



016

Attn: David Mooney  
Team Leader- Industry Assessments  
NSW Department Planning & Environment  
GPO BOX 39  
SYDNEY NSW 2001

**APPLICATION**

**DE-2012/84**

**Date**

**2 July 2015**

Dear Mr Mooney

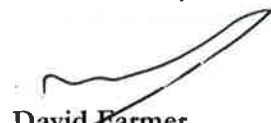
**STATE SIGNIFICANT DEVELOPMENT – RESOURCE RECOVERY FACILITY – KEMBLA GRANGE (SSD 5300) –  
RESPONSE TO SUBMISSIONS**

Thank you for your letter dated 27 May 2015 inviting Council with the opportunity to comment on the Response to Submissions (RTS) for the above State Significant Development Application for 50 Wyllie Road, Kemplla Grange.

The project and RTS has been reviewed and Council provides further detailed comments at Attachment A and recommended conditions at Attachment B, if the Department is considering supporting the application.

If you have any enquiries or wish to discuss these matters further, please contact Vivian Lee, Senior Development Project Officer on (02) 4227 7314.

Yours faithfully



**David Farmer**  
General Manager  
Wollongong City Council

## **ATTACHMENT A - Comments on the Response to Submissions Report**

### **1. Development History and relationship to SSD application**

Council's previous comments dated 18 November 2014 identified two (2) modification applications under assessment for the subject site; DA-2009/1153/C and DA-2009/1153/D.

DA-2009/1153/C was since withdrawn by the applicant on 24 November 2014 and DA-2009/1153/D was approved with amended and additional conditions by delegated authority on 7 May 2015. A copy of the modified development consent and stamped plans were forwarded to the Department on 25 May 2015. Therefore, the current applicable development consent for the land is DA-2009/1153/D.

At the time of preparing these comments, Council does not have any outstanding development applications and/or building certificates for the site. However, based on correspondence received from the applicant, it appeared to indicate that a Building Certificate Application will be lodged with Council in the near future for structures on site. Council will notify the Department if any applications are lodged.

It remains our understanding that if the State Significant Development application is to be supported, the project approval granted will regularise the entire operation and use of the site as a resource recovery facility including existing and proposed structures and buildings. DA-2009/1153/D therefore will no longer govern the operation of the facility/site.

Please note there is current compliance action associated with the land via Council's Regulation and Enforcement Division. In this instance, Council would appreciate being notified of the progress of the application and if a determination is made, receiving a copy of the project approval and conditions for reference.

### **2. DA-2009/1153/D – Approved works**

Table 3 in Section 2.2.1 of the RTS provides a schedule of existing, approved and proposed works. A review of Table 3 specifically with regard to the schedule of works approved in DA-2009/1153/D has identified the following:

#### *Car parking*

Modification D approved the location of the ten (10) car parking spaces south of Building D however, it is noted that these spaces are unformed and as part of the modified consent will be required to be constructed/formalised.

#### *Site Offices and Amenities (Buildings A-D)*

For clarity, buildings A-C exist and building D was a new as part of Modification D. Certain upgrade works were conditioned requiring buildings A-C to comply with the Building Code of Australia including bushfire protection measures.

#### *Shipping Containers*

The approval of Modification D confirms that the site can only contain a maximum of three (3) shipping containers which form part of the fabric covered workshop equipment storage area. Any other storage containers are to be removed off site.

### *Rainwater Tanks/Leachate Tanks*

The approved plans for Modification D show 2 x 20,000L rainwater tanks south of the shed and 1 x 20,000L tank west of the equipment area. The proposed plans (site plan) in the State Significant Development no longer show the 20,000L rainwater tanks, rather 2 x 100,000L tanks west of the shed. The proposed rainwater tank east of the equipment area is 10,000L.

The discussion in Table 3 of RTS with regard to the number, size and location of rainwater tanks does not reflect the above.

### 3. Geotechnical Matters

Section 4.1 of the RTS report outlines the recommendations to address the geotechnical constraints that will be implemented by the applicant. The recommendations provided are considered to be adequate with the exception of item 9 regarding details relating to pavement construction.

The 98% standard compaction ratio has been applied to the base and sub-base layers whereas Table 5.1 of AS 3798 – 2007: Guidelines on earthworks for commercial and residential developments applies this density to the prepared subgrade which is directly under the pavement.

Current construction practice requires sub-base to be compacted to 95% modified compaction ratio and base to 98% modified compaction ratio. If the pavement is constructed to the lower densities as proposed then the heavy traffic loading is likely to induce rutting into the pavement, leading to premature fatigue failure in the asphalt wearing course.

If standard compaction is proposed then it should comply with Roads and Maritime (RMS) Specifications R44 and Q. Furthermore, in regards to pavement layer thicknesses, although the design layers in theory are satisfactory, they will be difficult to achieve on site due to limitations in construction tolerances without particle segregation in the 120mm thick layer. It is recommended the pavement layer thickness be amended to 150mm of DGB20 base over two layers of DGS40 sub-base at 150mm; each provided the California Bearing Ratio (CBR) of the prepared subgrade would be considered sufficient to support this pavement.

### 4. Vegetation Management Plan & Bushfire Management

The comments provided by the Department of Primary Industries to the RTS, reference OUT15/14957 have been reviewed. The comments from the NSW Office of Water seek clarification on whether part of the riparian corridor will be required to be used as an asset protection zone (APZ) to ensure there are no conflicts. To resolve this issue, a Vegetation Management Plan (VMP) may be required, and the landscape plan and bushfire report to be amended to reflect the outcome sought.

Council acknowledges the comments provided by the NSW Office of Water and that subsequent information may be requested and the relevant documents and plans mentioned above may be revised.

It is noted that reference in the recommended conditions contained in Attachment B have been left generic/blank to allow for the relevant document reference to be inserted, in light of potential changes that may result to address the matters outlined above.

The proposal is also required to comply with the requirements of NSW Rural Fire Service's Planning for Bushfire Protection 2006. Any recommended conditions by NSW Rural Fire Service for the application should be included by the Department and therefore have not been included in Attachment B.

5. Environmental monitoring

It is recommended that any conditions that form part of a project approval and/or Environment Protection Licence with the NSW Environmental Protection Authority that requires environmental monitoring and/or audits, should require the information be made publicly available to the community.

6. Section 94 Contributions

The West Dapto Urban Release Area Section 94 Contributions Plan (2011) applies to the subject land. The Section 94 contributions amount is to be calculated based on the Net Developable Area. After a review of the documentation provided with the application, the contributions amount will be calculated based on the area of 4.0224 hectares. The contributions rate will be indexed as per Clause 2.12 of the Plan.

The section 94 contribution applicable has been provided as a recommended condition no. 40. Please note this figure is generated at this point in time and the total monetary figure may vary at the time of determination of the application, due to indexation. Therefore it is recommended prior to the determination of the application, the Department confirm with Council the correct monetary figure for section 94 contribution. Prior to the issue of any Construction Certificate, the contribution will be required to be payable to Wollongong City Council.

7. Public utility infrastructure

Sufficient infrastructure must be available to service the development with regard to the supply of water, electricity and, the disposal and management of sewage under clause 7.1 of Wollongong Local Environmental Plan 2009.

As mentioned in previous correspondence, the site is not connected to Sydney Water and on-site sewage management is proposed for the development. It is unclear whether the site is connected to electricity, as reference to on-site generators form part of the proposal. Due to the scale and nature of the proposal it is considered the application submission has not clearly demonstrated adequate arrangements with regard to the supply of water and electricity. If connection cannot be reasonably achieved for the site, documentation should be sought from the relevant utility providers to demonstrate why. Recommended conditions have been included in Attachment B requiring satisfactory arrangements with both Sydney Water and Endeavour Energy (refer to condition no. 9 and 42).

## **ATTACHMENT B - Recommended conditions of consent**

### **General Matters**

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

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

#### **2 Construction Certificate**

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

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

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

#### **3 Maintenance of Access to Adjoining Properties**

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

#### **4 Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

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

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

#### **5 Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

#### **6 Geotechnical**

6.1 All earthworks including drainage and retaining wall construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.

6.2 At the completion of engineering works and site remediation a works-as-executed geotechnical report is required to confirm satisfactory completion of works, to detail any residual geotechnical constraints on development and to make recommendations for development of the remediated site.

7 **Existing trees to be retained**

The following trees must be retained and protected as numbered and described in submitted arborist report prepared by David Potts dated 7 December 2012 as indicated on approved Landscape Plan prepared by Ochre Landscape Architects dated [INSERT]:

*Ficus macrophylla* Moreton Bay Fig and *Streblus brunonianus* Whalebone Tree.

Details and location of protective fencing for existing trees to be retained must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

8 **Implementation of Vegetation Management Plan**

Implementation of the Vegetation Management Plan shall be in accordance with the document prepared by Southern Habitat NSW Pty Ltd dated [INSERT].

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

9 **Endeavour Energy Requirements**

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

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

10 **Application to Install and Operate an On-Site Sewage Management System**

An Application to Install and Operate an On-Site Sewage Management System (Pump out System) shall be submitted and the installation approved by Council prior to the issue of the Construction Certificate.

11 **Water Quality Ponds and Detention Basins – Design for Safety**

A man-proof fence should be constructed to the perimeter of each water quality pond or detention basin to prevent unauthorized access. A ramp not steeper than 1 in 4 (or steps) should be provided in each detention basin to facilitate maintenance access and safe egress from the basin. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

12 **Detailed Drainage Design**

A detailed drainage design including On Site Stormwater Detention (OSD) should be submitted with the plans issued for construction for the proposed development. This detailed drainage design should be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong Development Control Plan 2009, and generally in accordance with the concept drainage plan by, Project No.KF110816, C10-Rev O, C11-Rev F, C12-Rev G, C13-Rev K, C14-Rev C, C16-Rev D, C17-Rev C, C30-Rev C, C31-Rev C, C32-Rev E, C33-Rev B.

13 **Provide On Site Stormwater Detention**

The developer shall provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site shall be designed in accordance with Chapter E14 of Wollongong Development Control Plan 2009. Details of the detention facility and SSR/PSD values shall be reflected on the Construction Certificate plans and supporting documentation.

14 **On-Site Detention – Identification**

Details should be provided of a corrosion resistant identification plaque for location on or close to each on-site detention (OSD) facility. The plaque should include the following information:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
- identification number [DE2012/84]
- any specialist maintenance requirements.

**15 On-Site Detention - Maintenance Schedule**

A maintenance schedule for the on-site stormwater detention system shall be submitted with the construction plans for the proposed development. The maintenance schedule should be in accordance with Chapter E14 of Wollongong Development Control Plan 2009.

**16 Orifice/Weir Calculations**

Orifice and weir calculations for the on-site detention facility must be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

**17 Intercept Drains/Swales**

Surface water interceptor drains/swales must be provided across the slopes uphill of the building/stockpiles and working sites, to divert stormwater run-off to watercourse gullies and or stormwater swales to discharge points downhill from any permanent structure and within the constraints of the natural topography. Details for This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

**18 On-Site Detention – Design Criteria**

Each on-site stormwater detention facility should incorporate suitable access for maintenance purposes, provision for debris control and a suitably graded invert to the outlet pipe to prevent ponding. Also, details of the orifice plate including diameter of circular orifice and method of fixing should be provided. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

**19 Designated Overland Flow Paths**

Details of each designated overland flow path located on the site shall be provided with the detailed drainage design. Each overland flow path should be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site detention basin. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse flood impacts upon the subject and adjoining properties. Full Manning's calculations shall be provided on the capacity of each overland flow path. The above requirements shall be reflected on the Construction Certificate plans and supporting documentation.

**20 Fire Safety Schedule**

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

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

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

**23 Engineering Plans and Specifications - Retaining Wall Structures**

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

23.1 A plan of the wall showing location and proximity to property boundaries;

- 23.2 an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
  - 23.3 details of fencing or handrails to be erected on top of the wall;
  - 23.4 sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
  - 23.5 the proposed method of subsurface and surface drainage, including water disposal;
  - 23.6 reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
  - 23.7 the assumed traffic loading used by the engineer for the wall design.
- 24 **Retaining Walls/Boundary Walls/Boundary Fences**  
Retaining and or boundary walls of the development shall be constructed to match the existing up-slope ground level so as not to obstruct surface flows from adjoining land entering the development site. This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 25 **Scour Protection**  
All stormwater outlets, swales and catch drains should incorporate appropriate scour/erosion protection measures to minimise the impact on downstream water quality. Furthermore, all stormwater outlets must be orientated in the direction of natural flow of the receiving watercourse. Details for this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 26 **Vehicle Safety Guard Rails/Barriers**  
Vehicle safety guard rails shall be provided on either side of the access road bridge deck. Details for this requirement shall be reflected on the plans issued for construction and associated documentation and submitted to the Principal Certifying Authority.
- 27 **Bridge Design**  
The design of the bridge structure shall be undertaken by a suitably qualified and experienced structural engineer in accordance with the current Australian Standards for Bridge Design. The design structure shall be designed with a minimum of 300mm freeboard above the estimated 1% AEP flood level (under Council's blockage criteria) to the underside of the bridge deck. For clarification the 1% AEP flood level (under Council's blockage criteria) shall be plotted on the elevation plans of the bridge design. The bridge design shall be certified to be in accordance with the approved Flood Study for the subject development. The certification from an NPER practising structural engineer should be submitted to the Principal Certifying Authority.
- 28 **Flood Warning Signage**  
The applicant shall provide and install appropriate flood warning signage at the approaches to the bridge deck. The signage should be strategically located and highly visible. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 29 **Flood Depth Indicators**  
Flood depth indicators shall be placed at strategic locations on the centre of and approaches to the bridge.
- 30 **Roofwater Drainage**  
All roof areas shall be provided with a roofwater drainage system designed to collect and convey roofwater up to a 1 in 100 year ARI storm event to the approved on-site stormwater detention system. All roof gutters, downpipes, and pipelines (incl. water storage tank overflows) shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 (2003) – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and downpipe locations shall be reflected on the Construction Certificate plans.



**31 Car Parking and Access**

The development shall make provision for a total of 26 car parking spaces (including 1 disabled car parking space). This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained, at all times.

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

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

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

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

35.1 a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

35.2 the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and

35.3 any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

- 36 The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.

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

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

**39 Tree Protection and Management**

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

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

- 39.2 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

#### 40 Section 94 Contributions

A total monetary contribution of \$163,255.35 [correct amount subject to confirmation with Council] shall be paid to Wollongong City Council for the cost of providing public services and facilities as outlined in the Plan in lieu of their physical provision. This contribution has been assessed pursuant to s94 of the Environmental Planning and Assessment Act, and the West Dapto Section 94 Development Contributions after identifying the likelihood that this development will require or increase the demand for the public amenities and public services within the locality. The contribution has been calculated on the size of the development which equals industrial or employment land development of 4.0224 developable hectare(s). The total contribution shall be paid prior to the release of the Occupation Certificate.

The individual contribution amounts are outlined below.

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 635044	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted)		

The West Dapto Section 94 Development Contributions Plan may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

Please note, that contributions are adjusted quarterly, based on changes to CPI and other indexes, accordingly the amount required to be paid may be different to that noted above, and will be adjusted at the time of actual payment, in accordance with the provisions of the West Dapto Section 94 Development Contributions Plan. The amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\text{\$C}_P = \text{\$C}_{DC} + [\text{\$C}_{DC} \times \{(\text{\$C}_Q - \text{\$C}_C) / \text{\$C}_C\}]$$

Where:

- \$C<sub>P</sub> is the amount of the contribution calculated at the time of payment
- \$C<sub>DC</sub> is the amount of the original contribution as set out in the development consent
- \$C<sub>Q</sub> is the contribution rate applicable at the time of payment
- \$C<sub>C</sub> is the contribution rate applicable at the time of the original consent

The contribution is for the following:

West Dapto Employment - Roads	113,926.63
West Dapto Employment - Public Transport	5,022.27
West Dapto Employment - Drainage	40,907.66
West Dapto Employment - Administration	3,398.78

#### Prior to the Commencement of Works

##### 41 Relocation of State Survey Marks

In accordance with Section 24(1) of the Surveying and Spatial Information Act 2002 a person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do

so by the Surveyor General. In this regard any proposed construction work that may affect a State Survey Mark cannot be undertaken until a registered surveyor is engaged to arrange its relocation, in accordance with the requirements of the NSW Government Land and Property Information.

#### **42 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 Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the commencement of works.

#### **43 Appointment of Principal Certifying Authority**

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

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

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

#### **44 Sign – Supervisor Contact Details**

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

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

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

#### **45 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:

- 45.1 a standard flushing toilet; and
- 45.2 connected to either:
  - 45.2.1 the Sydney Water Corporation Ltd sewerage system or
  - 45.2.2 an accredited sewage management facility or
  - 45.2.3 an approved chemical closet.

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

#### **46 Structural Engineer's Details**

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

**47 Enclosure of the Site**

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

**48 Consultation with NSW WorkCover Authority**

Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

**49 Supervision of Works and Notification to Council of Works in Road Reserve**

The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.

The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.

**50 Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

**51 Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- (a) Digging or disruption to footpath/road reserve surface
- (b) Loading or unloading machinery/equipment/deliveries;
- (c) Installation of a fence or hoarding;
- (d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- (e) Pumping stormwater from the site to Council's stormwater drains;
- (f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- (g) Construction of new vehicular crossings or footpaths;
- (h) Removal of street trees;
- (i) Carrying out demolition works.

**52 Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

**53 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.

**54 Tree Protection and Management**

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

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

- 54.1 installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- 54.2 Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- 54.3 The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

## **During Demolition, Excavation or Construction**

### **55 Compliance with Waste Management Plan**

The waste management plan for the site shall be complied at all time during demolition and construction phases of the development.

### **56 Branch or Root Pruning in accordance with Australian Standard**

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

### **57 Copy of Consent to be in Possession of Person carrying out Tree Removal**

The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

### **58 Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area**

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

### **59 Survey Report for Floor Levels**

A Survey Report shall be submitted to the Private Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels should relate to Australian Height Datum.

### **60 Supervision of Engineering Works**

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

### **61 No Adverse Run-off Impacts on Adjoining Properties**

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

### **62 Re-direction or Treatment of Stormwater Run-off**

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

### **63 Restricted Hours of Work (not domestic residential scale)**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to 1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

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

- a the variation in hours required;
- b the reason for that variation;
- c the type of work and machinery to be used.

**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. Developers must note that consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ( $L_{Aeq (15 \text{ min})}$ ) must not exceed the background noise level ( $L_{A90 (15 \text{ min})}$ ) plus 10 dB(A), and a  $L_{Aeq (15 \text{ min})}$  of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

- 64 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.
- 65 **Noise control during construction**  
The construction works shall comply with the Australian Standard AS 2436- 2010 "Guide to Noise Control on Construction, Maintenance & Demolition Sites" and any other requirements as specified by Council or the NSW Environment Protection Authority.
- 66 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.
- 67 **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.
- 68 **Excavation/Filling/Retaining Wall Structures**  
Any proposed filling on the site must not:
  - 68.1 encroach onto the adjoining properties, and
  - 68.2 adversely affect the adjoining properties with surface run-off.
- 69 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".
- 70 **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.

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

- 71 **Approval to Operate On-Site Sewage Management System**  
Prior to the issue of the Occupation Certificate, the installed approved On-Site Sewage Management System (Pump out System) shall have a current Approval to Operate issued in accordance with Section 68 of the Local Government Act 1993.
- 72 **Restriction on use – On-site Detention System**  
The applicant should create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms shall be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:  
"The registered proprietor of the lot burdened should not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior

consent in writing of the authority benefited. The expression ‘on-site Stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures”.

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

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

**73 Drainage**

The developer shall obtain a Certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor should be submitted. These plans and certification should satisfy all the requirements stated in Chapter E14 of Wollongong Development Control Plan 2009. This information should be submitted to the Principal Certifying Authority prior to the issue of the final occupation of the development.

**74 Fire Safety Certificate**

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- 74.1 Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- 74.2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

**75 Retaining Wall Certification**

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

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

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

The WSUD concept plan prepared KF Williams Pty Ltd shall be implemented. Within three months of operation the developer shall sample and analyse water samples taken from the outlet points (prior to discharge to natural waterways) to validate the design efficiency and performance of the WSUD and meet the requirements of Chapter E15 of Wollongong Development Control Plan 2009 water quality objectives.

**77 Fire Safety Measures**

All new and existing fire safety measures shall be maintained in working condition, at all times.

**78 Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site.

