

Attachment 3 – Draft Conditions

Consent has been granted subject to the following conditions:

The development proposed is Integrated Development and approval is required from the approval bodies listed below:-

DPE Water – Water Management Act 2000

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

1. Approved Plans and Supporting Documentation

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
A-002	B	Demolition & Site Management Plan	ADM Architects	7.01.25
A-003	A	Excavation Plan	ADM Architects	18.10.24

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.

General Conditions

2. Integrated Development

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

WaterNSW

The General Terms of Approval issued by the Water NSW dated 29 January 2025 Reference No. IDAS1159420 as attached shall form part of this Integrated Development Consent.

Reason:

To comply with the legislation.

3. WaterNSW approval

The attached GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

Before any excavation commences, evidence that the appropriate licences and approvals have been obtained from WaterNSW must be provided to the Principal Certifier.

Reason:

To comply with the Water Management Act 2000 and the NSW Aquifer Interference Policy.

4. 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.

5. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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 Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

6. Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

Reason:

To satisfy the requirements of the legislation.

7. Tree Management

The developer shall retain the existing trees indicated for retention on the demolition and site management plan prepared by ADM dated October 2024 and identified in the Arborist report prepared by DJD Tree Consultancy, Author: Damien Duggan dated 20 August 2023, being Trees numbered 1, 2, 3, 4, 8, 9, 10, 11 & 12 [Total number: nine (9)].

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report to be implemented including and not restricted to: protecting trees on adjacent properties & in public domain, trunk & branch protection, establishing Tree Protection Zones (TPZs), project arborist being present during work within SRZs and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, consultation with ecological & local Wires representative regarding wildlife, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing trees numbered 5, 6 & 7. Total number: three (3 No.) No other trees shall be removed without prior written approval of Council.

Reason:

To protect the amenity of the environment and the neighbourhood.

8. Maintenance of Access to Adjoining Properties

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

Reason:

To ensure that access is maintained.

9. 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 Construction plans and supporting documentation.

Reason:

To ensure development does not impact services.

Before the Issue of a Construction Certificate

10. 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 \$247,640.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the commencement of works.

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 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.

Reason:

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

11. Demolition and Construction Noise and Vibration Management

Before the issue of a Construction Certificate or the commencement of any works, a noise and vibration assessment to identify all sensitive receivers where the construction noise and vibration levels may exceed the NSW EPA Interim Construction Noise Guidelines (July 2009) (or as superseded) construction noise goals for that receiver must be undertaken. Parameters of the assessment are to consider:

- a. Levels recommended by a registered Geotechnical/Structural Engineer with regards to structural damage buildings;
- b. German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- c. For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472 - Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) for low probability of adverse comment.

The findings, recommendations and management controls from the assessment, including complaints resolution procedures, shall be documented in a Construction Noise and Vibration Management Plan prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical Consultants) and submitted to Council or the Principal Certifier. For the duration of the site works noise and vibration must be managed in accordance with the submitted Construction Noise and Vibration Management Plan.

Reason:

To protect neighbourhood amenity.

12. Construction Site Management Plan

Before the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to and approved by the Principal Certifier. The plan must include the following matters:

- a. The location and materials for protective fencing and hoardings on the perimeter of the site
- b. Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies)
- c. Provisions for public safety
- d. Pedestrian and vehicular site access points and construction activity zones
- e. Details of construction traffic management including, proposed truck movements to and from the site, estimated frequency of truck movements and measures to ensure pedestrian safety near the site
- f. Details of bulk earthworks to be carried out
- g. The location of site storage areas and sheds
- h. The equipment used to carry out works
- i. The location of a garbage container with a tight-fitting lid
- j. Dust, noise and vibration control measures
- k. Details of chemical storage and management
- l. The location of temporary toilets
- m. The protective measures for the preservation of trees in adjoining public areas including measures in accordance with AS 4970 – Protection of trees on development sites, Council's Development Control Plan and the Arboricultural Impact Assessment prepared by DJD Tree Consultancy dated 20 August 2023.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Reason:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

13. Construction Environmental Management Plan

The submission of a detailed Construction Environmental Management Plan is required prior to the issue of a Construction Certificate or the commencement of any works, 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 and the owners/ operators of nearby businesses 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:

- i. EPA.
- ii. NPWS.
- iii. NSW Fisheries.
- iv. DPE.
- v. Aboriginal Groups.
- vi. 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:

- i. The names of key emergency response personnel.
- ii. Personnel responsibilities and contact details.
- iii. Contact details for emergency services (ambulance, fire brigade, spill clean up services).
- iv. The location of on-site information on hazardous materials, including SDSs and spill containment material.
- v. The procedure to follow to minimise/control the emergency.
- vi. 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 and local amenity.

14. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents before it is provided to and approved by the Principal Certifier:

1. Council's development control plan,
2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
3. the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).

A copy of the erosion and sediment control plan must be kept on-site at all times during site works and construction.

Reason:

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

15. 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 issue of the Construction Certificate.. The plan shall include provisions for real-time dust and air quality monitoring.

Reason:

To ensure protection of the environment and neighbourhood amenity.

16. Dust Suppression Measures

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifier prior to issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

17. Dilapidation Report

Before the commencement of works, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, existing streetscape, street trees and adjoining reserve and public land, within the zone of influence of the proposed earthworks as determined by the geotechnical consultant, 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.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots. The report shall outline measures for the protection of existing public private infrastructure during the works.

Any damage to infrastructure & heritage items which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of a Certificate of Practical Completion.

Existing street furniture & tree canopy fairy lights to be transferred to Council store.

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 & WCC infrastructure in reasonable condition is recovered for future re-use.

18. Heritage Demolition Management Plan

A Heritage Demolition Management Plan or addendum to the Construction Management Plan, that includes suitable control measures that will ensure the protection of the adjacent heritage items at 179-189 Crown Street from inadvertent damage, during the demolition and construction phases of the development, is to be prepared prior to the commencement of works, and all recommended actions implemented during the course of the demolition and construction works.

This Plan should include the requirement to engage a suitably qualified Archaeologist to monitor, during demolition, the retrieval of the 1965-time capsule and foundation stones from within the City Diggers/ RSL club and include unexpected Historic Archaeological and Aboriginal Cultural Heritage finds procedures.

The plan is to be provided to Council's Heritage Staff for written approval prior to release of the Construction Certificate.

Reason:

To protect and preserve local heritage.

19. Protection of adjacent heritage listed item #61103

A Structural Engineering Design, followed by a Construction Management Plan for this site, as indicated in the Heritage Impact Statement, should be provided, providing for the protection of the adjacent heritage listed item #61103 on Crown Street. This shall be provided prior to the release of the Construction Certificate.

Reason:

To protect and preserve the adjacent heritage item.

20. Earthworks Plan Development

An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks and all recommendations of Geofirst Pty Ltd in their geotechnical report dated 23 April 2023 are to be accommodated in the earthworks plan. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site works.

All recommendations of the geotechnical consultant, Geofirst Pty Ltd, in their geotechnical report dated 23 April 2023 are to be accommodated in the earthworks plan.

Reason:

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

21. Structural Design Amendments

The structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

Reason:

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

22. Hard Bedrock

Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.

Reason:

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

23. Groundwater Conditions

An assessment of groundwater conditions and intake needs to be provided in accordance with the recommendations of the geotechnical report, with consideration for disposal.

Reason:

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

24. Design Endorsement

The structural designs for all foundations are to be endorsed by the geotechnical consultant that all known site geotechnical constraints have been accommodated in the designs.

Reason:

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

25. WAE

At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.

Reason:

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

26. 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.

27. 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 release of a Construction Certificate or any 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, minimize 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. Details of the location / temporary arrangements for the relocation and servicing of the bins utilized by surrounding business and Wollongong Council within Globe Way. Evidence of consultation and agreement with Wollongong City Council must be included.
- c. Swept paths for all likely vehicles entering and exiting the site, noting that all vehicles must leave the site in a forward direction. This includes service, haulage, delivery vehicles, oversized vehicles (machinery delivery, crane lifts etc.). In this regard vehicle size limitations must be included such as preventing any oversized vehicle from turning within Church Street as there is likely insufficient space to do this safely or under full traffic control of the intersection of Burrelli and Church Street.
- d. Details of existing bus routes and times, bus stops, pedestrian desire lines must be provided. Any TGS that proposes traffic control that may effect the safety, maneuvering efficiency of the travelling public must detail how the efficiency and safety of the network will be maintained. Works that may effect bus routes and their efficiency must be programmed to avoid impacts or disruptions.
- e. Details of the relocation of the Church Street taxi rank. This must be based on an agreement between the developer and the taxi service about when and where the taxi rank will be relocated to, for how long, and at what stage in the development process. This outcome must be done in consultation with Wollongong City Council as the Local Traffic Committee approval will be required prior to finalizing any agreement. This is the responsibility of the developer to engage with the Taxi Service, to negotiate and determine a location that is suitable. Evidence that this requirement has been satisfied must be included in the plan, including documentary evidence of any agreements in place.
- f. Identification of all likely road closures and for what stages of the development phases.
- g. Proposed loading and unloading areas within the site. Loading and unloading within Church Street (via Section 138 Approvals), adjacent to an operational Taxi Service will not be permitted. Loading and unloading in Church Street will only be permitted under a full Road Closure, and / or when the taxi rank is relocated.
- h. proposed protection of pedestrians, adjacent to the construction site.
- i. proposed pedestrian management whilst vehicles are entering/exiting the construction site.
- j. 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;
- k. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- l. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period.

- m. Proposed times for likely night works (such as crane lifts, delivery of oversized machinery etc)
- n. 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);
- o. 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
- p. 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.

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.

28. Road Occupancy Licence

Prior to commencing any works or construction activities which impact travel lanes at, or on the approach on Burelli Street, the developer must apply for and obtain a Road Occupancy Licence (ROL) prior to commencing any works which impact traffic lanes at, or on the approach to the signalised intersection of Burelli Street and Church Street.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant construction traffic management plan.
- The application must be supported by a Construction Traffic Management Plan (CTMP) to be prepared by a person who is certified to prepare Traffic Control Plans.

Reason:

To satisfy the requirements of Transport for NSW.

29. 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 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.

30. Signs On Site

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.

31. Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a. a standard flushing toilet, and
- b. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - ii. an accredited sewage management facility or
 - iii. an approved chemical closet.

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

Reason:

To satisfy the requirements of the legislation.

32. Adjustment to Public Utility Service

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 any works commencing on site.

Reason:

To ensure services are not impacted.

33. Structural Engineering Details

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifier, prior to the release of the Construction Certificate addressing the following matters:

- a. Footings;
- b. reinforced concrete slabs;
- c. retaining walls;
- d. structural steelwork;
- e. wall bracing and tie-down requirements;
- f. the structural engineer, in producing a design is to complement the Geotechnical Engineer's Stability Report to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described in Clause 1.3 of 2870 (1996) and any other relevant codes and standards."

Reason:

To satisfy the requirements of the legislation and Australian Standards.

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

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 Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. a plan of the wall showing location and proximity to property boundaries;
- b. an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. details of fencing or handrails to be erected on top of the wall;
- d. sections of the wall showing wall and footing design, property boundaries, 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.

35. Certification of Structural Adequacy - Building Walls/Structure

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the Principal Certifier is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works. The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300mm below pipe invert level or founded on sound rock. The submission of certification from the Structural Engineer to the Principal Certifier is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

Reason:

To ensure structural integrity.

Before the Commencement of Work

36. Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

Reason:

To ensure safety.

37. Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

38. Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient:

- a. A hoarding or fence must be erected between the work site and the public place;
- b. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d. Safe pedestrian access must be maintained at all times;
- e. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason:

To ensure public assets are not impacted.

39. 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.

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

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.

41. Site Management Program - Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures is to be initiated prior to the commencement of any excavation or construction works and maintained

throughout the excavation and construction phases of the development. The Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the Principal Certifier are in place. 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.

These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.

Reason:

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

42. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

Reason:

To protect neighbourhood amenity.

43. Ground Anchors

Permanent ground anchors are not permitted within the road. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2020/001. If temporary anchors are proposed within the road reserve an application must be submitted to and approved by Wollongong City Council prior to works commencing. The application must be made via Council's website www.wollongong.nsw.gov.au through the "Frontage Works" application, and must be supported by:-

- A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2020/001.
- A dilapidation survey of the existing Council infrastructure within the zone of influence of the proposed excavation including CCTV of all stormwater pits and pipes and a photographic record of the road pavement, footpath area and associated civil assets.
- A dial before you dig confirming all service providers in the road. All services must be shown in a site plan, as well as in all cross sections.
- A detailed structural design of the proposed temporary anchors prepared by a Chartered Civil Engineer (Structural) that referenced the relevant geotechnical investigation and includes cross sections every 5m within the road frontage that shows the depth and clearance of the temporary anchors to all services, road pavements, stormwater pits and pipes and related assets based on surveyed levels.

Reason:

To satisfy Council policy.

44. Excavation and Retaining Structures Adjacent to Public Roads

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate. The design must be prepared in accordance with the RMS Technical direction GTD 2020/001, by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design. The plan must clearly show that all components of the retaining structure and associated drainage is wholly located within the subject site. The design must be supported by:-

- a) A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2020/001;

- b) A dilapidation survey of the existing Council infrastructure;
- c) Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2020/001.

A copy of the approved documentation satisfying this condition of consent and referencing this development application must also be provided to Wollongong City Council prior to works commencing.

Reason:

To protect adjoining property.

45. Waste Management Plan

Before the commencement of works, a waste management plan for the development must be prepared and provided to the Principal Certifier. The plan must be prepared in accordance with:

- the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
- Chapter E7: Waste Management of Wollongong Development Control Plan 2009, and include the following information:
 - a. the name and contact details of who is responsible for the plan and management of the waste onsite• the name and contact details of the person(s) removing waste
 - b. a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced
 - c. how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill
 - d. where any onsite management of waste will occur, such as for consolidation and collection
 - e. how each waste type will be characterised and classified for waste management and transport
 - f. where each waste type is intended to be transported for disposal or other fate
 - g. how the quantity of each waste type will be measured and recorded
 - h. how each waste movement will be tracked
 - i. contingencies including to managing unexpected finds, such as asbestos.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Reason:

To ensure waste management practices are undertaken, resource recovery is promoted and local amenity is protected during construction site works.

46. 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.

Reason:

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

47. Tree Protection Measures

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.
- b. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifying Authority indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

48. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures

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

Reason:

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

49. Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works

At least five (5) days' notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information:

- a. a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
- b. details of the primary contractor and/or company conducting the demolition works;
- c. the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.

Reason:

To advise neighbourhood.

50. Hazardous Material Survey

At least one (1) week prior to demolition, the applicant must prepare a comprehensive hazardous materials survey of the entire site and submit to Council a report of the results of the survey. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- the location of hazardous materials throughout the site;
- a description of the hazardous material;
- the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;

- a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- identification of the disposal sites to which the hazardous materials will be taken.

Reason:

To identify hazardous materials and ensure safe disposal.

51. Consultation with SafeWork NSW - Prior to Asbestos Removal

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

Reason:

To satisfy the requirements of the legislation.

52. Demolition Works

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard, the requirements of SafeWork NSW, and the Hazardous Materials Survey Report required as part of this consent.

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. Contaminated Roof Dust

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

Reason:

To ensure safety.

54. Site Specific Unexpected Finds Protocol

A site-specific Contamination Unexpected Finds Protocol must be submitted to the principal certifier for approval, prior to the commencement of works. The Plan must incorporate a site-specific Unexpected Finds Protocol in the event that any previously unidentified contaminated and/or hazardous materials are uncovered during works. This shall be incorporated into the Construction Environmental Management Plan.

The Unexpected Finds Protocol must be implemented throughout the demolition and excavation works and followed should unexpected contaminated land, acid sulfate soils or asbestos (or suspected contaminated land, acid sulfate soils or asbestos) be excavated or otherwise discovered during demolition and excavation.

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 Council's Environment Scientist.

Reason:

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

While Building Work is Being Carried Out

55. 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 Occupation Certificate.

Reason:

To ensure services are not impacted.

56. 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 prior to works being undertaken and shall detail:

- 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: Other legislation, such as the Noise Guide for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

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

57. Rock Breaking, Rock Hammering, Rock Sawing, Blasting, Sheet Piling, Pile Driving

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:

- 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: Blasting for excavation works is only permitted where it has been identified within a submitted 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.

58. Construction Noise and Vibration Management

The findings, recommendations and management controls from the Construction Noise and Vibration Management Plan provided to the principal certifier must be adhered to in full for the duration of the works subject of the plan.

Where the duration or excavation methods of the demolition and excavation vary from those prescribed in the Demolition Construction Noise and Vibration Management Plan, Council may require an updated management plan be prepared to incorporate the changes in excavation methods and/or duration.

Once reviewed by Council, the updated Management Plan is to be adhered to at all times.

Where all such control measures have been implemented and the noise and/or vibration levels at any receiver still exceed the applicable noise levels as identified in the Demolition Construction and Vibration Management Plan (including updated plan) and are resulting in substantial complaints, the applicant must provide regular, appropriate and sustained periods of respite from such works as specified by Council's Development and Environment Compliance Team.

Reason:

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

59. Implementation of the site management plans

While site work is being carried out, the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times.

A copy of these plans must be 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.

60. Lighting not to cause Nuisance

The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

Reason:

To protect neighbourhood amenity.

61. 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 demolition and excavation 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.

62. Supervision of Engineering Works

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

Reason:

To ensure compliance with relevant Standards.

63. Heritage - Foundation Stones and Time Capsule

A suitably qualified Archaeologist should be engaged to monitor (during demolition) the retrieval of the 1965-time capsule and foundation stones from within the RSL club. A Letter of advice is to be prepared following the completion of demolition that details the identification, management and storage of these items for future interpretation as recommended in the Heritage Interpretation Plan as per Recommendation 2 of the Historic Archaeological Report prepared by Austral Archaeology dated 18 May 2023. This advice should include an archival recording of each feature.

The advice is to be provided to Council's Heritage Staff for separate written approval prior to completion of excavation works.

Reason:

To ensure the preservation and future interpretation of local heritage.

64. Responsibility for Changes to Public Infrastructure

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).

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

Reason:

To ensure payment of approved changes to public infrastructure.

65. New Information/Unexpected Finds

In the event that construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials or acid sulfate soils, works must immediately cease. The Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within two (2) days of the incident. An assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm must be undertaken by an appropriately qualified environmental consultant as soon as possible. This assessment will necessitate a report to be prepared outlining the required remediation measures for the sign off by Council and the Principal Certifier.

Reason:

To ensure protection of the environment and comply with legislation.

66. Discharge of Accumulated Water

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

1. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
2. The pH of the water to be discharged is between 6.5 and 8.5; and
3. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and
4. The water to be discharged contains no visible oil or grease; and
5. 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
6. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
7. 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

8. 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 5 if applicable) as stated above is submitted to Council (email Council@wollongong.nsw.gov.au, attention Building and Certification Manager).

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.

67. Waste Management

While building work is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The name and contact details of the person(s) who removed the waste;
- The waste carrier vehicle registration;
- The date and time of waste collection;
- A description of the waste (type of waste, classification and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill or other fate;
- The contact details and address of the disposal location or other offsite location(s) where the waste was taken;
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and Council.

Reason:

To require records to be provided, during site work, documenting the lawful disposal of waste.

68. 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.

Reason:

To comply with Council's Development Control Plan.

69. Building Site to be Kept Free of Rubbish

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.

70. Waste Inventory Report

A Waste Inventory Report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- d. The description of material (including identified hazardous material);
- e. an estimate of the quantity by volume and weight;

- f. the transporter and registration details of the relevant vehicle;
- g. the intended destination of the material;
- h. a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

Reason:

To comply with Council's Development Control Plan.

71. Spillage of Material

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

Reason:

To comply with Council's Development Control Plan.

72. Building Operations Not to Discharge Pollutants

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

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

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.

74. Control of Access to Prevent Tracking of Sediment

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.

Reason:

To comply with Council's Development Control Plan.

75. Drains Maintained Free of Sediment

Drains, gutters, access ways and roadways must be maintained free of sediment and any other material.

Reason:

To comply with Council's Development Control Plan.

76. Dust Suppression Measures

Activities occurring during the demolition and excavation 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.

77. Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- n. Does not spill onto the road pavement and
- o. is not placed in drainage lines or watercourses and cannot be washed into these areas.

Reason:

To comply with Council's Development Control Plan.

78. Implementation of Dust and Air Quality Management Plan

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

79. Trucks to be Covered

Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

80. No Off-site Effects of Dust

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.

81. Notification and Management of Excessive Dust

In the event that dust monitoring identifies any exceedances of previously approved targets levels identified in the Dust and Air Quality Management Plan required as part of this consent, 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 Dust and Air Quality Management Plan required 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.

82. Record of Dust and Noise Complaints and Incidents

A register is to be kept of all dust and noise 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.

83. Excess Excavated Material - Disposal

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

Reason:

To satisfy the requirements of the legislation.

84. Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter Acid Sulfate Soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

Reason:

To satisfy the requirements of the legislation.

85. Cut and Fill

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:

- j. 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.
- k. 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.

86. Safe Excavations and Backfilling

All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

Reason:

To ensure compliance with relevant Standards.

87. Guarding of Excavations and Backfilling

All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason:

To ensure compliance with relevant Standards.

88. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -

- a. Protect and support the building, structure or work from possible damage from the excavation, and
- b. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:

To satisfy the requirements of the legislation.

89. Cut and Fill Retained

All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H:1V.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

90. Excavation Protection and Notification

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and
- c. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

Reason:

To ensure compliance with relevant Standards.

91. Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

- a. Encroach onto the adjoining properties, and
- b. adversely affect the adjoining properties with surface run-off.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

92. Excavation Support

All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.

Reason:

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

93. 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.

Reason:

To comply with Council's Development Control Plan.

94. Survey Report

The submission of a survey report by a registered Land Surveyor to the Principal Certifier is required, prior to the work proceeding beyond each of the following respective stages so as to guarantee that each stage of the development is completed in accordance with the approved plans:

- a. footing excavation;
- b. slab formwork;

- c. foundation walls;
- d. walls and completed eaves/gutter/fascia/gable;
- e. building on the site.

Reason:

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

95. Retaining Wall Design

Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.

Reason:

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

96. Unexpected Finds of Aboriginal Cultural Heritage

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:

- No further harm is undertaken to the object(s)
- Immediately cease all work at the particular location
- Secure the area so as to avoid further harm to the Aboriginal object(s)
- Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location.
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- 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 4117 7111.

Reason:

To ensure compliance with the legislation.

97. Unexpected Archaeological Finds

Should an unexpected find be identified during ground disturbing works, work should cease, and the area be cordoned off to prevent any further disturbance. The applicant should engage an archaeologist 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.

Works are not to recommence until advised in writing by Heritage NSW or Council's Heritage Staff.

Reason:

To ensure compliance with the legislation.

98. Ground Disturbance

No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

Reason:

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

99. Level 1 Geotechnical Supervision

All work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Developments.

Reason:

To comply with the Australian Standards.

100. Foundation Inspections

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.

Reason:

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

101. Asbestos - Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>).

Reason:

To satisfy the requirements of the legislation.

102. Asbestos Clearance Certificate

An Asbestos Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of demolition works.

Reason:

To satisfy the requirements of the legislation.

103. Asbestos Waste Collection, Transportation and Disposal

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

Reason:

To satisfy the requirements of the legislation.

104. Lead Based Paint

To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

Reason:

To satisfy the requirements of the legislation.

105. Demolition and Construction Noise and Vibration Management

The findings, recommendations and management controls from the Environmental Acoustical Assessment prepared by Harwood Acoustics (July 2023) must be adhered to in full for the duration of the works subject of the plan.

Where the duration or excavation methods of the demolition and excavation vary from those prescribed in the Environmental Acoustical Assessment, Council may require an updated management plan be prepared to incorporate the changes in demolition/excavation methods and/or duration.

Once reviewed by Council, the updated Environmental Acoustical Assessment is to be adhered to at all times.

Where all such control measures have been implemented and the noise and/or vibration levels at any receiver still exceed the applicable noise levels as identified in the Environmental Acoustical Assessment (including updated plan) and are resulting in substantial complaints, the applicant must provide regular, appropriate and sustained periods of respite from such works as specified by Council's Development and Environment Compliance Team.

Reason:

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

106. Demolition Materials - Disposal

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

Reason:

To ensure protection of the environment and comply with legislation.

107. PCB Containing Electrical Equipment

If any metal cased capacitors are found during demolition works that were previously identified or unidentified, they shall be treated as containing Polychlorinated Biphenyls (PCBs). Details on storing, conveying, and disposing of PCB material or PCB wastes can be found in Polychlorinated Biphenyls Management Plan, Environmental Protection & Heritage Council, Revised Edition April 2003.

Reason:

To comply with legislation.

108. Synthetic Mineral Fibre Material

All Synthetic Mineral Fibre (SMF) containing materials must be removed in accordance with the National Standard for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:1004 (1990)] and the National Code of Practice for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:2006 (1990)].

Reason:

To comply with legislation.

109. While Work is Being Carried Out

All haulage activities and service vehicle access to and from the site must be monitored by the appointed project manager and site supervisor. Additionally Council staff will also monitor the implementation of any changes to traffic conditions around the site. Where it is deemed that performance of the local road network around the site and / or the safety and / or amenity of the community is unreasonably effected (in Council's opinion) then the applicant may have any existing Roads Act 1993 approvals rescinded and / or will be required to gain approval, and implement, a closure of Church Street fronting the development site

Reason:

To Ensure Public Safety and Amenity.

110. Pavement Condition Assessment

Every 3 months, from the commencement of works, the developer must undertake a condition assessment of the Church Street pavement and also the intersection of Church and Burrelli Street (all areas subject to heavy vehicle maneuvering). Where degradation of the pavement is identified short term repairs must be undertaken by the applicant and final mill, re-sheet and line marking of Church Street and the intersection with Burrelli Street.

A copy of each condition report WCC including confirmation of any required repairs

Reason:

To ensure no impact on public assets

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

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has 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.

Prior to the issue of an Occupation Certificate

112. Repair of Infrastructure

At the completion of works and prior to the release of an Occupation Certificate:

- a. All public domain works must be completed to Council's satisfaction
- b. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
- c. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

Reason:

To ensure any damage to public infrastructure is rectified.

113. Preservation of Survey Marks

At the completion of works and prior to the release of an Occupation 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.

114. Post-Construction Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post[1]construction dilapidation report, to the satisfaction of the Principal Certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent. Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

Reason:

To identify any damage to adjoining properties resulting from site work on the development site.

115. Completion Report for Excavation Adjacent to a Public Road

Before the issue of an Occupation Certificate A report be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, with Chartered accreditation with the Institute of Engineers Australia and experienced in structural design that:-

- a. Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2020/001.
- b. Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2020/001.
- c. Provides a post construction dilapidation survey. The report must be provided to and approved by Wollongong City Council prior to the issue of any final occupation certificate associated with the building.

Reason:

To protect adjoining property.

116. Removal of waste upon completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.

Reason:

To ensure waste material is disposed of appropriately.

117. Compensatory Planting

Before the release of an Occupation Certificate, the developer should make compensatory provision for the trees required to be removed as a result of the development. In this regard, three (3 No.) 400 litre container advanced mature plant stock should be placed within the property boundary of the site in appropriate locations. The suggested species is: *Livistona australis* Cabbage Tree Palm. 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.