site Contamination Audit Statement**

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The submission of a site contamination validation report to the Principal Certifier and Council (in the event that Council is not the Principal Certifier for its records) for approval is required, within 28 days of completion of works, and prior to the release of the Subdivision Certificate. This validation report shall verify that:

- all 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 submission of a Site Audit Statement and Site Audit Report is also required from an accredited Site Auditor pursuant to the provisions of Part 4 of the *Contaminated Land Management Act 1997* confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

Reason:

To ensure protection of the environment and comply with legislation.

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#### **115. Handover of Subdivision Works (Handover Package)**

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All Subdivision Works proposed to be handed over to Council must be done so in strict accordance with Wollongong City Council's Management of Assets Policy.

A draft handover must be prepared prior to the issue of Practical Completion (required for issue of a Subdivision Certificate).

The transfer of proposed public assets such as, but not limited to, civil infrastructure, public parks and reserves, and water sensitive urban design facilities must occur via a formal handover

process between the developer and Council. The final handover inspections must be arranged by the developer and must be in accordance with the following requirements:

- a. A handover package must be provided to Wollongong City Council prior to the final inspection and must include:
  - i. A paper copy of the Works-as-Executed Drawings (in accordance with the conditions of this consent), for Civil and Landscaping works and any associated AutoCAD files;
  - ii. A copy of the required infrastructure spreadsheet;
  - iii. A copy of any approved landscape plans, maintenance plans, vegetation management plans and relevant documentation to assist in the on-going management of Gross Pollutant Traps (GPT's), wetlands ponds and basins, as well as parks and reserves;
  - iv. Where required by the development consent, performance monitoring data of Water Sensitive Urban Design Facilities and GPT's and,
  - v. CCTV of the stormwater drainage system at the end of the damage liability period.
- b. As part of the handover process, any transfers of ownership can only occur at the conclusion of the required maintenance/defect liability periods as conditioned in the development consent, are completed;
- c. Final handover and defect liability periods are not completed until agreed to in writing by Council.

Reason:

To comply with Council's requirements.

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#### **116. Maintenance of Road and Drainage Works**

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The developer must maintain the road and drainage works for a defects liability period of twelve months from the date of registration of the final plan of subdivision.

The developer must ensure that any defective works shall be rectified and/or replaced during the maintenance period in accordance with the approved Subdivision Certificate plans. All costs arising during the maintenance period must be borne by the developer. The developer must notify Council for a re-inspection at the end of the maintenance period.

Reason:

To comply with Council's requirements.

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#### **117. Works-As-Executed (WAE) Plans**

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The submission of two (2) sets (minimum) of WAE plans to the Principal Certifier, prior to the release of the Subdivision Certificate. The WAE 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 WAE dimensions and levels must also be shown in red on a copy of the approved Subdivision Certificate plans. The WAE plans must include:

- a. Final locations and levels for all works associated with the subdivision which also indicates the final volume of each on-site detention and subsoil drainage locations;
- b. a separate conduit plan showing the location of all conduits laid beneath the constructed road system;
- c. a separate fill plan showing extent and depth of filling;
- d. a separate plan which indicates the extent of flood inundation for 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF storm event superimposed on the WAE ground levels. Where the WAE ground levels differ to the ground levels approved under the Development Consent, the extent of flood inundation for the 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF event shall be based on a re-run of the original flood model. Certification shall also be provided by a suitably qualified

consulting engineer confirming that the extents of flood affectation are based on the WAE ground levels;

- e. the location of the on-site detention identification plaque; and
- f. the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

An electronic copy in CAD format is required to be submitted at the time of lodgement.

Reason:

To comply with Council's Development Control Plan.

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### **118. Practical Completion**

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Upon completion of all works stipulated in the Development Consent and Subdivision Certificate, the developer must obtain either a Certificate of Practical Completion from Wollongong City Council or a Compliance Certificate from a Registered Certifier.

In order to attain a Certificate of Practical Completion the following items must be lodged with Wollongong City Council:

- a. Completed Application Form which references the Subdivision Certificate application number and stipulates that a Certificate of Practical Completion is required.
- b. Works-As-Executed drawings as conditioned in this consent.
- c. CCTV as conditioned in this consent.
- d. Final Certifications as conditioned in this consent.
- e. Final Reports as conditioned in this consent.
- f. All pipelines compaction data (all layers) and road density testing data (all courses) as per Wollongong City Council subdivision code requirements.
- g. Asset Management report as conditioned in this consent.

As part of the Practical Completion certificate, a draft Handover Package is to be provided to Wollongong City Council, with written confirmation that Council confirms practical completion has been reached and assets are to Council's satisfaction for future handover.

Reason:

To comply with Council's requirements.

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### **119. Fire Hydrant**

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A fire hydrant must be provided to the subdivision in accordance with the Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue. Documentary evidence of compliance with these guidelines is required to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate. A plumber's certificate showing that the fire hydrant has been provided must be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate. The location of the fire hydrant must be shown on the Works-As-Executed drawings.

Reason:

To comply with NSW Fire & Rescue's guidelines.

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### **120. Existing Easements**

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All existing easements must be acknowledged on the final subdivision plan.

Reason:

To comply with Council's Development Control Plan.

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**121. Existing Restriction as to Use**

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All existing restriction on the use of land must be acknowledged on the final subdivision plan.

Reason:

To comply with Council's Development Control Plan.

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**122. Encroaching Pipes**

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A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a Works-As-Executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

Reason:

To comply with Council's Development Control Plan.

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**123. Encroaching Services**

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A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

Reason:

To comply with Council's Development Control Plan.

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**124. Section 88B Instrument**

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The submission of a Final Section 88B Instrument to Council/Principal Certifier, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a. easement for services;
- b. easement for drainage;
- c. drainage easement over overflow paths;
- d. rights of access;
- e. denied vehicular ingress and egress over Lots 1, and 7 to 9

Reason:

To comply with Council's Development Control Plan.

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**125. 88B Instrument Easements/Restrictions**

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Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

Reason:

To satisfy the requirements of the legislation.

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**126. Certification Retaining Wall**

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The submission of a Certificate of Structural Sufficiency from a suitably qualified civil and/or structural engineer for all retaining walls constructed.

Reason:

To comply with Council's Development Control Plan.

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**127. Final Documentation Required Prior to Issue of Subdivision Certificate**

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The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a. Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges.
- b. Certificate of Practical completion from Wollongong City Council or a Principal Certifier (if applicable).
- c. Administration sheet prepared by a registered surveyor.
- d. Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision.
- e. Final plan of subdivision prepared by a registered surveyor.
- f. Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water confirming that water and sewer services are available.
- g. Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments. This documentation requirement is replaced by a Compliance Certificate from Endeavour Energy where a Strata Subdivision is proposed.
- h. Original letter of approval (also known as a Council letter) from NBN or similar from another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services, confirming that telecommunications are available for the development.
- i. Payment of Development Contribution fees (Pro rata) (if applicable).

Reason:

To satisfy the requirements of the legislation.

#### **128. CCTV**

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate. Below standard work must either be replaced or repaired to the Principal Certifier's satisfaction prior to the issuing of a Subdivision Certificate.

Reason:

To satisfy the requirements of the legislation.

#### **129. Benkelman Beam**

Prior to issue of the Subdivision Certificate, Benkelman beam testing must be undertaken on all roads proposed for dedication as road reserve. Testing must be carried out in accordance with the current version of the Wollongong City Council Subdivision Code at the time of issue of this consent. The acceptance criteria is based on the tolerable deflections as specified by the Australian Road Research Board and AUSTROADS at the time of issue of this consent.

Reason:

To comply with Council's requirements and relevant Standards.

#### **130. Street Signs**

All proposed street signs must be approved by Wollongong City Council and installed prior to the issue of the Subdivision Certificate.

Reason:

To comply with Council's requirements and relevant Standards.

#### **131. Registered Surveyors Certificate**

A Registered Surveyor must certify in writing that all stormwater pits and pipelines, services and vehicular accessways are located wholly in an appropriate easement on the final plan of subdivision. This certification must be submitted with the Subdivision Certificate application.



Reason:

To satisfy the requirements of the legislation.

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**132. Asset Management - Roads, Drainage and Landscaping**

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Prior to issue of the Subdivision Certificate the following documentation must be submitted to the Principal Certifier for approval:

- a. The length, square meterage and cost of constructed roadworks and other civil assets to be dedicated as public infrastructure. Road structure (Thickness survey data), including the material used in each layer of road, during construction is to be provided.
- b. An itemised and costed list of the dimensions material and structural grade of pipes, type and dimension of associated pits and water quality features in the proposed drainage system to be handed over to Council (not including common drainage lines or inter-allotment drainage). Details and dimensions shall include:
  - i. Pipes - length between pits, diameter, invert levels;
  - ii. Pits - depths, width, length and lintel length;
  - iii. Open channels (lined or natural) - length, width and depth;
  - iv. Wetland - area;
  - v. Gross pollutant traps - depths, width, length, type (proprietary supplier, type);
  - vi. Detention basins - area;
  - vii. Headwalls - depth, width, pipe diameter;
  - viii. Riparian - length, width, depth and materials.
- c. An operations and maintenance manual for proposed riparian and water quality features including gross pollutant traps and wetlands. This manual shall include but not be limited to proposed type and frequency of establishment and maintenance intervention requirements.
- d. Itemised list of street signs and street furniture including their current cost.
- e. Itemised list of plantings in public areas. Cost of plantings must be provided (to be based on current Landscape Contractors' Association figures).
- f. Maintenance schedule of landscape works and civil works and costs to Council associated with the ongoing maintenance of the work.
- g. Risk assessment of carrying out maintenance of landscape works and drainage/water quality systems. Appropriate traffic control plans (prepared in accordance with Transport for NSW guidelines) will need to be submitted for approval where maintenance work takes place in a proposed road reserve. Current costs will need to be provided in implementing the Traffic Control Plan.
- h. All relevant reports/documentation (e.g. surveillance reports, emergency management plans etc.) associated with any detention storage basin/s, as required by the NSW Dam Safety Committee (DSC) including documentary evidence confirming approval of this reporting/documentation by the DSC.

Reason:

To comply with Council's requirements.

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**133. Final Geotechnical Report - Subdivision Certificate**

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The submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to the Principal Certifier, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:

- a. all earthwork operations;
- b. the suitability of each allotment for residential development. In this regard each lot shall be given a classification in accordance with AS 2870.1 - Residential Slabs and Footings;

- c. a fill plan showing extent and depth of fill;
- d. certification that all earthworks within the site have complied with the Subdivision Code. This shall include appropriate test results, and test location diagram and date of testing;
- e. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied;
- f. the exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of subsurface drainage lines, which shall be burdened with a restriction-as-to-user within the Section 88B Instrument;
- g. identification of all land affected by landslip or instability constraints (if applicable);
- h. no FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Reason:

To satisfy geotechnical requirements.

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**134. Certificate - Structures**

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The submission of written certification from a suitably qualified civil and/or structural engineer stating that all structures have been constructed in accordance with the approved Subdivision Certificate plans.

Reason:

To satisfy the requirements of the legislation.

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**135. Certification - Earthworks**

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The approved landfilling or land re-shaping works must be supervised at all times by a suitably qualified geotechnical engineer. Upon completion of the landfilling/land re-shaping works, written certification from the geotechnical engineer stating that all landfilling/land re-shaping works have been completed in accordance with the approved Subdivision Works Certificate plans and specifications. The certification must also include appropriate test results, a test location diagram and the date of testing.

Reason:

To satisfy the requirements of the legislation.

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**136. Final Plan of Subdivision Electronic Submission**

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The final plan of subdivision is to be submitted as an electronic copy to Council prior to the issue of the subdivision certificate. The electronic copy of the plan must be an ESRI shapefile of the cadastral boundaries, delineating any easements or restrictions on title.

Reason:

To satisfy Council policy.

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**137. Splay Corner Lots**

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Corner lots shall provide a minimum 4.25 metre splay. These splay corners are to be dedicated free of cost to Council and shall form part of the road reserve. The excised land must be dedicated at no cost to Council as road reserve on the Final Plan of Subdivision.

Reason:

To comply with Council's Development Control Plan.

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**138. Final Heritage Interpretation Plan**

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A Final Heritage Interpretation Plan including details of all proposed Interpretation Signage or Interpretive Installations and Outcomes is to be provided to Council's Heritage Staff for written endorsement prior to the release of the Subdivision Works Certificate.

The Heritage Interpretation Plan prepared by Austral Archaeology and dated 7 June 2023 is required to be updated to address the outcome of Test Excavations, Aboriginal Community

Consultation and ongoing conversations with Council regarding landscape Masterplan and dedication of embellishments and assets. The updated Report should provide final deliverable detail on:

- a. Information on Location of Cottage Hospital and how this important find is proposed to be interpreted in layout of proposed development, or other interpretive elements such as a sign marking the location;
- b. Proposed Artefact Display location/details and long term management of any relics not displayed;
- c. Interpretive Signage locations and test final detail. Any proposed signage located within the public domain or on land proposed to be handed back to Council are required to be consistent with the applicable Wollongong Council Open Space Design Manuals (West Dapto, City Centre) and be an agreed upon typology/treatment. Ongoing maintenance requirements may be required to be costed.
- d. Display of Plaques;
- e. Reuse of bricks, chimney plates, footings, memorial plaques;
- f. Information on why Brick Pillars cannot be retained and must be reconstructed and appropriate recording if demolition is proposed.

This will ensure that the final document is able to inform the implementation of final interpretation outcomes as an outcome of the redevelopment of the site. Any signage graphics and artwork are to be provided to Council following installation in a reproducible format along with the appropriate copyrights to allow ongoing maintenance to be undertaken by Council.

Reason:

To ensure heritage considerations are met.

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#### **139. Heritage – Final Archaeological Monitoring Report**

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A Final Archaeological Monitoring Report prepared by Austral Archaeology following completion of archaeological works to date is to be provided to Council's Heritage Staff prior to Subdivision Works Certificate being issued. The Report should provide detail and clearly document the location of the Cottage Building Unexpected Find, and all archaeological relics identified during works to date.

Evidence the Report was provided to Heritage NSW as per the requirements of Exception 2(e), the archaeological monitoring report will be supplied to Heritage NSW in accordance with Section 146 of the Heritage Act and any subsequent advice from Heritage NSW.

Reason:

To ensure heritage considerations are met.

### **OCCUPATION AND ONGOING USE**

<b>Conditions</b>
<b>140. Bush Fire – Asset Protection Zones</b>
At the issue of a subdivision certificate and in perpetuity, the entire site must be managed as an inner protection area in accordance with the requirements of Appendix 4 of <i>Planning for Bushfire Protection 2019</i> .
<u>Reason:</u> To satisfy the requirements of the legislation.
<b>141. Bush Fire - Maintenance of Landscaping</b>
The landscaping and the site must be maintained at all times as follows:
<ul style="list-style-type: none"><li>There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.</li></ul>

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.

- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Climbing species are avoided to walls and pergolas;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of two (2) metres above the ground;
- Trees are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- No part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
- The use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reason:

To comply with legislation and Australian Standards.



Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Your reference: (CNR-62808) DA-2023/895  
Our reference: DA20231121005283-Original-1

**ATTENTION:** Sarah Goodman

Date: Thursday 28 March 2024

Dear Sir/Madam,

**Integrated Development Application**

**s100B – Subdivision – Torrens Title Subdivision**

**27 - 29 HOSPITAL ROAD BULLI 2516, 2//DP7677, 8//DP7677, 7//DP7677, 6//DP7677, 5//DP7677, 4//DP7677, 3//DP7677, 1//DP7677, 1//DP83742, 1//DP326181, 1//DP595930, 22//DP6793, 21//DP6793, 20//DP6793, 19//DP6793**

I refer to your correspondence dated 27/11/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

**General Conditions**

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.

- The Plan of Proposed Subdivision prepared by Beveridge Williams dated 06.09.2023.
- The bush fire assessment prepared by Peterson Bushfire Dated 27.10.2023.

2. At the issue of subdivision certificate, a section 88B easement under the *Conveyancing Act 1919* is to be created. The easement is to restrict the construction of any habitable part of a building within 18 metres from the southern boundary of the parent lots for proposed Lots 2-4 and 12. The easement is to ensure the lot accommodates the required Asset Protection Zones (APZs) for the future dwelling located on the lot and must allow for a defensible space that permits unobstructed pedestrian access surrounding all future buildings. The name of authority empowered to release, vary, or modify any instrument must be Council.

**Asset Protection Zones**

***The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

3. At the issue of a subdivision certificate and in perpetuity, the entire site must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;

1

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

#### Access – Public Roads

***The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.***

4. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;  
where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access must be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021 - *Fire hydrant installations System design, installation and commissioning*; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

5. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;



# RFS



- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

#### **Water and Utility Services**

*The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.*

6. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2021;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **General Advice - Consent Authority to Note**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the *National Construction Code* must be subject to separate application under section 4.14 of the *Environmental Planning and Assessment Act 1979* and address the requirements of *Planning for Bush Fire Protection 2019*

For any queries regarding this correspondence, please contact Peter Dowse on 1300 NSW RFS.

Yours sincerely,

Michael Gray  
Manager Planning & Environment Services  
Built & Natural Environment



# BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision

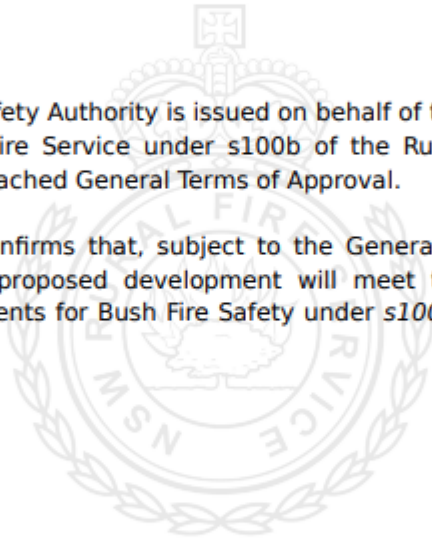
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21//DP6793, 20//DP6793, 19//DP6793

RFS Reference: DA20231121005283-Original-1

Your Reference: (CNR-62808) DA-2023/895

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.



**Michael Gray**

Manager Planning & Environment Services  
Built & Natural Environment

Thursday 28 March 2024