

## Attachment 12 – Draft conditions of consent

The development proposed is integrated development and approval is required from the approval bodies listed below:

Conditions imposed  
by the Rural Fire Service are attached at the back of this consent.

Conditions imposed by Council as part of this Integrated Development Consent are:

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans  
Stage 1 Site Plan 02132\_S1\_120 Rev 3 dated April 2019 prepared by C&M Consulting Engineers  
Stage 1 General Arrangement Sheet 1 02132\_S1\_201 Rev 3 dated April 2019 prepared by C&M Consulting Engineers  
Stage 1 General Arrangement Sheet 2 02132\_S1\_202 Rev 3 dated April 2019 prepared by C&M Consulting Engineers  
Typical Sections – Sheet 1 02132\_S1\_401 Rev 3 dated April 2019 prepared by C&M Consulting Engineers  
Typical Sections – Sheet 2 02132\_S1\_402 Rev 3 dated April 2019 prepared by C&M Consulting Engineers  
Typical Sections – Sheet 3 02132\_S1\_403 Rev 3 dated April 2019 prepared by C&M Consulting Engineers  
Site Analysis ST1\_A\_02/A dated September 2019 prepared by Boss Design  
Stage 1 Part Site Plan ST1\_A\_04/A dated September 2019 prepared by Boss Design  
Sections Retaining Wall ST1\_D\_03/A dated September 2019 prepared by Boss Design  
Lower Ground Floor – Medical Centre ST1\_B\_01/A dated September 2019 prepared by Boss Design  
Ground Floor Plan – Medical Centre ST1\_B\_02/A dated September 2019 prepared by Boss Design  
First Floor Plan – Medical Centre ST1\_B\_03/A dated September 2019 prepared by Boss Design  
Roof Plan – Medical Centre ST1\_B\_04/A dated September 2019 prepared by Boss Design  
Ground Floor Plan – Childcare Centre ST1\_B\_05/A dated September 2019 prepared by Boss Design  
Roof Plan – Childcare Centre ST1\_B\_06/A dated September 2019 prepared by Boss Design  
Elevations – Medical Centre ST1\_C\_01/A dated September 2019 prepared by Boss Design  
Elevations – Medical Centre ST1\_C\_02/A dated September 2019 prepared by Boss Design  
Elevations – Childcare Centre ST1\_C\_03/A dated September 2019 prepared by Boss Design  
Elevations – Childcare Centre ST1\_C\_04/A dated September 2019 prepared by Boss Design  
Sections – Medical Centre ST1\_D\_01/A dated September 2019 prepared by Boss Design  
Sections – Childcare Centre ST1\_D\_02/A dated September 2019 prepared by Boss Design  
and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

## **General Matters**

### **2 Geotechnical**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 13 May 2019 by Construction Sciences and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- c All earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision. 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.
- d Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying bedrock as recommended by the geotechnical consultant.
- e All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

### **3 Building Work - Compliance with the Building Code of Australia**

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

### **4 Construction Certificate**

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

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

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

### **5 Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

## **Prior to the Issue of the Construction Certificate**

- 6 Wherever there is a drop from the edge of an elevated driveway or parking area that exceeds 600mm, barriers are to be provided in accordance with Clause 2.4.5.3 of AS2890.1 and structurally loading requirements of AS1170.1. This requirement shall be reflected on the Construction Certificate plans.
- 7 The childcare centre car parking area is to be signposted as '20-minute parking' (pick-up/drop-off) to ensure that these spaces are available for parents picking up and dropping off children. This requirement shall be reflected on the Construction Certificate plans.
- 8 **Flows from Adjoining Properties**  
Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

9 **Stormwater Discharge Rates**

The detailed design of the development shall ensure that peak stormwater discharge rates from the site to each stormwater disposal point (including existing stormwater drainage system within the site draining beneath the M1 Princes Motorway and Council's existing stormwater drainage system in Warwick Street) will not exceed existing stormwater discharge rates in any storm event up to and including a 1 % AEP event. This requirement shall be demonstrated with detailed pre and post development hydrological/hydraulic analysis, stormwater details, and an engineering design certification. In addressing these requirements, the hydrologic and hydraulic analysis shall use a catchment area of 6.8ha draining to the M1 Princes Motorway culvert in the pre-development scenario (the DRAINS modelling submitted to Council at development application stage used an incorrect area of 7.43ha). These requirements shall be reflected on the detailed drainage design and Construction Certificate plans. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifying Authority prior to the release of any Construction Certificate.

10 **Detention Basin Grassed Batter Slopes**

The detailed design of the development shall ensure that grassed batter slopes in detention storage facility do not exceed 1(vertical) in 4(horizontal). This requirement shall be reflected on the detailed drainage design and Construction Certificate plans. Evidence that these requirements have been satisfy shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

11 **Overflow Paths to On-site Stormwater Detention Basin**

The detailed design of the development shall ensure that all overflows from detention basin catchment area will be conveyed to detention basin in the event of a blockage/overload of piped drainage system. In this regard, the finished surface levels of Road 4 and the adjacent intersection shall be designed to ensure that all blocked pipe situation overflows from Road 4 will be directed down Road 6 to the south-west and into the detention basin (and not to Warwick Street). These requirements shall be reflected on the detailed drainage design and Construction Certificate plans. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

12 **Ecosystem credit retirement**

Prior to commencement of works, the class and number of ecosystem credits in Table 13 (from Biodiversity Development Assessment Report (Prepared by Biosis, Dated 21 February, 2020)) must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C) at the time of payment.

***Ecosystem credits required to be retired – like for like***

Impacted Plant Community Type	Number of ecosystem credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from the development (Offset Trading Group)
PCT 1300 - Whalebone Tree - Native Quince dry subtropical rainforest on dry fertile slopes, southern Sydney Basin Bioregion	1	Illawarra IBRA subregion	Illawarra Subtropical Rainforest in the Sydney Basin Bioregion
PCT 838 - Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion	7	Illawarra IBRA subregion	Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion

13 **Evidence of ecosystem credit retirement**

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition 12 must be provided to the Manager - Development Compliance, Wollongong City Council, prior to the commencement of works.

14 **Design and Construction of Food Premises**

The kitchen fit-out for the café must comply with *AS-4674/2004: Design, Construction and Fit-Out of Food Premises*.

15 **Childcare fencing**

The fencing around the outdoor area of the childcare facility is to comply with the following:

- made from solid prefinished metal, timber or masonry
- have a minimum height of 1.8 metres
- have no rails or elements for climbing higher than 150mm from the ground

16 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

17 **Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy to the Principal Certifier is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

**Note:** Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

18 **Car parking and Access**

The development shall make provision for a total of 161 car parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

19 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

20 Each accessible parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

21 **Designated Loading/Unloading Facility**

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

22 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

23 **Low Impact Floodlighting**

All outdoor areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding bushland and properties. All lighting required around the facility shall point towards the development and not into surrounding vegetated areas. The final design

details of the proposed floodlighting system shall be reflected on the Construction Certificate plans. The erection of the floodlighting system shall be in accordance with the approved final design.

24     **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

25     **Parking Area Levels**

Parking area levels shall be designed and constructed to limit the 1 in 100 year ARI flood flow velocity and depth to within the vehicle stability limits in accordance with Chapter E13 of the Wollongong DCP 2009. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.26     **Water/Wastewater Entering Road Reserve**

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

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

27     **Details of Proposed Pit and Pipeline**

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 Construction Certificate plans and supporting documentation.

28     The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a       a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes'
- b       the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees.

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

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

30     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 release of the Construction Certificate.

31     The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, twenty (20) 100 litre container mature plant stock shall be placed along the in an appropriate location within the property boundary of the site. The suggested species are *Waterbousia floribunda*, *Acmena smithii*. Details are to be shown on the plans submitted with the Construction Certificate.

32     **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This

will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

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

33 **Site Offices**

All site offices must be located on-site plan and are to be located in already cleared areas outside the canopy of any existing trees to be retained. Details of the location of the site offices shall be submitted to the Principal Certifier, prior to release of the Construction Certificate.

34 **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**

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

- 1 A plan of the wall showing location and proximity to property boundaries;
- 2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- 3 Details of fencing or handrails to be erected on top of the wall;
- 4 Sections of the wall showing wall and footing design, property boundaries, 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;
- 5 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;
- 6 The assumed loading used by the engineer for the wall design.
- 7 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.

35 Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.

36 **Property Addressing Policy Compliance**

Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** ([propertyaddressing@wollongong.nsw.gov.au](mailto:propertyaddressing@wollongong.nsw.gov.au)), for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

37 **Planting to Child care centres**

The developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below:

- i plants known to produce toxins;
- ii plant with high allergen properties;

- iii plants with profuse scented flowers or known to attract high numbers of bees, spiders, and insects;
- iv species which produce small nuts or fruits;
- v plants with thorns or spiky foliage and branches; and
- vi any weed or potential weed species.
- vii Avoid planting plants such as Asthma weed (*Parietaria judaica*), Rhus (*Toxicodendron succedaneum*), Yellow oleander (*Thevetia peruviana*), Cactus, chillies, Dumb cane (*Dieffenbachia*), Mushrooms, Angels Trumpet (*Brumansia*), Cycads, Grevilleas, Oleander (*Nerium oleander*), Poinsettia, Rhubarb, White cedar (*Melia azederach*), Yesterday Today Tomorrow (*Brunsfelsia*), Agapanthus, Amaryllis, Arum Lily, Azaleas and Rhododendrons, Daffodils, Foxgloves, Lily of the Valley and any other species that have the characteristics listed above which could place children at risk. The developer shall consult and undertake further research to ensure the most up to date information is available to determine plant suitability.

### 38 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans

### 39 **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 Construction 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 C&M Consulting Engineers, Drawing No.'s 02132\_S1\_120, 02132\_S1\_201, and 02132\_S1\_202, revision 03, dated 12/09/2019.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing stormwater drainage system within the site (draining beneath the M1 Princes Motorway) and to Council's existing stormwater drainage system (in Warwick Street) in accordance with the concept engineering plans lodged for development approval (referenced above).
- 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 in 100 year ARI 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.

### 40 **On-Site Stormwater Detention (OSD) Design**

The developer must provide on-site stormwater detention (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 Construction 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 12.2.4 of Chapter E14 of the Wollongong DCP2009.
- 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 1200mm x 1200mm 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 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.
- 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 occupation certificate:
  - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number DA=-2019/534;
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

#### 41 **Detailed Civil Engineering Design – Council Land**

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 Councils 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 the {Insert Civil Works Plan Name} by {Insert Consultant}, {Drawing Number}, {Revision}, {dated} 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 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. Works must be in accordance with Wollongong City Council's Engineering Standard Drawings.
- c Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- d All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.



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

42 **Dam Safety Committee**

Written evidence from the Dams Safety Committee (DSC) is required identifying whether the detention basin is to be prescribed according to the DSC requirements. If the basin is to be prescribed, written evidence shall be provided indicating that the subject basin design has been endorsed by the DSC. This information shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

43 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$153,908.60 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1117329	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

## **Prior to the Commencement of Works**

### **44 Unexpected Finds Protocol**

Any site health and safety plan must incorporate an unexpected finds protocol for any contamination detected after work commences. Precautions should be included in the plan, including:

- workers trained to recognise potential contamination and danger signs e.g. odours or soil discolouration
- precautions if signs of unexpected contamination or hot spots are found, such as:
  - stop work
  - report signs to the site supervisor immediately
  - isolate the area with a physical barrier
  - assume the area is contaminated until an assessment proves otherwise
  - assess the area to identify contaminants in the soil or spoil

### **45 Appointment of Principal Certifier**

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

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

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

### **46 Sign – Supervisor Contact Details**

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

- a) stating that unauthorised entry to the work site is not permitted;
- b) showing the name, address and telephone number of the Principal Certifier for the work; and
- c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

### **47 Tree and Vegetation Retention Exclusion Fence**

The erection of a suitable fence around the tree dripline areas is required for all trees or areas of vegetation required to be retained within the site, prior to the commencement of any works, in order to preclude vehicular/pedestrian access impacts on such trees.

Certification from an arborist that the above conditions have been complied with shall be submitted to the Principal Certifying Authority prior to land clearing, excavation, demolition or construction works being carried out.

### **48 Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

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, 5 days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road

reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a 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".
- b 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.

49 **Supervision of Excavation and Land Clearing Works**

A suitably qualified arborist must supervise all on-site excavation or land clearing works. 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 excavation or land clearing works.

50 **Tree Protection**

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 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.

**During Demolition, Excavation or Construction**

51 **Heritage – Unexpected Archaeological Finds**

Should an unexpected find be identified during ground disturbing works, work should cease and an archaeologist engaged to assess the condition and significance of the find. Should the find be determined to be of heritage significance (local or State), the Heritage Council should be notified under s.146 of the NSW Heritage Act 1977. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

52 **Heritage - Unanticipated finds of Aboriginal cultural heritage**

If unanticipated Aboriginal objects or human skeletal remains are found during works, all work must stop without causing further harm to the suspected Aboriginal objects. Wollongong City Council must be contacted immediately on 4227 7111. The OEH must also be contacted immediately by calling Environment Line on 131 555. An Aboriginal Heritage Impact Permit (AHIP) under the National Parks & Wildlife Act 1974 may be required if harm to Aboriginal objects cannot be avoided. NSW Police must also be notified if human skeletal remains are found.

53 **Implement of Acoustic Report Recommendations**

All noise mitigation measures recommended in the Environmental Noise Assessment report prepared by Harwood Acoustic dated 17 May 2019 are to be implemented. This includes the following:

- i building contractor consultation with acoustic consultant prior to internal structural modification and
- ii Preparation of any childcare operation management plan must be consistent with the recommendations in the Environmental Noise Assessment report.

54 **Site Remediation**

Civil works shall not be commenced and the Engineering Construction Certificate shall not be issued until site decontamination works are complete and validated to a site auditor's satisfaction.

As described in Site Management Plan and Remediation Action Plan prepared by Network Geotechnics, dated 17 July 201, any asbestos contaminated soil must be disposed of at a suitably licensed facility.

55      **Imported Fill Material**

Any fill material intended to be brought onto the site shall be virgin excavated natural material as defined by the NSW Environment Protection Authority, or excavated natural material or certified coal washery rejects in accordance with the Coal Washery Rejects General Exemption 2009 and in accordance with Chapter E19: Earthworks (Land Reshaping Works) of Wollongong Development Control Plan 2009.

56      **Containment of Impacts as identified in the Biodiversity Development Assessment Report.**

Construction impacts must be restricted to the Stage 1 development site and must not encroach into areas of retained native vegetation and habitat as identified within the Biodiversity Development Assessment Report (Prepared by Biosis, Dated 21 February, 2020). All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

57      **Supervision of Engineering Works**

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

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

Stormwater for the land must be piped to the existing stormwater drainage system within the site (draining beneath the M1 Princes Motorway) and to Council's existing stormwater drainage system (in Warwick Street) in accordance with the detailed drainage design submitted to the Principal Certifying Authority prior to the release of the Construction Certificate..

59      **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

60      **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

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

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

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

61      **Asbestos Waste Collection, Transportation and Disposal**

Any asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

62      **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be

allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

63 **Excess Excavated Material – Disposal**

Any excess excavated material shall be classified according to NSW Environment Protection Authority's Waste Classification Guidelines - Part 1: Classifying Waste (2009) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

64 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

65 **Fences**

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

**Prior to the Issue of the Occupation Certificate**

66 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

67 **Restriction on use – On-site Detention System**

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

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

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

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

68 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

69 **Positive Covenant – On-Site Detention Maintenance Schedule**

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

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

70 **On-Site Detention – Structural Certification**

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

71 **Drainage WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

**Operational Phases of the Development/Use of the Site**

72 **Noise Restriction – Childcare centre outdoor play area**

Up to two (2) hours (total) per day - The LAeq 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location.

More than two (2) hours per day - The LAeq 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:

- 1.5 m above ground level;
  - On a balcony at 1.5 m above floor level;
  - Outside a window on the ground or higher floors.
- ii Indoor Play Area, Mechanical Plant, Pick up and Drop off

The LAeq 15 minute noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location.

73 **Restricted Hours of Operation**

The hours of operation for the development shall be restricted as follows:

- Medical Centre/Day Surgery/Specialist Rooms/Café/Chemist: 8am to 6pm Monday to Saturday
- Respite Centre: Open 8am to 6pm Monday to Saturday, with 24 hour stays for patients and their carer
- Child Care Centre: 7am to 6pm Monday to Friday

Any alteration to the approved hours of operation will require separate Council approval.

**Reasons**

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.

- 4 To ensure the development does not conflict with the public interest.

#### Notes

- 1 This consent becomes effective and operates from the date shown as "**Endorsement Date**" on the front page of this notice. This consent will lapse unless development is commenced within five (5) years from the endorsement date shown on this notice.
- 2 Section 8.7 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
- 3 The holder of a development consent that is being acted upon must also hold a current a Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
- 4 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
- 5 A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this policy, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.
- 6 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 7 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website [www.wires.org.au](http://www.wires.org.au) for more information.
- 8 Before undertaking renovation or demolition work, or removing materials from site during development works refer to Council's website for further information.  
<http://www.wollongong.nsw.gov.au/development/regulations/Pages/Renovations-Demolition.aspx>  
<http://www.wollongong.nsw.gov.au/services/household/Pages/chemicalcleanout.aspx>

This letter is authorised by

**Nigel Lamb**

Senior Development Project Officer  
Wollongong City Council  
Telephone (02) 4227 7111

All communications to be addressed to:

Headquarters  
4 Murray Rose Ave  
Sydney Olympic Park NSW 2127

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: DA-2019/534  
Our Ref: D19/2001  
DA19061919202 PD

**ATTENTION:** Nigel Lamb

9 August 2019

Dear Sir / Madam

**Integrated Development Application - 4//258635 - Warwick Street Berkeley 2506;  
2//249814 - York Street Berkeley 2506; 2//534116 - Nottingham Street Berkeley  
2506**

I refer to your correspondence dated 12 June 2019 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:

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the area around the proposed development shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows:
  - North Direction: To the property boundary as an Inner Protection Area (IPA);
  - East Direction: To the property boundary as an IPA;
  - South Direction: IPA for a distance of 47 metres;
  - South west Direction: IPA for a distance of 57 metres: and,



- West Direction: To the property boundary as an IPA.

#### **Water and Utilities**

The intent of measures 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. To achieve this, the following conditions shall apply:

2. Reticulated water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### **Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. With the exemption of 'dead end roads are not more than 100 metres', Internal roads shall comply with requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
4. Prior to occupation, a temporary perimeter road shall be provided linking the southern and western carparks. With the exemption of being sealed, the internal perimeter road shall comply with the requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
5. Temporary turning heads shall be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning bay with arms of 15 metres deep and 6 metres wide from the centreline of the road and have a turning radius of no less than 6 metres. The turning area can be removed upon opening of future proposed through roads.

#### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

8. Temporary turning heads shall be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning bay with arms of 15 metres deep and 6 metres wide from the centreline of the road and have a turning radius of no less than 6 metres. The turning area can be removed upon opening of future proposed through roads.

**Landscaping**

9. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**General Advice – consent authority to note**

At the commencement of stage 2, the through road linking Warwick Street and Nolan street will be required to be constructed.

Should you wish to discuss this matter please contact Peter Dowse on 1300 NSW RFS.

Yours sincerely



Martha Dotter

**Acting Team Leader, Development Assessment and Planning**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)