

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	6 May 2024
DATE OF PANEL DECISION	6 May 2024
DATE OF PANEL BRIEFING	24 April 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Susan Budd, David Brown
APOLOGIES	Marjorie Ferguson and Tina Christy
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 April 2024.

MATTER DETERMINED

PPSSTH-77 – Wollongong City Council – DA-2021/101 at 3-4 Innovation Way and 1-5 Squires Way, North Wollongong – Concept Development Application for Phase 1 Health & Wellbeing Precinct including Stage 0.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, and the material presented at meetings and briefings, and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council's Assessment Report. In making its decision, the Panel was satisfied that:

- The prerequisites for the grant of development consent had been met.
- The proposal is permissible with development consent.
- The proposal is consistent with the objectives of applicable planning legislation and the University of Wollongong Innovation Campus Masterplan. The Panel accepted that the Health and Wellbeing Precinct would foster collaborative research and development initiatives as part of the "Living Lab" concept consistent with the objectives of the Master Plan provided there is full compliance with the Management Plan (Condition 79).
- The proposed development would deliver much needed residential aged care, self-contained dwellings for seniors and people with a disability, and a centre based childcare facility for the Illawarra region.
- The development would not result in any unacceptable amenity, environmental or land use safety impacts subject to the compliance with the conditions of consent (as amended).
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.
- The subject site is suitable for the proposed development.

The Panel raised several questions during its deliberations which were subsequently and adequately addressed by Council and the Applicant. These were as follows:

- Details regarding the operation of the Management Plan and its implementation.

- The need for all future applications to be consistent with the Concept Plan.
- Confirmation that the site will be remediated and can be made suitable for the intended future uses and will be fit for purpose from a contamination perspective.
- The need or otherwise for a remediation action plan (RAP).
- Management of groundwater contamination and restrictions on groundwater use.
- Consistency of the conditions contained within the NSW RFS Bush Fire Safety Authority and the approved plans.
- The need for and arrangements for additional parking to compensate any short term or temporary loss of carparking.
- Car parking strategy for the Innovation Campus in general.
- Implementation of the VMP.
- Geotechnical requirements throughout various stages of the development.
- Impact of the proposal on the student population cap contained with the UOW Master Plan.
- Leasable lot areas.
- DRP comments.

Given the above, and the responses provided by both the Applicant and the Council, the Panel was satisfied that the development was in the public interest and should be approved.

CONDITIONS

Draft conditions of consent were provided to the Panel for consideration as Attachment 8 to the Council's assessment report. On review, and to enable greater clarity in the future operation of the consent, the Panel requested several administrative amendments to the recommended draft conditions including:

- Amending the structure of the consent and location of various conditions by separating the consent generally into two parts as follows.
 - Part 1 - containing conditions relating to the Concept Plan and future requirements for any development applications (DA) submitted in accordance with the Concept Plan; and
 - Part 2 – containing conditions relating to the Stage 0 development works.
- Identifying any conditions which require duplication in Parts 1 and 2.
- Deleting any conditions considered redundant.
- Amending Condition 1 to reference additional documentation and plans relating to Vegetation Management and Site Accessibility.
- Minor administrative amendments to the wording in various conditions throughout the document to provide greater clarity.

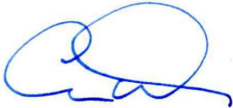

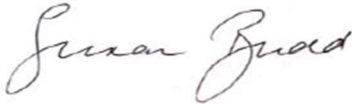

The amended condition set was referred back to the Crown Applicant for further endorsement which was provided Friday 3 May 2024. The final conditions approved by the Panel are contained in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Traffic and parking
- Flooding
- Pedestrian and traffic connections
- Consistency with objectives for the Innovation Campus and appropriateness of land uses

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions of consent as imposed.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Susan Budd	 David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-77 – Wollongong – DA-2021/101
2	PROPOSED DEVELOPMENT	<p>Concept DA for first phase of a Health and Wellbeing Precinct including maximum building envelopes, master plan, urban design guidelines and land uses consisting of seniors housing comprising residential aged care facility (RACF) and self-contained dwellings, centre based childcare facility, indoor recreation facility, food and drink premises, neighbourhood shops, business premises, community facilities and recreation area.</p> <p>First stage ('Stage 0') of physical works consisting of demolition of P3 and P4 parking areas; bulk earthworks, site remediation and tree removal within a portion of the site; construction of roads, stormwater and other infrastructure within the Stage 0 boundaries.</p>
3	STREET ADDRESS	3-4 Innovation Way and 1-5 Squires Way, North Wollongong
4	APPLICANT/OWNER	University of Wollongong
5	TYPE OF REGIONAL DEVELOPMENT	General Development over \$30 million
		Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 State Environmental Planning Policy (Resilience & Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Biodiversity & Conservation) 2021 State Environmental Planning Policy (Housing) 2021 Wollongong Local Environmental Plan (WLEP) 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 24 April 2024 Written submissions during public exhibition: Thirteen (13) Total number of unique submissions received by way of objection: Nine (9)

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 14 September 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (A/Chair), Tim Fletcher, Susan Budd, Michael Mantei, Mark Carlon ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Pannozo, Alexandra McRobert, Andrew Heaven, Brad Harris, Linda Davis ○ <u>DPIE</u>: Sung Pak, Michelle Burns • Site Visit: 8 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Tim Fletcher, Susan Budd, Mark Carlon ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Pannozo, Andrew Heaven, Alexander McRobert, Kate Rintoul, Suri Mora, Linda Davis ○ <u>DPE</u>: Amanda Moylan • Briefing: 8 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (A/Chair), Tim Fletcher, Susan Budd, Mark Carlon ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Pannozo, Alexandra McRobert, Andrew Heaven, Linda Davis, Kate Rintoul, Suri Mora, Lauren Wilson, Janelle Johnson ○ <u>Applicant</u>: David Currow, Chuck Stone, Jancey Malins, Evangelos Pappas, Mark Roberts, Arabella Rohde, Karen Armstrong, Bree Martin, Peter Flynn, Chris Newman, Numa Miller, Paul Jerogin, Steve Laffey, Travis Coldrey, Andrew Duggan, Daniel West, Diane Jones, Harshane Kahagalle ○ <u>DPIE</u>: Amanda Moylan • Site Visit: 23 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair) ○ <u>Council assessment staff</u>: Theresa Whittaker ○ <u>DPE</u>: Amanda Moylan • Briefing: 7 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (A/Chair), Susan Budd, David Brown and Mark Carlon ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Pannozo, Alexandra McRobert, Andrew Heaven, Brad Harris, Charlie Brown, Mark Adamson, Kate Rintoul ○ <u>DPE</u>: Mellissa Felipe • Site Visit: 30 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, David Brown, Mark Carlon ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Pannozo, Mark Adamson ○ <u>DPE</u>: Amanda Moylan, Tim Mahoney • Briefing: 5 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Susan Budd, Juliet Grant, David Brown ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Pannozo. ○ <u>Applicant representatives</u>: David Currow (UoW), Kathleen Packer (UOW), Mark Roberts (UOW), Dan West (EU), Kerryanne Lewis (EU), Kate Waters (Waters Consultancy), Di Jones (PTW), Ivan Ip (EU), Jason Fitzgerald (Keyton – Head of Dev), Chris Newman
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		<p>(Keyton GM Dev NSW), Anthony Roberts (Keyton), Matt Richardson (Keyton), Bree Martin (Keyton)</p> <ul style="list-style-type: none"> ○ <u>DPE</u>: Amanda Moylan • Final briefing to discuss council's recommendation: 24 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Susan Budd, Juliet Grant, David Brown ○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Panozzo, Mark Adamson, Joel Thompson, Jenna Andrews, Charlie Bevan, Alexandra McRobert. ○ <u>Applicant representatives</u>: Bree Martin (Keyton), Prof. David Currow (UOW) Nicholas Heinecke (HWL Ebsworth Lawyers), Kathleen Packer (UoW), Chris Newman (Keyton), Daniel West (Ethos Urban), Diane Jones (PTW), Anthony Roberts (Keyton), Jason Clay (Remediation/Site Auditor), Kenton Horsley (Environmental/Remediation), Clayton McDowell (UOW), Jason Fitzgerald (Keyton), Rachell Fischer (UOW). ○ <u>DPHl</u>: Amanda Moylan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Schedule 2

SCHEDULE 2 – FINAL CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under Section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under Section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

PART 1 - CONCEPT DA CONDITIONS

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
SK-03-045	Z	Site Plan - Plan	PTW	28.03.24
SK-03-046	Z	Site Sections – Drawing 1	PTW	28.03.24
SK-03-047	Z	Site Sections – Drawing 2	PTW	28.03.24
GH-SK-09-1000	Z	Green Heart Envelope	PTW	28.03.24
RACF-SK-09-1004	Z	RACF + Childcare Envelope Drawing 1	PTW	28.03.24
RACF-SK-09-1005	Z	RACF + Childcare Envelope Drawing 2	PTW	28.03.24
ILA2-SK-09-1007	Z	ILA Stage 1 Envelope Drawing 1	PTW	28.03.24
ILA2-SK-09-1008	Z	ILA Stage 1 Envelope Drawing 2	PTW	28.03.24
ILA1-SK-09-1009	Z	ILA Stage 2 Envelope Drawing 1	PTW	28.03.24
ILA1-SK-09-1010	Z	ILA Stage 2 Envelope Drawing 2	PTW	28.03.24
ILA1-SK-09-1011	Z	ILA Stage 2 Envelope Drawing 3	PTW	28.03.24
L.SK.101	H	Landscape Public Domain Master Plan	Scape	14.11.23
L.SK.111	E	Street Tree Diagram	Scape	14.11.23
L.SK.114	E	Canopy Cover Diagram	Scape	29.09.23
L.SK.115	F	WSUD Strategy Diagram	Scape	29.09.23
L.SK.202	E	Landscape Plan Detail 3 (Innovation Way)	Scape	29.09.23
L.SK.203	E	Landscape Detail Plan 4 (Road 2/High Street)	Scape	29.09.23
L.SK.207	E	Landscape Detail Plan 8 (Squires Way Intersection)	Scape	29.09.23
L.SK.300	D	Landscape Planting Plan	Scape	29.09.23
L.SK.301	D	Landscape Planting Schedule	Scape	29.09.23
L.SK.401	E	Landscape Sections 1 (Innovation Way – Sheet 1)	Scape	29.09.23

L.SK.402	E	Landscape Sections 2 (Innovation Way – Sheet 2)	Scape	29.09.23
L.SK.405	E	Landscape Sections 5 (Road 2/ High Street – Sheet 1)	Scape	29.09.23
L.SK.406	E	Landscape Sections 6 (Road 2/ High Street – Sheet 2)	Scape	29.09.23
L.SK.408	E	Landscape Sections 8 (Squires Way Intersection)	Scape	29.09.23
DAC01.71	01	Demolition Plan	Northrop	01.11.23
DAC02.01	07	Sediment and Soil Erosion Control Plan	Northrop	01.11.23
DAC02.11	06	Sediment and Soil Erosion Control Details	Northrop	01.11.23
DAC03.01	10	Bulk Earthworks Cut to Fill Plan	Northrop	01.11.23
DAC05.01	07	Road Alignment Control Plan – Sheet 01	Northrop	01.11.23
DAC05.02	07	Road Alignment Control Plan – Sheet 02	Northrop	01.11.23
DAC05.61	03	Intersection Design Option – 4 Lane Interim Arrangement	Northrop	01.02.24
DAC05.62	03	Intersection Design Option – 4 Lane Ultimate Arrangement	Northrop	01.02.24
DAC06.02	09	Stormwater Management Pan – Sheet 02 (Innovation Way)	Northrop	01.11.23
DAC06.04	09	Stormwater Management Pan – Sheet 04 (Road 2/High Street)	Northrop	01.11.23
DAC06.06	09	Stormwater Management Pan – Sheet 06 (Squires Way Intersection)	Northrop	01.11.23

Document Title	Version No	Prepared By	Dated
UOW Innovation Campus Health and Wellbeing Precinct Management Plan	Final Draft	UOW	28 March 2023
UOW Innovation Campus – Health and Wellbeing Precinct - Staging Plan – Rev 7	7	PTW	6 November 2023

UOW IC H&WP - Urban Design Guidelines	O	Ethos Urban	19 March 2024
Vegetation Management Plan for the Health and Wellbeing Precinct, University of Wollongong Innovation Campus	R4	Niche Environment and Heritage	17 November 2021
Master Plan Site Accessibility Report, University of Wollongong Innovation Campus Health & Wellbeing Precinct		Accessibility Solutions (NSW) Pty Ltd	2 August 2023

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

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

Reason:

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

2. Integrated Development

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

NSW Environment Protection Authority

The General Terms of Approval issued by the NSW Environment Protection Authority dated 19 April 2021 Notice No. 1608121 as attached shall form part of this Integrated Development Consent.

NSW Department of Planning & Environment - Water

The General Terms of Approval issued by the NSW DPE-Water (former Natural Resources Access Regulator) dated 2 July 2021 Reference No. IDAS1134480 as attached shall form part of this Integrated Development Consent.

Reason:

To comply with the legislation.

3. Concept or Masterplan Approval

This consent provides concept or masterplan approval for Phase 1 of the UOW Innovation Campus Health and Wellbeing Precinct, including:

- A masterplan indicating the structure of the precinct including streets, pedestrian connections, proposed leasing boundaries for buildings and open spaces as indicated on the drawings prepared by PTW:
 - SK-03-045 Rev Z – Site Plan – Plan
 - SK-03-046 Rev Z – Site Sections – Drawing 1
 - SK-03-047 Rev Z – Site Sections – Drawing 2
- Maximum building envelopes and land or lot uses as indicated on the drawings prepared by PTW:
 - GH-SK-09-1000 Rev Z - Greenheart Envelope
 - RACF-SK-09-1004 Rev Z - RACF + Childcare Envelope Drawing 1
 - RACF-SK-09-1005 Rev Z - RACF + Childcare Envelope Drawing 2
 - ILA2-SK-09-1007 Rev Z - ILA Stage 1 Envelope Drawing 1
 - ILA2-SK-09-1008 Rev Z - ILA Stage 1 Envelope Drawing 2

ILA1-SK-09-1009 Rev Z - ILA Stage 2 Envelope Drawing 1

ILA1-SK-09-1010 Rev Z - ILA Stage 2 Envelope Drawing 2

ILA1-SK-09-1011 Rev Z - ILA Stage 2 Envelope Drawing 3

- Urban Design Guidelines (UDG), Ethos Urban, Rev O dated 19 March 2024 to guide the detailed design of the proposed buildings and open spaces which are to be submitted under subsequent detailed Development Applications.
- Stage 0 – site enabling works proposed under DA-2021/101, comprising site preparation and civil works for a portion of the road network and building areas for ILA Stage 1.

4. Staging of Development

The development is approved to be carried out in stages as indicated on the stamped approved Staging Plan prepared by PTW labelled 'Staging Plan – Rev 7' dated 6 November 2023 attached to this consent. The staging comprises the following works:

- Stage 0 – site enabling works proposed under DA-2021/101, comprising site preparation and civil works for a portion of the road network and building areas for ILA Stage 1 (approved under this consent).
- Stage 1a – construction of ILA Stage 1 and the Green Heart to be completed along with part of the internal road network (subject to separate future approval).
- Stage 1b – construction of the RACF/Childcare, P5 carpark extension, extension of Innovation Way and chain of ponds (subject to separate future approval).
- Stage 2 – construction of ILA Stage 2, green heart, Road 1 and shared service road, pedestrian spine (south), landscaped mound / public viewing platform and vegetated bunds (subject to separate future approval).

The Developer may elect to commence stages a number or all stages concurrently.

Reason:

To outline the approved staging of the development; and to ensure the orderly and economic construction of the development.

5. Consent required for Detailed Proposals

The development of Stage 1a (ILA Stage 1, Greenheart and part internal road network, Stage 1b (Residential Aged Care Facility and Childcare, P5 Carpark Extension and part internal road network and Stage 2 (ILA Stage 2, Greenheart, Road 1 and Shared Service Road) are to be the subject of subsequent detailed Development Application approvals.

Reason:

To comply with the legislation.

6. Proposed Plan of Subdivision

A development application is to be lodged and approved (prior to or in conjunction with the DA for Stage 1b) to amend the existing boundaries of Lots 9,11 and 13 in DP 1172135 to ensure the proposed development will be comprised wholly within lots abutting the campus access way (contained within Lot 13).

The proposed plan of subdivision must provide for appropriate public access to university campus streets, footpaths, and open spaces.

Reason:

To align lot boundaries to suit the final approved development.

7. Site Remediation Work

The site remediation work shall be undertaken in accordance with the Remedial Action Plan (RAP) dated December 2020 prepared by Douglas Partners and approved via a site audit statement from a NSW EPA accredited site auditor prior to the issue of each relevant Construction Certificate for the buildings or open spaces..

Reason:

To ensure satisfactory remediation of the site.

8. Long Term Environmental Management Plan - Containment Cells/Capping

Any proposed physical barrier layer, (eg. capped material beneath hardstand or 300mm non-impacted material), used as a site remediation strategy, shall be used only in conjunction with appropriate construction management strategies for working with asbestos-impacted soils, and long term institutional controls.

Containment cells must not be located adjacent to riparian corridors.

A separate (i) Site Audit Statement, (ii) Site Audit Report and (iii) Environmental Management Plan (EMP) is required for ongoing management of the containment cells. The Site Auditor shall also recommend a suitable draft s88b restriction for the lot/s that contain the containment cell/s for the written approval of Council.

A Section 88B Restriction, as per the wording approved by Council, shall be imposed on the lot/s which contain the containment cells to ensure ongoing maintenance. The 88B instrument shall be registered prior to the release of any construction certificates for any built form or open space within Stages 1a, 1b or 2.

Reason:

To minimise risks to the environment and human health.

9. Site Auditor's Statement and Site Auditor's Report

As part of statutory site audit, the submission of SAS and SAR is required from a NSW EPA accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been remediated and rendered suitable for the proposed development. This must occur prior to the issue of the relevant Construction Certificate for any buildings or open spaces of Stage 1a, Stage 1b or Stage 2 of the Development.

The site auditor's report shall verify that:

- the site is not affected by soil and/or groundwater contamination, above the NSW EPA threshold limit criteria; and
- the site is suitable for the proposed development.

Further for the purposes of Clause 4.6 of SEPP (Resilience & Hazards) 2021, the contaminated land consultant must provide a clear statement in their reports (either in the executive summary or conclusion that the consent authority may be satisfied that the required considerations of Clause 4.6 of the SEPP are satisfied, and provide reasons for that satisfaction.

This statement must be concurred by the appointed site auditor as part of peer review of the site contamination assessment and validation reports.

Reason:

To minimise risks to the environment and human health and to satisfy the requirements of the legislation.

10. Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the issue of the relevant Construction Certificate and the commencement of any works on the site.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

Reason:

To minimise risks to the environment and human health.

11. 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.

12. Stormwater Quality Management

The stormwater treatment system must achieve pollutants and nutrients removal minimum: Gross Pollutants – 90%, Total Suspended Solids – 80%, Total Phosphorus – 55% and Total Nitrogen – 40%.

It is the University of Wollongong's (UOW) management responsibility to maintain the stormwater filtration system to ensure that the above targets continue to be met for the life of the development.

Reason:

To ensure stormwater quality is maintained.

13. Aboriginal Cultural Heritage Documents and Reports

The development works under this development consent shall be undertaken in accordance with the recommendations and conclusions of the heritage documents submitted in support of the development application. Further, all future development applications and stages of delivery of the Concept Approval must be designed and further developed in accordance with, and in response to, the various conclusions, management recommendations and mitigation measures detailed within these reports. The following reports are considered relevant to this condition:

- Aboriginal Site History Report, GML, February 2023.
- Aboriginal Archaeological Assessment Report, Kelleher Nightingale Consultants, May 2023.
- Cultural Values Assessment Report, Waters Consultancy, July 2023.
- Visual Impact Assessment Supplementary Report (Final), Ethos Urban, 14 December 2023.
- Connecting with Country Report, Milli Milli, June 2023.
- Aboriginal Cultural Heritage Assessment Report, Kelleher Nightingale Consultants, July 2023.
- Urban Design Guidelines, Ethos Urban, Revision O dated 19 March 2024.

Reason:

To ensure the cultural heritage values of the site are appropriately managed.

14. Aboriginal Heritage Matters

No Aboriginal objects may be harmed without the prior approval of Heritage NSW.

Reason:

To ensure compliance with the legislation.

15. Aboriginal Cultural Heritage Officer

An Aboriginal Cultural Heritage Officer must be engaged to monitor works undertaken in any remnant soil profiles identified during the development process.

Reason:

To ensure the appropriate management of Aboriginal cultural heritage matters.

16. Unexpected Finds of Aboriginal Cultural Heritage

The proposed development site has been identified as having some potential to have been used as an Aboriginal Burial Ground and to have elevated Aboriginal Cultural Values.

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

- a. No further harm is undertaken to the object(s);
- b. Immediately cease all work at the particular location;
- c. Secure the area so as to avoid further harm to the Aboriginal object(s);

- d. Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
- e. Not recommence any work at the particular location unless authorised in writing by Heritage NSW;
- f. If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.
- g. In the event that skeletal remains are unexpectedly encountered during the activity, **work must stop immediately**, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

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

Reason:

To satisfy the requirements of the legislation.

17. General Geotechnical Conditions

- a. All work is to be in accordance with the geotechnical recommendations contained in the Report on Geotechnical Investigation, Douglas Partners dated 10 October 2018.
- b. An earthworks plan is to be developed by a suitably qualified civil engineer and signed off by the geotechnical consultant prior to start of earthworks.
- c. All recommendations of the geotechnical engineer in the Report on Geotechnical Investigation dated 10 October 2018 are to be accommodated in the earthworks plan.
- d. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the works.
- e. Coal washery reject encountered on site during works above the water table is to be engineered to comply with Council's Policy on Coal Washery Reject as detailed in Chapter E19 Clause 4.4 of the Wollongong DCP or as otherwise agreed with Wollongong City Council via the preparation of a site-specific Coal Wash Management Plan that is to be submitted to Council prior to the Stage 0 Construction Certificate and each subsequent relevant Construction Certificate.
- f. All earthworks including drainage, retaining wall and footing construction is to be subject to Level 2 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- g. At the completion of the remedial works, 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 future stages of the development concept.

Reason:

To ensure all works are carried out safely.

18. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the relevant stage 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.

Reason:

To satisfy the requirements of the legislation.

19. Section 7.12 Contributions

Subsequent development applications for works on the site will be subject to the requirements of the relevant Wollongong City-Wide Development Contributions Plan applicable at the time of determination of the application.

Reason:

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

20. Construction Management Plan

The final Construction Environmental Management Plan must be submitted to Wollongong City Council for approval prior to the issue of the first Construction Certificate. All works within the subject site shall be carried out strictly in accordance with the approved final Construction Environmental Management Plan.

Reason:

To minimise the social, economic and physical impacts of the construction works.

21. Pre-Clearing Fauna Survey

A pre-clearance survey shall be undertaken to identify any roosting or nesting fauna (including drays) which are present within all trees proposed for removal or trimming.

This work shall be conducted by an appropriately qualified and experienced ecologist on the afternoons and evenings prior to any vegetation clearing to collect and relocate any fauna.

The pre-clearance survey shall include flagging of all trees approved for removal or trimming.

In the case where any non-threatened fauna are observed a qualified wildlife carer shall be contacted to remove and relocate the animal/s prior to the clearance of these trees.

In the event that any nesting threatened species are observed, clearance works shall be put on hold to allow for the chicks/young to fledge the nest.

Reason:

To minimise impacts on fauna.

22. Survey of Trees Prior to Clearing

Prior to the commencement of any clearing works, the extent of clearing as shown on the approved plans must be accurately surveyed and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained. Temporary fencing must remain in place until all works are completed.

Reason:

To minimise impacts on vegetation.

23. 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 protect trees to be retained on site.

24. Vegetation Management Plan

The approved Vegetation Management Plan for the Health and Wellbeing Precinct, University of Wollongong Innovation Campus prepared by Niche Environment and Heritage and dated 17 November 2021 must be submitted to the Certifier prior to the issue of the first Construction Certificate. The Certifier must ensure that all plans (including the landscape plan) submitted with the Construction Certificate Application are consistent with the approved VMP. Modification/s to

the approved VMP are to be approved by Council prior to the issue of the relevant Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

25. Implementation of Vegetation Management Plan

The Vegetation Management Plan for the Health and Wellbeing Precinct, University of Wollongong Innovation Campus prepared by Niche Environment and Heritage and dated 17 November 2021 shall be implemented by a Council approved bush regenerator with TAFE qualifications in Bush Regeneration or Conservation and Land Management (Natural Area Restoration & Management) or equivalent study and/or experience, in addition to two (2) years experience in ecological restoration.

Reason:

To improve the riparian corridors and comply with the requirements of the Development Control Plan.

26. Implementation of Vegetation Management Plan

The establishment phase (primary and secondary works) of the Vegetation Management Plan for the Health and Wellbeing Precinct, University of Wollongong Innovation Campus (prepared by Niche Environment and Heritage and dated 17 November 2021) shall be implemented/commence whilst Stage 0 works are underway. A Certificate of Practical Completion shall be obtained from Council confirming that the establishment phase of the VMP has been satisfactorily completed. This shall be obtained prior to issue of a Construction Certificate for any buildings or open space within Stages 1a, 1b or 2 of the development.

Reason:

To ensure implementation of the VMP.

27. Vegetation Management Plan Reporting

Six monthly reports on the progress of the implementation of the Vegetation Management Plan for the Health and Wellbeing Precinct, University of Wollongong Innovation Campus prepared by Niche Environment and Heritage and dated 17 November 2021 shall be submitted to Council's City Strategy Division. Reporting regularity shall start at the commencement of the VMP works.

Reason:

To ensure the proper implementation of the VMP.

28. Maintenance Period of Vegetation Management Plan

The maintenance period of the Vegetation Management Plan for the Health and Wellbeing Precinct, University of Wollongong Innovation Campus (prepared by Niche Environment and Heritage and dated 17 November 2021) is to be a minimum of five (5) years starting from when Council has provided a Certificate of Practical Completion that the establishment phase (primary and secondary works) has been satisfactorily completed and ending when Council has provided a Certificate of Practical Completion that the performance targets have been met.

Reason:

To ensure the proper implementation of the VMP.

29. Urban Design Guidelines

The Urban Design Guidelines prepared by Ethos Urban, [Issue O dated 19 March 2024) form part of this development consent. All development within the Site must be consistent with the Urban Design Guidelines, except where varied by the conditions of this consent.

Reason:

To ensure design excellence is delivered across the site.

30. Independent Living Units – Solar Access

The Independent Living Units must be designed to achieve compliant solar access (in accordance with the Apartment Design Guide). Units must not rely on the use of skylights and/or clerestory windows to meet the ADG requirement for 2 hours solar access to 70% of units.

Reason:

To enhance the amenity of the development for residents.

31. Independent Living Units – Communal Open Space

The Communal Open Space areas for ILA Stage 1 and ILA Stage 2 must be secured from members of the general public and must be for the exclusive use of residents and their guests. This must be reflected in the detailed Development Applications for ILA Stage 1 and ILA Stage 2.

Reason:

To enhance the amenity of the development for residents and the general public.

32. Independent Living Units – Deep Soil Zone

A minimum of 7% of the site area of ILA Stage 1 and ILA Stage 2 must be provided as deep soil zone. This must be provided at ground level.

Reason:

To enhance the amenity of the development for residents and the general public.

33. All Buildings – Air Conditioners

Air conditioning units/ condensers, where placed on balconies, must be screened from view from public areas.

Reason:

To improve the visual quality of the development.

34. All Buildings – Clothes Drying

Clothes drying lines, where placed on balconies, must be screened from view from public areas. If clothes lines are not placed on balconies, an alternative fixed clothes line should be provided internally within the laundry.

Reason:

To improve the visual quality of the development.

35. Art Strategy

A public art strategy is required to be submitted for approval as part of any subsequent Development Application. The public art strategy shall be developed in consultation with First Nations community representatives.

Reason:

To ensure engagement with First Nations community in the development of the public art strategy.

36. Independent Living Units – Housing Diversity

A minimum of 10% of all units in ILA Stage 1 and ILA Stage 2 must be one-bedroom or one-bedroom plus study/ multi-purpose room apartments to enhance housing diversity and affordability. This shall be reflected in the detailed Development Applications for these buildings.

Reason:

To provide for a diversity of housing.

37. Independent Living Units – Acoustic Amenity

Where acoustic attenuation is required to be provided to the independent living units within ILA Stage 1 and ILA Stage 2, preference must be given to the provision of non-invasive acoustic measures. Balconies are not to be enclosed as this will contribute to Gross Floor Area and will also adversely affect cross ventilation of the units and amenity for residents.

Reason:

To ensure acoustic privacy and amenity without compromising design quality.

38. Crime Prevention Through Environmental Design (CPTED) - Design Measures

The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:

- a. Landscape treatment which allows visibility from the road way and other public areas;
- b. landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,

- c. provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- d. ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the relevant Construction Certificate plans.

Reason:

To reduce crime risk throughout the development site.

39. Material Selection for Pedestrian Areas

Pedestrian access ways, entry paths, arcades and lobbies must be constructed with durable materials commensurate with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours. This shall be reflected in the detailed Development Applications for the individual buildings and open space areas.

Reason:

To ensure design excellence is delivered across the site.

40. Finish of Vehicular Entries

Vehicular entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No ducts or pipes are to be visible from the street. This shall be reflected in the detailed Development Applications for the individual buildings and open space areas.

Reason:

To ensure design excellence is delivered across the site.

41. Integration of Rooftop Structures in Approved Building Envelope

All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This shall be reflected in the detailed Development Applications for the individual buildings and open space areas.

Reason:

To ensure design excellence is delivered across the site.

42. Wind Mitigation

All of the recommended mitigation measures identified in the report titled Qualitative Wind Assessment, R07 CPP dated December 2023 shall be implemented. This shall be reflected on the plans provided with the detailed Development Applications for all buildings and open space areas within Stages 1a-2.

Reason:

To ensure comfortable wind conditions are maintained throughout the development site.

43. Implementation of Acoustic Report Recommendations

All of the recommended acoustic treatment/ acoustic mitigation measures identified in the report titled "Noise Impact Assessment Updated Masterplan" prepared by Stantec Australia Pty Ltd dated 12 December 2023 shall be implemented. This shall be reflected on the plans provided with the detailed development applications for all buildings and open space areas within Stages 1a-2.

Reason:

To ensure acoustic amenity is maintained throughout the development site.

44. 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.

Reason:

To comply with Council's Development Control Plan.

45. Pedestrian Pathways

Pedestrian pathways compliant with the requirements of Clause 26 of SEPP (Housing for Seniors or People with a Disability) 2004 shall be provided and must be in place (and accessible) prior to the occupation of any of the approved seniors housing.

Reason:

To satisfy the requirements of the legislation.

46. Pedestrian Pathways

The pedestrian pathways compliant with the requirements of Clause 26 of SEPP (Housing for Seniors or People with a Disability) 2004 shall be maintained in good working order, and accessible/ not compromised by construction works, at all times to ensure that accessibility is maintained to any occupied seniors housing.

Reason:

To satisfy the requirements of the legislation.

47. Bush Fire Safety

The proposed development must be constructed and the site shall be maintained in compliance with the Bushfire Safety Authority issued for the site dated 29 July 2020. APZs shall be maintained in accordance with the applicable requirements of Planning for Bushfire Protection 2019 (or as amended).

Reason:

To minimise bush fire hazards.

48. Bush Fire Emergency Management and Evacuation Plan

A detailed Bushfire Emergency Management and Evacuation Plan must be prepared by a suitability qualified consultant, for each of the buildings. The Bushfire Emergency Management and Evacuation Plans must be submitted to the Principal Certifier and Council prior to the release of the relevant Occupation Certificate for the buildings.

Reason:

To minimise bush fire hazards.

49. Fire Hydrant System

The fire hydrant system (incorporating internal and external hydrant connections) must be designed to ensure sufficient coverage of the site and all buildings in accordance with AS 2419.1:2005 and NCC Clause E1.3.

Reason:

To ensure adequate hydrant coverage for firefighting.

50. Bush Fire - Maintenance of Landscaping

The landscaping and the site must be maintained at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non-combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Climbing species are avoided to walls and pergolas;

- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of two (2) metres above the ground;
- Trees are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- No part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
- The use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reason:

To reduce bush fire risk within the site.

51. Landscaping in Bush Fire Prone Areas

Any landscaping of the site must comply with the principles in Appendix 4 of Planning for Bushfire Protection 2019 (BPB 2019), AS 3959: 2018 and Standards for Asset Protection Zones (NSW Rural Fire Service). Note: extensive ember attacks can occur beyond 100 metres of a bush fire.

Reason:

To minimise bush fire risks.

52. Landscaping and Vegetation Management

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

Reason:

To comply with the legislation and minimise bush fire risks.

53. Landscaped Mound / Public Viewing Platform

The landscaped mound is to provide equitable access for residents and public in the form of ramps. Lifts should not form part of the access strategy.

Reason:

To ensure equitable access.

54. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifier, prior to the release of the relevant Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

55. Exotic Perennial Grasses

Exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process *Invasion of native plant communities by exotic perennial grasses*, shall not be sown within 10 metres of any native vegetation, so that nearby areas of native vegetation are not invaded by such grasses.

Reason:

To protect native vegetation.

56. Exotic Plant Species Not to be Planted or Placed Within or Near the Riparian Zone

No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within 20 metres of the outer edges of the riparian zones on the site.

Reason:

To protect native vegetation, watercourses/ riparian corridors.

57. Compensatory Planting

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, fifty 100 litre container mature plant stock shall be placed throughout the site. The suggested species are to be in accordance with the approved Landscape Masterplan and Landscape Plans.

Reason:

To compensate for the loss of any vegetation associated with the construction of the development.

58. Provision of Taps/Irrigation System

The provision of common taps and/or an irrigation system is required throughout the development site to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system shall be shown on the detailed landscape plans provided with the detailed Development Applications for future buildings within Stages 1a-2.

Reason:

To ensure the long term maintenance of landscaped areas.

59. Certification for Landscape and Drainage

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 relevant Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

Reason:

To ensure the stormwater and landscape plans are compatible.

60. Landscape Maintenance Plan

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 relevant Construction Certificate.

Reason:

To ensure the successful establishment of site landscaping.

61. Footpath Paving

The developer is responsible for the construction of footpath paving for the entire development. The type of paving for this development is to comply with the approved Landscape Plan and constructed to meet the minimum structural requirements of Wollongong Council Standard Engineering Drawings. A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

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

Reason:

To comply with Council's Development Control Plan.

62. Street Trees

The developer must address the street frontages by installing street tree planting. The number and species for this development are to be in accordance with the approved Landscape Masterplan and Landscape Plans.

Final species selections are to be submitted to Council for Approval prior to the relevant Construction Certificate.

The street trees shall be 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits

must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager Parks and Open Space. Staking is to consist of minimum 3 x 2400 x 50 x 50mm hardwood stakes driven minimum 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

Reason:

To comply with Council's Development Control Plan.

63. Arborist Verification – Street Tree Installation

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

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

Reason:

To comply with the Development Control Plan.

64. Street Tree Establishment Period

The Developer must comply with the terms of an approved landscape maintenance program for a minimum period of 12 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance. The Street Tree Establishment Period shall commence from the issue of the relevant Occupation Certificate.

The program must include the following elements: watering, weeding, litter removal, mulching, fertilising, tree guard and grate maintenance, and pest and disease control.

Details of the proposed program must be submitted with the Landscape Plan to the Principal Certifier for approval prior to release of the relevant Construction Certificate.

Reason:

To ensure the successful establishment of landscaping.

65. Directional Lighting and Riparian Areas

Street and perimeter lighting shall be installed to minimise light penetration into adjacent riparian areas. The final design details of the proposed street and perimeter lighting shall be reflected on the relevant Construction Certificate plans. The erection of the street lighting shall be in accordance with the approved final design.

Reason:

To minimise impacts on the riparian corridors.

66. Squires Way/High Street – Detailed Civil Engineering Design

A detailed civil engineering design shall be provided for the proposed Squires Way/High Street intersection works, Squires Way pedestrian pathway, and pedestrian signals. 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 4-Lane Intersection Design Options for both the Interim and Ultimate Arrangements by Northrop Consulting Engineers Pty Ltd, Drawing Numbers DAC05.61 and DAC05.62, Revision 03, dated 1/02/2024 and shall include:

Interim and final:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 5 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.

- c. Engineering details of the proposed drainage system within Council's road reserve, including for any pit and pipe stormwater a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate for Stage 1A of the works as indicated on the PTW 'Staging Plan – Rev 7' dated 6 November 2023.

Reason:

To comply with Council's Development Control Plan.

67. Car Parking Provision

A minimum of 312 new car parking spaces in total are to be accommodated at Site W3/W4 and Site C1 as detailed at Figure 10 of Wollongong Development Control Plan 2009 - Chapter D14 Wollongong: Innovation Campus. The new car parking spaces are to be constructed and operational prior to the existing car parking spaces known as P3 and P4 being rendered inaccessible due to works being carried out under this development consent. 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. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

Note: This condition does not constitute approval of the new car parking spaces.

Reason:

To ensure sufficient car parking is provided within the Innovation Campus to minimise impacts on carparking elsewhere.

68. Parking Dimensions

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 AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the relevant Construction Certificate plans.

Reason:

To ensure compliance with the relevant standards.

69. Structures Adjacent to Driveways

Any proposed structures adjacent to any driveways shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (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 relevant Construction Certificate plans.

Reason:

To ensure compliance with the relevant standards.

70. Vehicular Flow Signage

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 relevant Construction Certificate plans.

Reason:

To ensure compliance with the relevant standards.

71. Signs and Linemarking

A sign and linemarking diagram for the proposed Squires Way/High Street intersection (4-lane Interim and Ultimate Arrangements) and The Princes Highway/Ajax Avenue intersection upgrade must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Construction Certificate for Stage 1A of the development as indicated on the PTW 'Staging Plan – Rev 7' dated 6 November 2023.

Reason:

To ensure compliance with the relevant standards.

72. Transport for NSW Requirements

Prior to the issuing of the Construction Certificate for Stage 1a, works, the developer must:

- a. Enter into a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works at the intersection of Princes Highway and Ajax Avenue, and the new midblock traffic signals at Squires Way. The below matters must be addressed through the WAD design process:
 - i. In the detailed design phase of the signals on Squires Way, appropriate arrangements must be identified to enable the existing signals at Puckeys Avenue and the new signals near the High Street intersection to be coordinated and then implemented prior to operation of the signals.
 - ii. The Princes Highway and Ajax Avenue is a 19m semi-trailer route. TfNSW has undertaken turning paths using this vehicle and notes when turning right from the right lane, the vehicle will traverse over the proposed line marking and impact the Princes Highway median kerb.
 - iii. TfNSW requires the applicant to modify the median kerb to allow for the turn movements. Plans will need to be provided at detailed design stage.
 - iv. The proposed amendments at the intersection of the Princes Highway and Ajax Avenue requires a new controller program (personality) for the traffic control signals and modifications to line marking. This needs to be addressed as part of the WAD process.

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road and install traffic signals.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.south@transport.nsw.gov.au
- TfNSW will then appoint a project manager who will coordinate TfNSW's involvement in the detailed design and delivery of the works.
- All signal works need to be undertaken by a pre-qualified contractor. Any civil works on a State road or at an intersection with a State road also need to be undertaken by a prequalified contractor. The pre-qualified contractors can be found on the TfNSW website:

<https://roads-waterways.transport.nsw.gov.au/business-industry/partnerssuppliers/index.html#gsc.tab=0>

- Any new services or modifications to existing services associated with this development application that involve works on, over or under the Princes Highway (as defined as the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.

- More information on WADs can be found at:

<https://roads-waterways.transport.nsw.gov.au/business-industry/partnerssuppliers/private-development/road/wad.html>

Reason:

To ensure traffic impacts from the proposed development are appropriately managed.

73. Traffic Signals Approval

Prior to the commencing works within the road reserve associated with any traffic signals, the developer must:

- a. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Notes:

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
- Wollongong City Council consent under Section 138 of the Roads Act, 1993 must be obtained for road related works outside the scope of the WAD.

- b. Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW.
- c. Apply for, and obtain a Road Occupancy Licence (ROL) from Wollongong City Council prior to commencing road works on a local road (eg Squires Way).
- d. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing road works on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

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 TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

Reason:

To ensure traffic impacts from the proposed development are appropriately managed.

74. Transport for NSW Required Road Works

Prior to the issue of the first Occupation Certificate / completion of the first building which will generate traffic to and from the site, the developer must:

- a. Complete all works associated with the WAD, and obtain written confirmation from TfNSW advising that works have been completed to the satisfaction of TfNSW. These works include:
 - i. changes to the intersection of the Princes Highway and Ajax Avenue (Attachment 2), and
 - ii. installation of the midblock traffic signals at Squires Way near High Street (Attachment 3).

Reason:

To ensure traffic impacts from the proposed development are appropriately managed.

75. Flood Level Requirements

The following requirements shall be reflected on the relevant Construction Certificate plans, prior to the release of the relevant Construction Certificate:

- a. Habitable floor levels must be constructed at no lower than 0.9 metres above adjacent mainstream 1% AEP flood levels (allowing for climate change) and no lower than 0.3 metres above adjacent overland flow 1% AEP flood levels.
- b. All floor levels of Critical Utilities as defined in Appendix A – Land Use Categories of Chapter E13 of the Wollongong DCP2009 (including child care centre and seniors living, as defined in the Wollongong LEP2009) shall be constructed at no lower than the adjacent Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.
- c. Any portion of the building or structure below the adjacent mainstream 1% AEP flood level plus 0.9 metres freeboard, or below the adjacent overland flow 1% AEP flood level plus 0.3 metres, should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- d. All buildings within a flood risk precinct (as defined in Chapter E13 of the Wollongong DCP2009) shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.

Reason:

To comply with Council's Development Control Plan.

76. Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the relevant Occupation Certificate and commencement of use. This report is required to verify that all buildings constructed within a flood risk precinct area (as defined in Chapter E13 of the Wollongong DCP2009) can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.

Reason:

To comply with Council's Development Control Plan.

77. Installation of WSUD Treatment Train

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the Stormwater Management Report Revision 4, Northrop dated 4 November 2022.

Reason:

To comply with Council's Development Control Plan.

78. Completion of Landscape Works on Council Owned or Controlled Land

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

Reason:

To ensure appropriate landscaping of the public domain.

79. Management Plan

- a. The final Innovation Campus Health & Wellbeing Precinct Management Plan (which is to be substantially consistent with the draft prepared by UOW dated 28 March 2024) must be provided to Council for final approval prior to the release of any Occupation Certificates for any buildings within the Development.
- b. The final approved Innovation Campus Health & Wellbeing Precinct Management Plan must be implemented at all times over the life of the development by UOW and the operators and their successors.
- c. The operators (as defined by the Management Plan) of each of the buildings within the Health & Wellbeing Precinct (being the Residential Aged Care Facility and co-located Childcare Centre, ILA Stage 1 and ILA Stage 2) must enter into Collaboration Agreements (as defined by the Management Plan) with the University of Wollongong

(UOW) to fulfil the research and education objectives identified in Sections 1.0 and 2.2 of the Management Plan.

- d. Delivery of research/education spaces within buildings – the following areas are to made available within each building for use as dedicated research or education spaces (by either the UOW or bodies affiliated with UOW) in accordance with the Management Plan dated 28 March 2024. Each space is to be detailed as part of each development application (as relevant) made subsequent to this Concept Proposal consent:

- ILA (Stage 1): Minimum of 1100m² dedicated Gross Floor Area.
- ILA (Stage 2): Minimum of 1500m² dedicated Gross Floor Area.
- Residential Care Facility and Childcare Centre building: Minimum of 65m² dedicated Gross Floor Area.

The above spaces shall be capable of operation prior to the issue of the relevant Occupation Certificate of each building.

Reason

To ensure the establishment and delivery of the research and learning links between the University of Wollongong and the buildings and open space areas within the Health & Wellbeing Precinct, required to fulfil the objectives in Clause 7.15 of Wollongong Local Environmental Plan 2009 and Chapter D14 of Wollongong Development Control Plan 2009.

To ensure the delivery of spaces for use of research, teaching and learning within the Health and Wellbeing Precinct in accordance with the commitments of the University of Wollongong.

- e. Governance Committee

The Management Plan must be implemented and compliance overseen by a Governance Committee (as detailed within the Management Plan) which must be established prior to the issue of the Occupation Certificate for ILA Stage 1. The Governance Committee shall provide an annual report to Council detailing the specific nature of the research and learning functions being undertaken within ILA Stage 1, ILA Stage 2, the RACF and Childcare Centre, along with resident participation rates/involvement.

Reason:

To make certain when the Governance Committee is established and to define its responsibilities.

- f. Review of Management Plan

The Plan of Management is to be updated within the first three (3) years following occupation of all buildings contemplated in the Concept DA and thereafter every five (5) years. Upon each review, a copy of the updated Management Plan is to be provided to Council.

Reason:

To ensure the Management Plan remains current and delivers the education, research and teaching objectives of the Innovation Campus.

80. Seniors Housing - Occupation

The approved seniors housing must only be occupied by the following:

- a. seniors or people who have a disability,
- b. people who live within the same household with seniors or people who have a disability,
- c. staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

Reason:

To satisfy the requirements of the legislation.

81. Seniors Housing – Restriction on Occupation

A Restriction as to User pursuant to Section 88E of the Conveyancing Act 1919 must be attached to the certificate of title, reflecting the above limited occupation of the seniors housing.

Evidence of the registration of such Restriction as to User must be provided prior to the commencement of occupation of the RACF and independent living units.

Reason:

To satisfy the requirements of the legislation.

PART 2 – STAGE 0 WORKS

The following conditions shall be complied with, in addition to those conditions in Part 1.

GENERAL CONDITIONS

Conditions

82. 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.

83. 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.

84. Site Remediation Work

The site remediation work within the 'Stage 0' area shall be undertaken in accordance with the Remedial Action Plan (RAP) dated December 2020 prepared by Douglas Partners and approved via a site audit statement from a NSW EPA accredited site auditor prior to the issue of a Construction Certificate for the building/s within Stage 1a.

This approval provides consent for Stage 0 of the works as indicated on the PTW 'Staging Plan – Rev 7' dated 6 November 2023.

Reason:

To ensure satisfactory remediation of the site.

85. Site Auditor's Statement and Site Auditor's Report

As part of the statutory site audit, the submission of a SAS and SAR is required from a NSW EPA accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that Stage 0 of the site has been remediated and rendered suitable for the proposed development. This must occur prior to the issue of the relevant Construction Certificate for any buildings or open spaces within Stages 1a, 1b or 2 of the Development.

The site auditor's report shall verify that:

- the site is not affected by soil and/or groundwater contamination, above the NSW EPA threshold limit criteria; and

- the site is suitable for the proposed development.

Further, for the purposes of Clause 4.6 of SEPP (Resilience & Hazards) 2021, the contaminated land consultant must provide a clear statement in their reports (either in the executive summary or conclusion) that the consent authority may be satisfied that the required considerations in Clause 4.6 of the SEPP are satisfied, and provide reasons for that satisfaction. This statement must be concurred by the appointed site auditor as part of peer review of the site contamination assessment and validation reports.

Reason:

To minimise risks to the environment and human health and to satisfy the requirements of the legislation.

86. Geotechnical Conditions

- All work is to be in accordance with the geotechnical recommendations contained in the Report on Geotechnical Investigation, Douglas Partners dated 10 October 2018.
- An earthworks plan is to be developed by a suitably qualified civil engineer and signed off by the geotechnical consultant prior to the start of earthworks.
- All recommendations of the geotechnical engineer in the Report on Geotechnical Investigation dated 10 October 2018 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 Stage 0 works.
- Coal washery reject encountered on site during works above the water table is to be engineered to comply with Council's Policy on Coal Washery Reject as detailed in Chapter E19 Clause 4.4 of the Wollongong DCP or as otherwise agreed with Wollongong City Council via the preparation of a site-specific Coal Wash Management Plan that is to be submitted to Council prior to the Stage 0 Construction Certificate and each subsequent relevant Construction Certificate.
- All earthworks including drainage, retaining wall and footing construction is to be subject to Level 2 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- At the completion of the remedial works, 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 future stages of the development concept.

Reason:

To ensure all works are carried out safely.

87. 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 \$38,428.14 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any Construction Certificate associated with Stage 0.

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 issued 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.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions

88. Construction Environmental Management Plan (CEMP)

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

- a. Details of the construction staging and sequencing of works;
- b. Plan of proposed construction storage area/s;
- c. Details of construction worker parking during the demolition and construction phases;
- d. Details of the type of materials/plant/ equipment to be transported to and stored at the site and how it is to be transported and stored;
- e. Details of the proposed vehicular access points to the site during construction (inclusive of delivery of plant, machinery and goods);
- f. Treatment of barricading/ hoarding for construction/and restricting access;
- g. Address all environmental aspects of the development's demolition and construction phases including soil and water management/erosion and sediment control plan; noise and vibration management plan; dust suppression/ dust management plan; waste management plan and litter control; odour and vapour; dust, plant and machinery noise; surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations and stockpiles; site security, working hours, contact information, incident response and contingency management.
- h. Construction noise mitigation measures;
- i. Monitoring of compliance with the proposed mitigation measure and corrective actions; and
- j. Arrangements for continuity of access to nearby local businesses.

A community engagement plan must be prepared and incorporated into the CEMP, including regular updates and contact numbers for complaints and consultation for schedule of works.

The relevant Construction Certificate shall not be released by the Principal Certifier and no works shall commence until such time as Council's written approval has been obtained for the CEMP. The approved CEMP shall be complied with at all times.

Reason:

To minimise the social, economic and physical impacts of the construction works.

89. No Increase in Surface Flow to Squires Way

The detailed design of the development shall ensure no increase in surface discharge rates and/or surface water flows (including stormwater overflows from the pond and/or any other drainage system) to and/or across Squires Way. Evidence that this requirement has been satisfied shall be submitted to the Principal Certifier prior to the release of each relevant Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

90. Earthworks Design

Detailed earthworks plans for all proposed earthworks shall be prepared by a suitably qualified civil engineer. The earthworks design shall be generally in accordance with the plan by Northrop titled 'BULK EARTHWORKS CUT TO FILL PLAN' (Drawing Number DAC3.01, Revision 10 dated 1/11/2023). The detailed earthworks plans shall ensure no reduction in the flood volume storage capacity of the site's flood storage areas. The detailed earthworks plans shall form part of the relevant Construction Certificate plans. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of each relevant Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

91. 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 relevant Construction Certificate plans and supporting documentation.

Reason:

To ensure development does not impact services.

92. Present Plans to Endeavour Energy

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 relevant Construction Certificate.

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

Reason:

To ensure satisfactory arrangements are made for the provision of utilities.

93. Telecommunications

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

Reason:

To ensure satisfactory arrangements are made for the provision of utilities.

94. Utility Services

Should a proposed vehicular crossing or roadway be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

Reason:

To ensure the protection of utility services.

95. Adjustments to Utility Services

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 the release of the relevant Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

96. Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap In, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's

sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of the relevant Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

97. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Builders and Developers" section of the web site www.sydneywater.com.au then search to "Find a Water Servicing Coordinator". Alternatively, telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the relevant Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

98. Utilities and Services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

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

Reason:

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

99. Structural Engineer's Details

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

Reason:

To ensure structural integrity.

100. 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 relevant 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.

101. 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 relevant 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, and conditions listed under this consent.
- 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.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% AEP events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Council's Development Control Plan.

102. No Adverse Runoff Impacts on Adjoining Properties

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.

Reason:

To protect neighbourhood amenity.

103. Scour Protection

All stormwater outlets and surface flow paths (including swales, channels, and other dedicated overland flow paths) must be treated with appropriate scour/erosion protection measures designed in accordance with good engineering practice based on calculated 1 in 100 year ARI flow velocities.

Reason:

To comply with Council's Development Control Plan.

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

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

the Principal Certifier and Council is required, prior to the issue of the relevant Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

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

- a. Proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The traffic control plan endorsed by Council shall be implemented, prior to the commencement of any works upon the construction site.

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

Reason:

To ensure compliance with Australian Standards.

105. 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 relevant Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

106. Acid Sulfate Soils Management Plan

An Acid Sulfate Soils Management Plan (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate. This plan is required to recommend specific procedures and mitigation measures and shall include a site analysis from a NATA accredited laboratory. This plan shall address the following aspects:

- a. specific mitigative measures to minimise the disturbance of acid sulfate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- b. management of the excavated material;
- c. measures taken to neutralise the acidity; and

d. run-off control measures.

The recommendations of the plan shall be completed prior to the commencement of building works.

Reason:

To comply with Council's Development Control Plan.

107. Redundant Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the relevant Construction Certificate Plans.

Reason:

To comply with Council's Development Control Plan.

108. Erosion and Sediment Control Plan

Before the issue of the relevant Construction Certificate, the developer is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is 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.

109. Soil and Water Management Plan (SWMP) - Greater than 2500m² Disburbance

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

Reason:

To comply with Council's Development Control Plan.

110. Unexpected Find Protocol

An unexpected finds protocol (UFP) shall be prepared and implemented for any contamination "hotspots" detected on site during construction. The UFP should take into account relevant site health and safety matters and shall incorporate the following precautions:

- a. workers shall be trained to recognise potential contamination and danger signs, for example - odours or soil discolouration.
- b. measures to be taken if unexpected contamination or hot spots are found, such as:
 - i. stop work.
 - ii. report signs to the site supervisor immediately.
 - iii. isolate the area with a physical barrier.
 - iv. assume the area is contaminated until an assessment proves otherwise.

- v. assess the area to identify contaminants in the soil or spoil.
- vi. Resolve the contamination.

Reason:

To minimise risks to the environment and human health.

PRIOR TO COMMENCEMENT OF STAGE 0 WORKS

Conditions

111. 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.

112. 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.

113. 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.

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

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

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

- a. proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

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

Reason:

To satisfy the requirements of the legislation.

115. Temporary Road Closure

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

Note: It may take up to eight (8) weeks for approval. An application for approval must include a Traffic Control Plan (TCP) prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information. The TCP shall satisfy the requirements of the latest versions of Australian Standard AS 1742-Traffic Control Devices for Works on Roads and the Transport for NSW Traffic Control at Worksites Manual.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

116. 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:

- i. 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".
- ii. 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.

117. Hazardous Material Survey

At least one (1) week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials 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:

- a. the location of hazardous materials throughout the site;
- b. a description of the hazardous material;
- c. the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d. an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f. identification of the disposal sites to which the hazardous materials will be taken.

Reason:

To minimise risks to the environment and human health.

118. Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>). The strategy shall be submitted to the

Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the issue of the relevant Construction Certificate and the commencement of any works on the site.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

Reason:

To minimise risks to the environment and human health.

119. 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.

120. Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

Reason:

To appropriately manage waste generated during construction.

121. 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.

122. 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.

123. Hoardings (within any Public Road Reserve)

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

124. Dilapidation Report

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

Reason:

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

125. Notification to SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

Reason:

To ensure safety.

126. Demolition Notification to Surrounding Residents

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

Reason:

To advise neighbourhood.

127. 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 and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

128. Site Management Program - Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

Reason:

To protect neighbourhood amenity.

129. 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.

Reason:

To protect neighbourhood amenity.

130. Erosion Controls - Vehicular Entry/Exit Points

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.

131. Sediment Control Measures

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

Reason:
To protect neighbourhood amenity.

132. Depth/Location of Services

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

Reason:
To ensure services are not impacted.

133. 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 relevant Occupation Certificate.

Reason:
To ensure services are not impacted.

134. Pre-Clearing Fauna Survey

A pre-clearance survey shall be undertaken to identify any roosting or nesting fauna (including drays) which are present within all trees proposed for removal or trimming.

This work shall be conducted by an appropriately qualified and experienced ecologist on the afternoons and evenings prior to any vegetation clearing to collect and relocate any fauna.

The pre-clearance survey shall include flagging of all trees approved for removal or trimming.

In the case where any non-threatened fauna are observed a qualified wildlife carer shall be contacted to remove and relocate the animal/s prior to the clearance of these trees.

In the event that any nesting threatened species are observed, clearance works shall be put on hold to allow for the chicks/young to fledge the nest.

Reason:
To minimise impacts on fauna.

135. Survey of Trees Prior to Clearing

Prior to the commencement of any clearing works, the extent of clearing as shown on the approved plans must be accurately surveyed and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained. Temporary fencing must remain in place until all works are completed.

Reason:
To minimise impacts on vegetation.

136. 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 protect trees to be retained on site.

DURING STAGE 0 WORKS

Conditions

137. Procedure for Critical Stage Inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason:

To require approval to proceed with building work following each critical stage inspection.

138. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved 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; and
- 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*.

Reason:

To protect the amenity of the surrounding area.

139. Construction Site 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.

140. Site Offices, Site Compounds and Temporary Stockpiles

All site offices, site compounds, temporary stockpiles and the like must be located wholly within the site and must be located in already cleared areas outside the canopy of any existing trees to be retained and outside of the riparian corridors. Details of the location of the site offices, site compounds, temporary stockpiles and the like shall be submitted to the Principal Certifier, prior to the commencement of works.

Reason:

To minimise impacts on vegetation and riparian corridors.

141. Protection of Native Vegetation

Native vegetation beyond the development area shall be protected from further inappropriate disturbances particularly during the excavation and construction phases. No building materials,

machinery or other substances shall be stored in these areas to avoid physical damage to the vegetation there.

Reason:

To prevent impacts on native vegetation.

142. Removal of Environmental Weeds

Due to their invasive nature, any environmental weeds that can grow vegetatively (such as madeira vine) shall be disposed of off site at an appropriate waste facility.

Reason:

To prevent impacts on native vegetation.

143. Placement of Removed Vegetation

Removed vegetation shall be located to ensure the material is not placed in drainage lines or watercourses, and cannot be washed into these areas. Any stockpiles of removed vegetation shall be placed away from any water course to avoid debris being carried off site.

Reason:

To prevent impacts on watercourses/riparian corridors.

144. Weed Control

No known environmental weeds or known invasive plant species shall be used in any plantings or landscaping on the development site, or otherwise brought onto the site.

Reason:

To ensure appropriate management of weeds.

145. 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.

146. 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 watercourses.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

147. 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.

148. 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.

149. 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.

150. Implementation of the Site Management Plans

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

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

Reason:

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

151. Dust Suppression Measures

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

Reason:

To minimise the generation of dust.

152. Site Management

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

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

Reason:

To minimise sedimentation.

153. 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 prevent impacts on the environment.

154. 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 prevent impacts on the environment.

155. 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 ensure satisfaction of the legislation.

156. 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 ensure satisfaction of the legislation.

157. 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.

158. Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to the existing stormwater drainage system within the site.

Reason:

To ensure stormwater is managed within the site.

159. Supervision of Engineering Works

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

Reason:

To ensure compliance with relevant Standards.

160. 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.

161. 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.

162. 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.

163. Safe Excavations and Backfilling

All excavations and backfilling must be executed safely and in accordance with appropriate professional standards.

Reason:

To ensure compliance with relevant Standards.

164. Guarding of Excavations and Backfilling

All excavations and backfilling must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason:

To ensure compliance with relevant Standards.

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

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

Reason:

To comply with the legislation.

166. Responsibility for Changes to Public Infrastructure

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

Reason:

To ensure the developer is aware of their responsibility for costs.

POST-CONSTRUCTION CERTIFICATION

Conditions

167. Post-Construction Dilapidation Report

At the completion of the Stage 0 works, and prior to the release of any Construction Certificates associated with the Stage 1a works, a suitably qualified engineer must prepare a post-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.

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.

168. Repair of Infrastructure

At the completion of all site work:

- a. 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
- b. 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.

169. Flood Affection Certification

At the completion of the Stage 0 works, and prior to the release of any Construction Certificates associated with the Stage 1a works, a suitably qualified and experienced civil (hydrology) engineer shall submit a report to the Principal Certifier. This report is required to certify that the 'as-constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater runoff.

Reason:

To comply with Council's Development Control Plan.

170. Completion of Engineering Works

The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, at the completion of the Stage 0 works, and prior to the release of any construction Certificates associated with the Stage 1a works,

Reason:

To comply with the relevant Standards.

171. 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 completion of the Stage 0 works, and prior to the release of any Construction Certificates associated with the Stage 1a works. 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.

Reason:

To comply with the relevant Standards.

172. Drainage Works-As-Executed (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 WAE 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 at the completion of the Stage 0 works, and prior to the release of any Construction Certificates associated with the Stage 1a works.

Reason:

To comply with the relevant Standards.

173. Works-As-Executed (WAE) Plans - Works within Council Land or Road Reserve

The submission of a WAE plan for approved works in Council land and or road reserve must be submitted to and approved by Council's Development Engineering Manager, at the completion of the Stage 0 works, and prior to the release of any Construction Certificates associated with the Stage 1a works. The WAE plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The WAE dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The WAE plans must include:

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

Reason:

To comply with the relevant Standards.

General Advisory Notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the 'Conditions of development consent: advisory notes' to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Development Consent Advisory Notes

1. 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.
2. A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, 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.
3. 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.
4. 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 for more information.
5. Before undertaking renovation or demolition work or removing materials from site during development works refer to Council's website for further information regarding the responsible disposal of waste during demolition and building works.
6. **Prolonged Rainfall Events**
The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Wollongong City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by Section 2.7 of the EP&A Act.

Local Planning Panel means Wollongong Local Planning Panel.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal Certifier means the certifier appointed as the principal certifier for building work or subdivision work under Section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision Certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision Works Certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Regional Planning Panel means Southern Regional Planning Panel.