

# Wollongong Local Planning Panel Assessment Report | 5 September 2018

<b>WLPP No.</b>	Item 4
<b>DA No.</b>	DA-2017/376
<b>Proposal</b>	Riparian corridor works, construction of surface carparking and a Voluntary Planning Agreement with Council.
<b>Property</b>	Lot 1 DP 1188267, Lot 222 DP 826710, Lot 1 DP 507865, Lot 1 DP 1172481, 2 Northfields Avenue, Keiraville, 15 Falder Place, Keiraville, 9-13 Falder Place, Keiraville, Dallas Street Park, Ashcroft Place, Keiraville
<b>Applicant</b>	University of Wollongong
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (AK)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Wollongong Local Planning Panel - Determination

The Development Application has been referred to WLPP for determination pursuant to 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 (4(f)) of the Local Planning Panels Direction of 1 March 2018 the developer/applicant has offered to enter into a planning agreement.

#### Proposal

The proposal seeks consent for riparian corridor works, construction of surface carparking, associated landscaping and a Voluntary Planning Agreement (VPA) with Council which has been the subject of a separate reporting policy process.

The proposed development is also considered Integrated Development as it requires a Controlled Activity Approval under the Water Management Act 2000.

#### Permissibility

The proposed carpark is considered ancillary to an Educational Establishment which is a permissible use in the SP2 Educational Establishment/R2 Low Density Residential zone pursuant Clause 43, Part 5 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

#### Consultation

The proposal was exhibited in accordance with Council's Notification Policy on two separate occasions from 24 April 2017 to 26 May 2017 2018 and from 1 June 2018 to 6 July 2018 and received one (1) objection after initial notification and one (1) letter of support after re-notification which are discussed at Section 1.5 of the assessment report.

#### Main Issues

- Riparian corridor works and associated stormwater drainage.
- Impacts of the future Mount Ousley Interchange on the design and riparian corridor works.
- Voluntary Planning Agreement – the VPA process has been subject to a separate reporting process as per Council Policy and is discussed at Section 2.4 below.

**RECOMMENDATION**

It is recommended that approval be granted to DA-2017/376, subject to the conditions provided at Attachment 2 provided that Council's resolution from the Ordinary Meeting of 3 September 2018 is to finalise the Voluntary Planning Agreement.

## **1. APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan (2018)

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal is a Crown Development Application by the University pursuant to Division 4 of the Environmental Planning and Assessment Act 1979.

The proposal is considered to be Integrated Development pursuant to the Water Management Act 2000 due to the proximity of the works to watercourses onsite.

The development application proposes the construction of a 248 car space extension to the existing P5 carpark located on the northern side of the main university campus, riparian works and associated landscaping throughout the carpark itself and to surrounding boundaries. The carpark extension includes 248 carparking spaces and 28 motorcycles spaces accessed via by a bridge over an existing riparian corridor.

A Voluntary Planning Agreement is included as part of this application and underwent a separate reporting process as per Council Policy as discussed at Section 2.4 below.

### **1.3 BACKGROUND**

The main university campus has numerous applications lodged for a variety of activities onsite. However, the most relevant development application is DA-2014/1311 which was for the initial stage of the northern P5 carpark extension which was approved on 9 March 2015.

PL-2016/26 was held for the proposed development on 11 April 2016.

#### Customer service actions

There are no outstanding customer service requests of relevance to the development.

### **1.4 SITE DESCRIPTION**

The site is located at Lot 1 DP 1188267, Lot 222 DP 826710, Lot 1 DP 507865, Lot 1 DP 1172481, 2 Northfields Avenue, Keiraville, 15 Falder Place, Keiraville, 9-13 Falder Place, Keiraville, Dallas Street Park, Ashcroft Place, Keiraville

The surrounding area consists predominately of the main University campus to the south of the development area, low density residential to the west, and the motorway to the north and east.

It is also noted that an isolated unit complex is also located between the proposed carpark and the motorway.

This proposal is considered Crown development pursuant to Part 4 Division 4 of the Environmental Planning and Assessment Act 1979, as Australian Universities are listed as a prescribed person pursuant to Clause 226(1)(C) of the Environmental Planning and Assessment Regulation 2000.

### Crown Developments

The proposal is submitted by or on behalf of a Crown Authority

#### Division 4 Crown developments

Part 4 Division 4.5 Section 4.33

4.33 Determination of Crown development applications

*(1) A consent authority (other than the Minister) must not:*

(a) refuse its consent to a Crown development application, except with the approval of the Minister, or

*(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Following finalisation of the assessment, Council provided draft conditions to the applicant and minor amendments were requested. The changes requested have been agreed to and confirmation received accepting these conditions, as proposed at Attachment 2, was received on 27 August 2018.

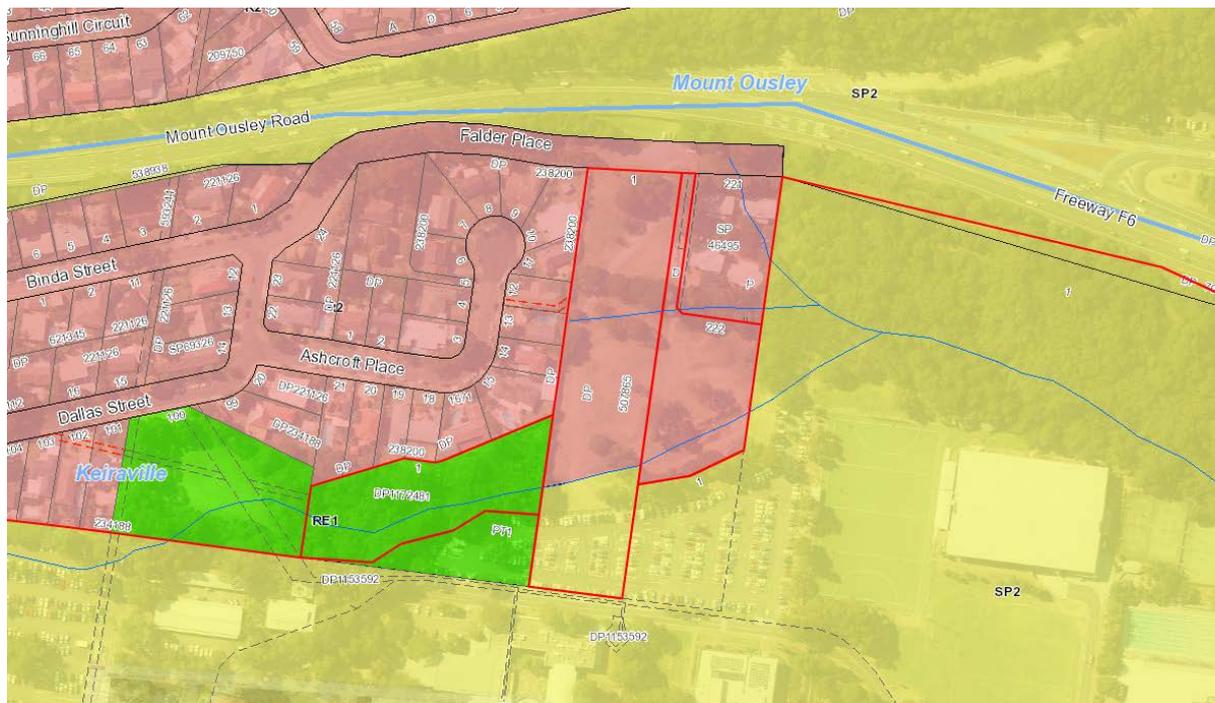
### Property constraints

- Council records identify the land as being affected by fill, unstable, flood, riparian lands and acid sulfate soils.

There are no restrictions on the title that would preclude the proposed development.



Figure 1: Aerial photograph



**Figure 2: WLEP 2009 zoning map**

### 1.5 SUBMISSIONS

The proposal was exhibited in accordance with Council’s Notification Policy on two separate occasions from 24 April 2017 to 26 May 2017 2018 and from 1 June 2018 to 6 July 2018 and received one (1) objection after initial notification and one (1) letter of support after re-notification which are discussed below.

**Table 1: Submissions**

Concern	Comment
1. Noise generated during construction	Conditions of consent will be imposed on any consent granted requiring construction noise levels to comply with relevant noise guidelines.
2. Damage during construction	All major construction works are proposed greater than 5m from all residential boundaries which will minimise impacts on adjoining residential properties. A range of conditions have been imposed in relation to site management which will further minimise any potential impacts. However, to ensure no damage results to neighbouring properties a dilapidation report will be required as a condition of consent.
3. Water run-off impacts	The application has been assessed by Council’s Stormwater Officer in relation to stormwater run-off and is considered acceptable subject to conditions. Additionally, sediment control measures will also be conditioned on any consent granted to minimise erosion impacts.
4. Light Pollution	The proposed development is setback over 5m from all boundaries which directly adjoin neighbouring residential properties. Within these setbacks extensive

Concern	Comment
	<p>planting is proposed which will also act to minimise light spill impacts on adjoining residences.</p> <p>A condition of consent will also be imposed requiring low impact lighting to Australian Standard AS4282 - Control of Obtrusive Effects of Outdoor Lighting.</p>
5. Operational noise	<p>The proposed carpark will be utilised predominately throughout the day with minimal usage at night as it is proposed for daily staff and student use. The carpark is also not directly related to any on-campus student accommodation usage which will minimise evening or night-time usage.</p>
6. Carpark litter	<p>It is noted that the University has an ongoing maintenance program which will ensure any litter onsite is kept to a minimum.</p>
7. Risks to security	<p>It is noted that the existing fencing to No. 17 Falder Place is to remain. It is also noted that the general activation of this space in conjunction with CCTV surveillance of the area will also act to minimise security risks in comparison to the unused nature of the space at present.</p>

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Landscape, Traffic, Strategic, Environment, Property and Safety Community Action Team Officers have reviewed the application submission and provided conditionally satisfactory referrals.

It is also noted that separate owners consent has been provided by Council's Property Department with regards to the minor works proposed within the Dallas Street Park Reserve.

### 1.6.2 EXTERNAL CONSULTATION

#### **Roads and Maritime Services (RMS)**

The proposal represents traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as it proposes more than 200 motor vehicles. As such, a referral was sent to the RMS for assessment pursuant to Clause 104 of the ISEPP. The RMS has reviewed the application, in particular with regards to the amended plans and the future Mount Ousley Interchange, and has raised no objection to the proposed development.

#### **NSW Natural Resources Access Regulator (NRAR)**

The proposal is integrated development as it requires a Controlled Activity Approval pursuant to Section 91 of the Water Management Act 2000. Details of the proposal were referred to the NSW NRAR and a response was received on 7 August 2017 stating no objection to the proposal, subject to the imposition of a range of general terms of approval (GTAs). This letter will be attached to any consent granted.

It should also be noted that the amended proposal, which accounts for the latest RMS design for the Mount Ousley Interchange, has also been reviewed by the NRAR who remains satisfied subject to the GTAs which were issued on 7 August 2017 as outlined above.

## **2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

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### **2.1 SECTION 4.15 (1)(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

#### **7 Contamination and remediation to be considered in determining development application**

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A stage 2 Detailed Site Investigation (DSI) contamination assessment report and Remedial Action Plan (RAP) have been submitted as part of the Development Application. These reports have been reviewed by Council's Environment Officer who is satisfied subject to conditions. These conditions include asbestos management, imported fill material management, disposal of any contaminated material, and a Site Contamination Validation Report.

Consequently, no concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposal represents traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as it proposes more than 200 motor vehicles. As such, a referral was sent to the RMS for assessment pursuant Clause 104 of the ISEPP. The RMS has reviewed the application, in particular with regards to the amended plans and the future Mount Ousley Interchange, and has raised no objection to the proposed development.

### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The proposed carpark is considered ancillary to an Educational Establishment which is a permissible use in the SP2 Educational Establishment/R2 Low Density Residential zone pursuant Clause 43, Part 5 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

## **Part 2 Permitted or prohibited development**

### Clause 2.2 – zoning of land to which Plan applies

The proposed development works relate to a number of different zones which are as follows:

- SP2 Educational Establishment
- R2 Low Density Residential
- RE1 Public Recreation

### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

#### **SP2 – Educational Establishment**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To provide for key transport corridors.*

#### **R2 - Low Density Residential**

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

#### **RE1 – Public Recreation**

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The proposal is satisfactory with regard to the above objectives.

#### Clause 1.4 Definitions

**Educational Establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**Road** means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

**Private road** means any road that is not a public road.

#### **Part 4 Principal development standards**

##### Clause 4.3 Height of Buildings

The SP2 zoned portion of the site has no height limit whilst the R2 & RE1 zoned portions of the lots has a height limit of 9m. There are no building structures which will exceed the height limits pursuant to Clause 4.3.

##### Clause 4.4 Floor space ratio

The SP2 and RE1 zoned portions of the site has no FSR. The R2 zoned portion of the site has a FSR of 0.5:1. There is no additional gross floor area proposed as part of this application.

#### **Part 7 Local provisions – general**

##### Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is partially affected by “Natural Resource Sensitivity – Biodiversity”. The application was referred to Council’s Environment Officer to assess likely impacts of the proposal in this regard. No objection was raised and appropriate conditions of consent have been recommended.

##### Clause 7.3 Flood planning area

A review of Council records indicates the subject sites are flood affected. Council’s Stormwater Officer has assessed the application in this regard and is satisfied subject to appropriate conditions of consent.

##### Clause 7.4 Riparian lands

The Riparian Land Map indicates the site contains riparian lands. It is noted that the identified riparian corridors are highly disturbed and have undergone significant modification in the past. Council’s Environment Officer has reviewed the application in this regard and is satisfied subject to appropriate conditions of consent.

The proposal is also Integrated Development as it requires a controlled activity approval pursuant to Section 91 of the Water Management Act 2000. Details of the original proposal and amended design were referred to the NSW Natural Resources Access Regulator (NRAR) and a response was received on 7 August 2017 stating no objection to the proposal, subject to the imposition of a range of general terms of approval (GTAs). This letter will be attached to any consent granted.

It should also be noted that the amended proposal, which accounts for the latest RMS design for the Mount Ousley Interchange, has also been reviewed by the NRAR who remains satisfied subject to the GTAs which were issued on 7 August 2017 as outlined above.

#### **2.2 SECTION 4.15 (1)(A)(II) ANY PROPOSED INSTRUMENT**

Not applicable.

## **2.3 SECTION 4.15 (1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

### **CHAPTER D1 – CHARACTER STATEMENTS**

The proposed development site is located within the University of Wollongong's main campus in Keiraville. The University has had an extensive history of development throughout the site, continually undertaking both new development and also redevelopment of existing buildings to cater for changing tertiary and technological demands.

The proposed extension to the northern car park is considered to be consistent with the existing and desired future character for the locality situated within and immediately adjacent to the main campus of the University of Wollongong.

### **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

Appropriate conditions will be imposed ensuring compliance with the DDA.

### **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The works are considered to have been designed with regard to CPTED Controls. Conditions are recommended with regard to lighting and the applicant has advised that CCTV will be employed for the area. Council's SCAT Officer has reviewed the application submission and is satisfied subject to conditions.

### **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

Council's Traffic Officer has reviewed the application submission with regards to traffic and parking and is satisfied subject to conditions.

### **CHAPTER E6: LANDSCAPING**

Council's Landscape Officer has reviewed the application submission and is satisfied subject to conditions.

### **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan has been provided.

### **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Officer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

Council's Stormwater Officer has reviewed the application and is satisfied subject to conditions.

### **CHAPTER E14 STORMWATER MANAGEMENT**

Council's Stormwater Officer has reviewed the application and is satisfied subject to conditions.

### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

A number of trees will require removal as part of this application which has been reviewed by Council's Landscape and Environment Officers who are satisfied subject to conditions.

### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

Council's Environment Officer has reviewed the application submission with regards to contamination and is satisfied subject to conditions.

### **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

Any demolition works will be condition on any consent granted.

## CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended with regard to appropriate sediment and erosion control measures to be in place during works.

## CHAPTER E23: RIPARIAN LAND MANAGEMENT

Council's Environment Officer and NSW DPI – Water have reviewed the application and are satisfied subject to conditions.

### 2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2018)

The Development Application is subject to a Voluntary Planning Agreement (VPA) between Wollongong City Council and the University of Wollongong. The VPA relates to proposed works-in-kind being carried out to offset development contributions now and in the future. This VPA was approved by resolution to finalise at the ordinary meeting of Council on 3 September 2018. As such, a condition of consent has been included requiring the Applicant to enter into a planning agreement with Council forthwith in the terms of an offer made by the Applicant. Consequently, a condition relating to development contributions is not necessary in this instance.

### 2.4 SECTION 4.15 (1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

The University of Wollongong (UoW) has requested that Council enter into a Planning Agreement in relation to the carrying out of public domain works over the next 10 years in Keiraville.

On 11 December 2017 Council considered a report on the draft Planning Agreement and resolved to exhibit the draft Planning Agreement for a 2 month period. The draft Planning Agreement was exhibited from 14 February to 20 April 2018 and 56 submissions were received.

As a consequence of the issues raised in the submissions and following discussions with the University of Wollongong the draft Planning Agreement was revised and exhibited for a further minimum 28 day period for further consideration, and then reporting to Council.

This Development Application is subject to the Voluntary Planning Agreement (VPA) between Wollongong City Council and the University of Wollongong. The VPA relates to proposed works-in-kind being carried out to offset development contributions now and in the future. Council has a separate reporting and exhibition policy process for VPAs as outlined above.

Should the VPA process be approved by way of resolution to finalise at the Ordinary Meeting of Council on 3 September 2018 a condition of consent has been included at Attachment 2 requiring the Applicant to enter into a planning agreement with Council forthwith in the terms of an offer made by the Applicant.

The following is a link to the Council Business Paper for the meeting of 3 September 2018 relating to the VPA:

<http://www.wollongong.nsw.gov.au/council/meetings/BusinessPapers/Proposed%20Planning%20Agreement%20with%20University%20of%20Wollongong.pdf>

### 2.5 SECTION 4.15 (1)(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

*(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

(i) *in a local government area referred to in the Table to this clause, and*

(ii) *on land to which the Government Coastal Policy applies,  
the provisions of that Policy,*

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

Condition(s) of consent are recommended with regard to any demolition. The site is not located within the coastal zone.

#### 93 Fire safety and other considerations

Considering the nature of the proposal, this clause does not apply.

#### 94 Consent authority may require buildings to be upgraded

Considering the nature of the proposal, this clause does not apply.

### **2.6 SECTION 4.15 (1)(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT**

Repealed.

### **2.7 SECTION 4.15 (1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

#### Context and Setting:

The proposal is considered to be appropriate with regard to the context and setting of the area. The works proposed are consistent with the ongoing operation and upgrading of facilities at the University.

#### Access, Transport and Traffic:

The proposal is not considered to result in significant adverse impacts on traffic flow and transport provision in the area. It is acknowledged that during construction, minor disturbance may occur. The long term benefit of the works will increase the provision of car parking spaces within the University site.

#### Public Domain:

The proposal is not expected to result in adverse impacts on the public domain.

#### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

#### Heritage:

The land is identified as containing a heritage item due to western portion of the site forming part of the Illawarra Escarpment. The proposed development is approximately 600m from the portion of land so labelled. No heritage items will be impacted by the proposal.

#### Other land resources:

The proposal is considered to contribute to the orderly development of the site and is not envisaged to impact upon any valuable land resources.

#### Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development if required.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The subject lot is identified as being partly affected by class 5 acid sulphate soils. Due to the size of the lot, the affected area is more than 300m from the proposed development site and as such, has no impacts on the proposal. Councils Environment Officer reviewed the proposal in this regard and raised no objection to the proposed works. No conditions are recommended in this respect.

Air and Microclimate:

The proposal is not expected to result in negative impact on air or microclimate.

Flora and Fauna:

The proposed works are not envisaged to result in significant impacts on the landscaped areas of the facility. Council's Landscape and Environment Officers have reviewed the application and provided satisfactory referrals subject to conditions of consent.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

The land is identified as being flood affected. Council's Stormwater Officer has assessed the application in this regard and has not raised any objections subject to appropriate conditions of consent.

Technological hazards:

Council records list the site as filled land affected.

A stage 2 Detailed Site Investigation (DSI) contamination assessment report and Remedial Action Plan (RAP) have been submitted as part of the Development Application. These reports have been reviewed by Council's Environment Officer who is satisfied subject to conditions. These conditions include asbestos management, imported fill material management, disposal of any contaminated material, and a Site Contamination Validation Report.

The site is identified as being affected by unstable land. Council's Geotechnical Officer has reviewed the application and is satisfied subject to conditions.

The subject site is identified as being partly affected by class 5 acid sulphate soils. Due to the size of the site, the affected area is more than 300m from the proposed development and as such, has no impacts on the proposal. Councils Environment Officer has reviewed the proposal in this regard and raised no objection to the proposed works.

Safety, Security and Crime Prevention:

This application is not expected to result in opportunities for criminal or antisocial behaviour. Council's SCAT Officer has reviewed the application submission and is satisfied subject to conditions.

Social Impact:

The proposal is not expected to result in negative social impacts.

Economic Impact:

The proposal is not expected to result in negative economic impacts.

Site Design and Internal Design:

The application does not result in departures from development standards or Council's development control plans as outlined above.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding. A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts.

**2.8 SECTION 4.15 (1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

**2.9 SECTION 4.15 (1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

The proposal was exhibited in accordance with Council's Notification Policy on two separate occasions from 24 April 2017 to 26 May 2017 2018 and from 1 June 2018 to 6 July 2018 and received one (1) objection after initial notification and one (1) letter of support after re-notification which are discussed at Section 1.5 of the assessment report.

**2.10 SECTION 4.15 (1)(E) THE PUBLIC INTEREST**

The application is not expected to have unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

**3. CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed extension to the northern car park is permissible in the SP2 and R2 zone as ancillary development to an educational establishment and is satisfactory with regard to the applicable planning controls.

The proposal is a Crown Development Application by the University pursuant to Division 4 of the Environmental Planning and Assessment Act 1979.

All relevant internal and external referrals are satisfactory and there are no outstanding issues.

The draft conditions have been agreed to by the applicant pursuant to cl. 4.33(1) of the EP&A Act 1979.

Some of the issues identified in submission though technically unresolved, are considered to have been adequately addressed either through redesign or by way of draft conditions. Any remaining issues are not considered to be sufficient to refuse the application.

It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

#### **4. RECOMMENDATION**

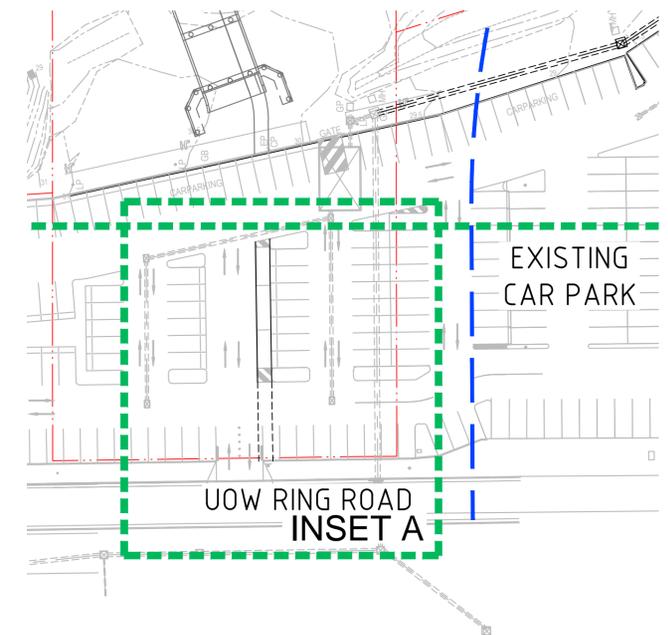
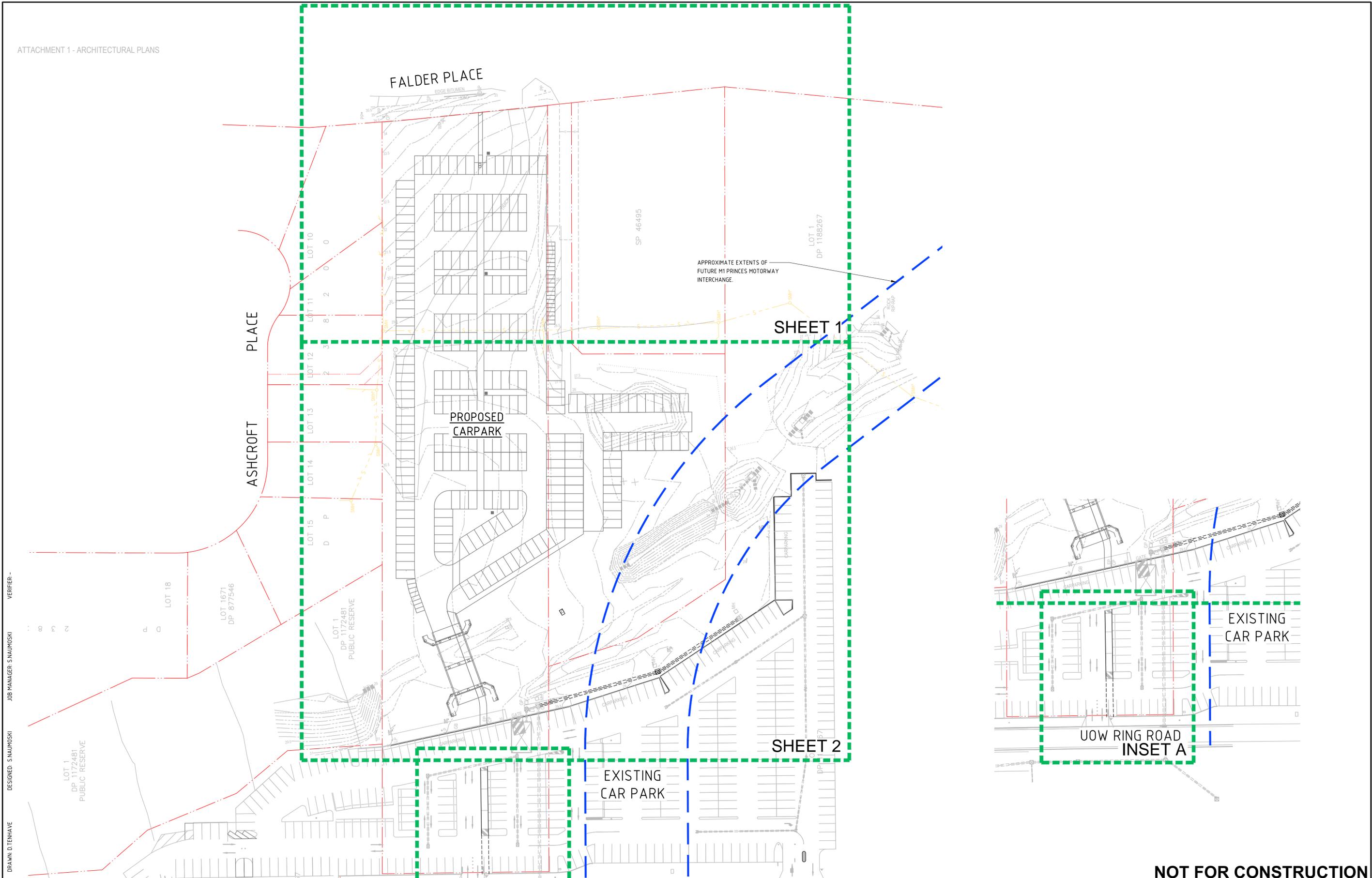
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It is recommended that approval be granted to DA-2017/376, subject to the conditions provided at Attachment 2 provided that Council's resolution from the Ordinary Meeting of 3 September 2018 is to finalise the Voluntary Planning Agreement.

#### **5 ATTACHMENTS**

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1. Architectural Plans
2. Conditions of Consent



DRAWN: D.TENHAVE  
 DESIGNED: S.NAUWOSKI  
 JOB MANAGER: S.NAUWOSKI  
 VERIFIER: -

REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE
1	ISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	27.02.17
2	REISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	14.07.17
3	REISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	23.02.18

CLIENT

UNIVERSITY OF WOLLONGONG

ARCHITECT

NORTHROP

Wollongong

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SCALE 1:500@A1

PROJECT

**UoW P5 EXTENSION**

DRAWING TITLE

**GENERAL ARRANGEMENT PLAN**

JOB NUMBER

**166807**

DRAWING NUMBER

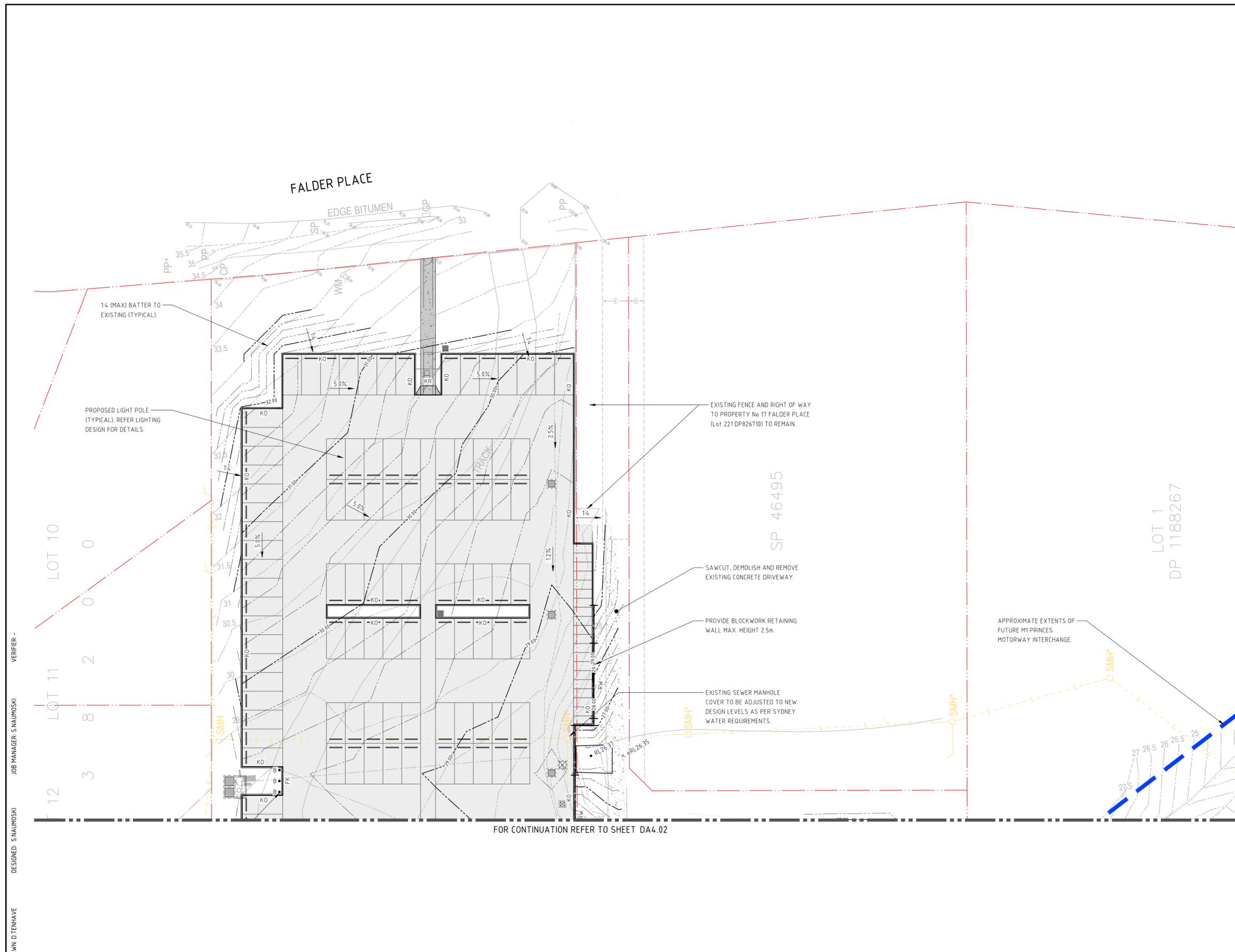
**DA1.11**

REVISION

**3**

DRAWING SHEET SIZE = A1

**NOT FOR CONSTRUCTION**



LEGEND	
	BOUNDARY LINE
	EASEMENT LINE
	LIMIT OF WORKS
	PROPOSED KERB
	EXISTING KERB
	PAVEMENT INTERFACE
	SAWCUT AND PAVEMENT INFILL
	FLEXIBLE VEHICULAR PAVEMENT
	CONCRETE PEDESTRIAN PAVEMENT
eXX	EXISTING KERB TYPE AS BELOW
KO	KERB ONLY
KG	KERB AND GUTTER
KR	KERB RAMP
WS	WHEEL STOP
MTE	MATCH TO EXISTING
•RLXX.XX	PROPOSED SPOT HEIGHT
•TWXX.XX	PROPOSED TOP OF WALL HEIGHT
•BWXX.XX	PROPOSED BOTTOM OF WALL HEIGHT
<b>F</b> FLXX.XX	PROPOSED FINISHED FLOOR LEVEL
X.XX%	DIRECTION OF GRADE
	CONTOURS
	EXISTING CONTOURS
	EXISTING DRAINAGE STRUCTURE
	NEW DRAINAGE STRUCTURE
MC01	CONTROL LINE
	CHAINAGE
	TANGENT POINT
•B	BOLLARD
	RETAINING WALL

- GENERAL NOTES:**
- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH COUNCIL / RELEVANT AUTHORITY SPECIFICATIONS AND DETAILS.
  - WHEEL STOPS TO BE INSTALLED TO ALL CAR SPACES AS SHOWN AND INSTALLED IN ACCORDANCE WITH AUSTRALIAN STANDARDS AND MANUFACTURERS SPECIFICATIONS.
  - REFER LANDSCAPE ARCHITECTS DRAWINGS FOR LANDSCAPING DETAIL IN CARPARK AND NEW RIPARIAN CORRIDOR WORKS.

DRAWN: D.TENHAVE  
 DESIGNED: S.NAUMOSKI  
 JOB MANAGER: S.NAUMOSKI  
 VERIFIER: -

REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE
1	ISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	27.02.17
2	REISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	14.07.17
3	REISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	23.02.18

CLIENT

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ARCHITECT

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SCALE 1:250@A1

PROJECT

**UoW P5 EXTENSION**

DRAWING TITLE

**SITeworks AND GRADING PLAN**

SHEET 1

JOB NUMBER

**166807**

DRAWING NUMBER

**DA4.01**

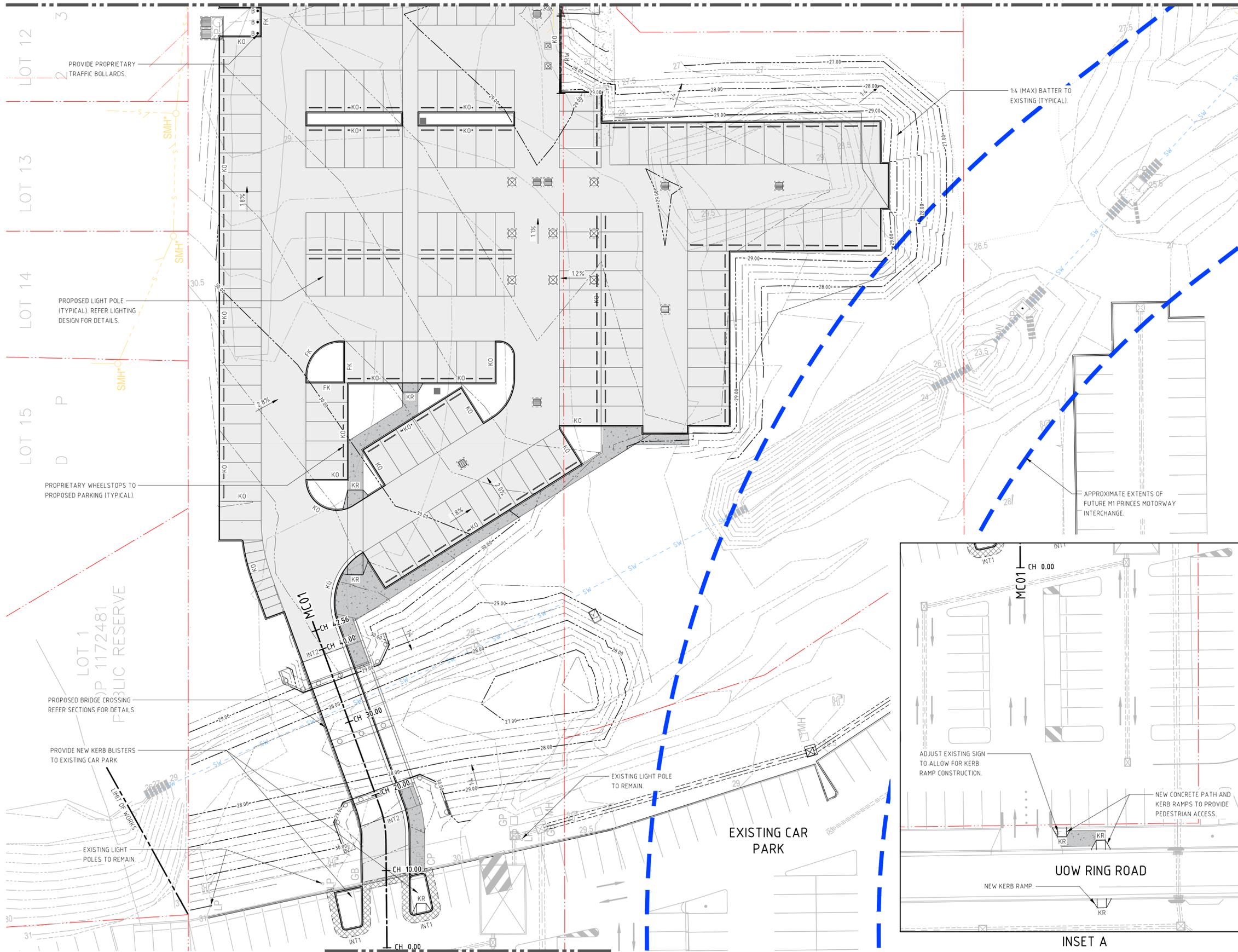
REVISION

**3**

DRAWING SHEET SIZE = A1

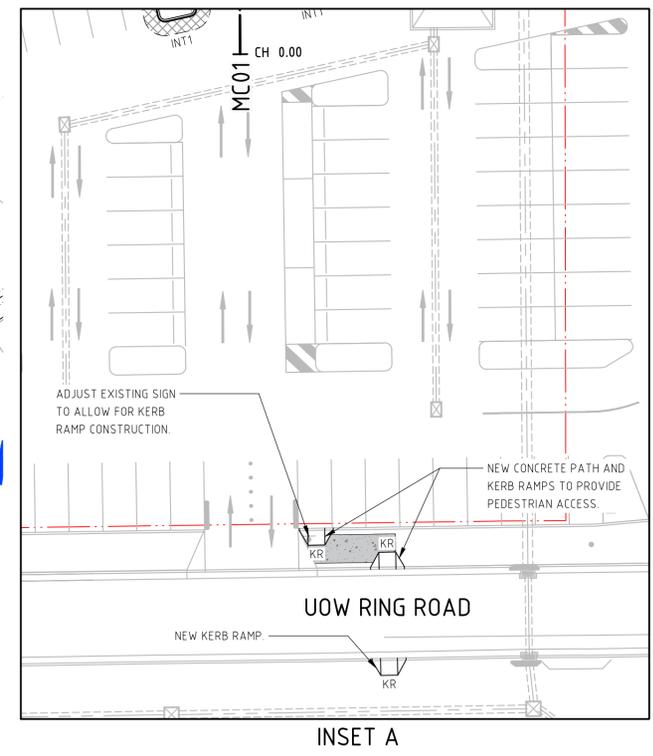
**NOT FOR CONSTRUCTION**

FOR CONTINUATION REFER TO SHEET DA4.01



LEGEND	
	BOUNDARY LINE
	EASEMENT LINE
	LIMIT OF WORKS
	PROPOSED KERB
	EXISTING KERB
	INT1
	PAVEMENT INTERFACE
	SAWCUT AND PAVEMENT INFILL
	FLEXIBLE VEHICULAR PAVEMENT
	CONCRETE PEDESTRIAN PAVEMENT
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KG	KERB AND GUTTER
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<b>FFLXX.XX</b>	PROPOSED FINISHED FLOOR LEVEL
X.XX%	DIRECTION OF GRADE
	CONTOURS
	EXISTING CONTOURS
	EXISTING DRAINAGE STRUCTURE
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FOR CONTINUATION REFER TO INSET A

**NOT FOR CONSTRUCTION**

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3	REISSUED FOR DEVELOPMENT APPLICATION	D.T	S.N		23.02.18

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PROJECT

**UoW P5 EXTENSION**

DRAWING TITLE

**SITEWORKS AND GRADING PLAN**  
SHEET 2

JOB NUMBER

**166807**

DRAWING NUMBER

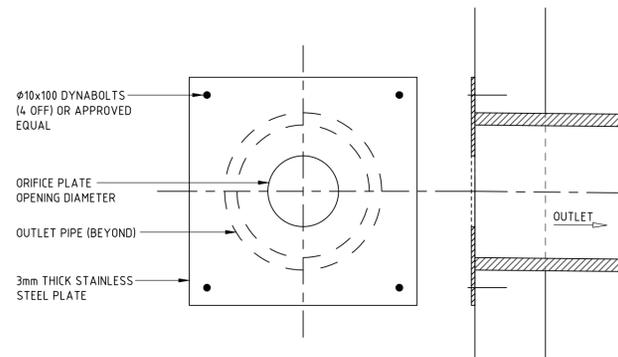
**DA4.02**

REVISION

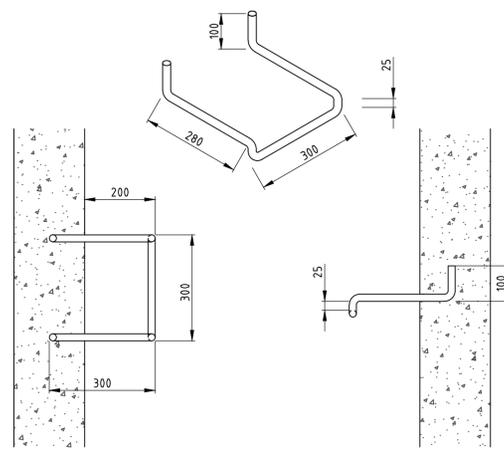
**3**

DRAWING SHEET SIZE = A1

DRAWN: D.TENHAVE  
DESIGNED: S.NAUMOSKI  
JOB MANAGER: S.NAUMOSKI  
VERIFIER: -

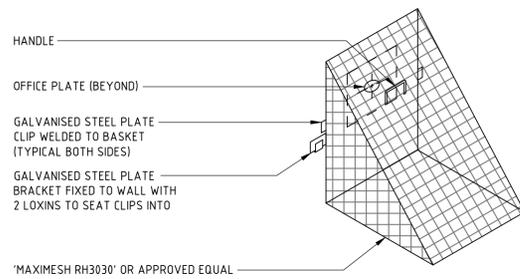


**ORIFICE PLATE DETAIL**  
 • ORIFICE PLATE DIAMETER -  $\phi$  348mm

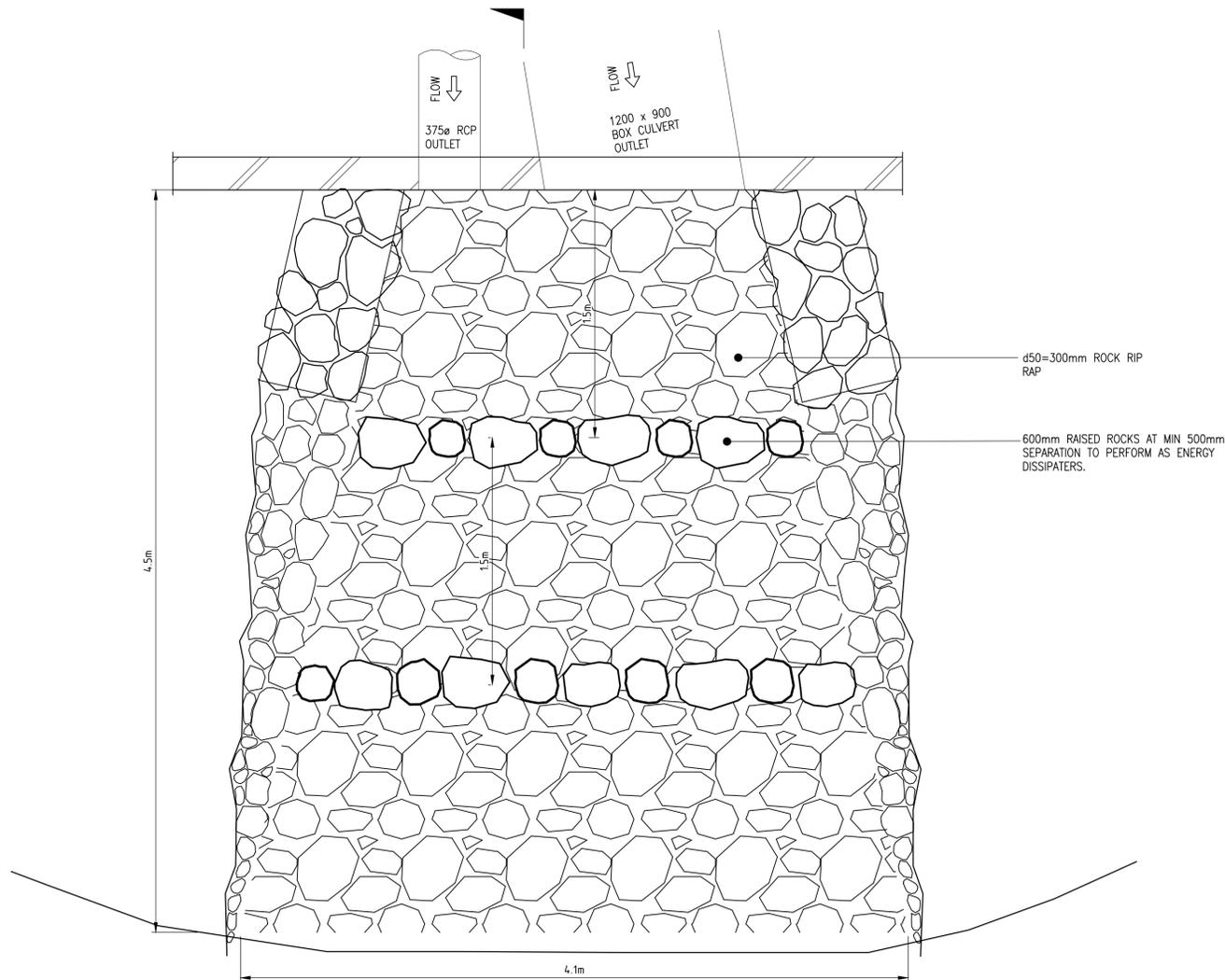


**STEP IRON DETAIL**

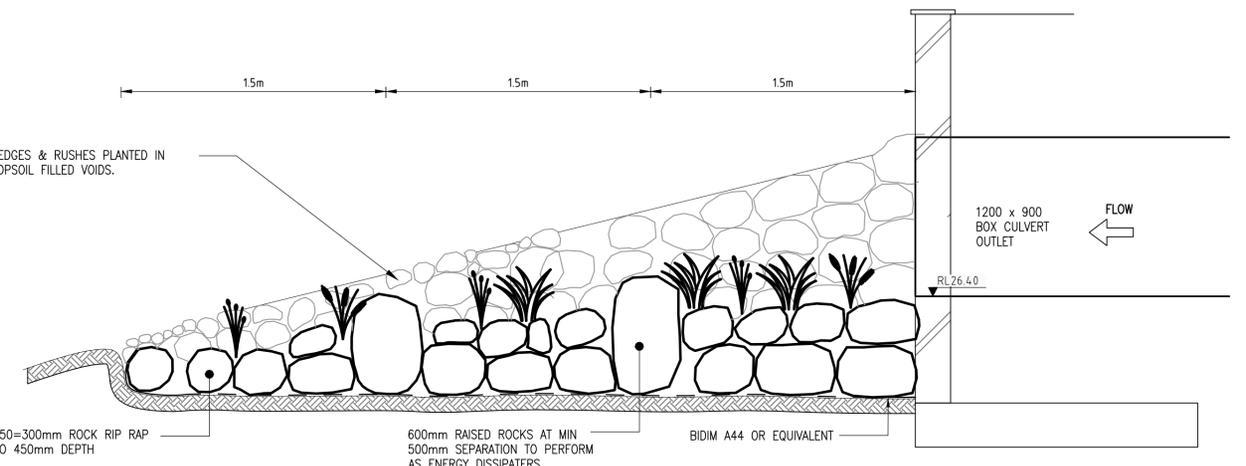
STEP IRON OF 20mm GALVANISED STEEL MADE TO SHAPE AND DIMENSIONS AS SHOWN, PLACED AT 300 CENTRES AND STAGGERED HORIZONTALLY FOR ALL PITS DEEPER THAN 10m. THE USE OF PROPRIETARY STEP IRONS ARE ACCEPTABLE PROVIDED THE PRODUCT IS IN ACCORDANCE WITH AUSTRALIAN STANDARDS



**TRASH SCREEN DETAIL**



**RIP RAP PLAN VIEW**



**SECTION**

DRAWN: D.TENHAVE  
DESIGNED: S.NAUWOSKI  
JOB MANAGER: S.NAUWOSKI  
VERIFIER: -

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3	REISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	23.02.18

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PROJECT

**UoW P5 EXTENSION**

DRAWING TITLE

**DEVELOPMENT APPLICATION**

**TYPICAL DETAILS SHEET 1**

JOB NUMBER

**166807**

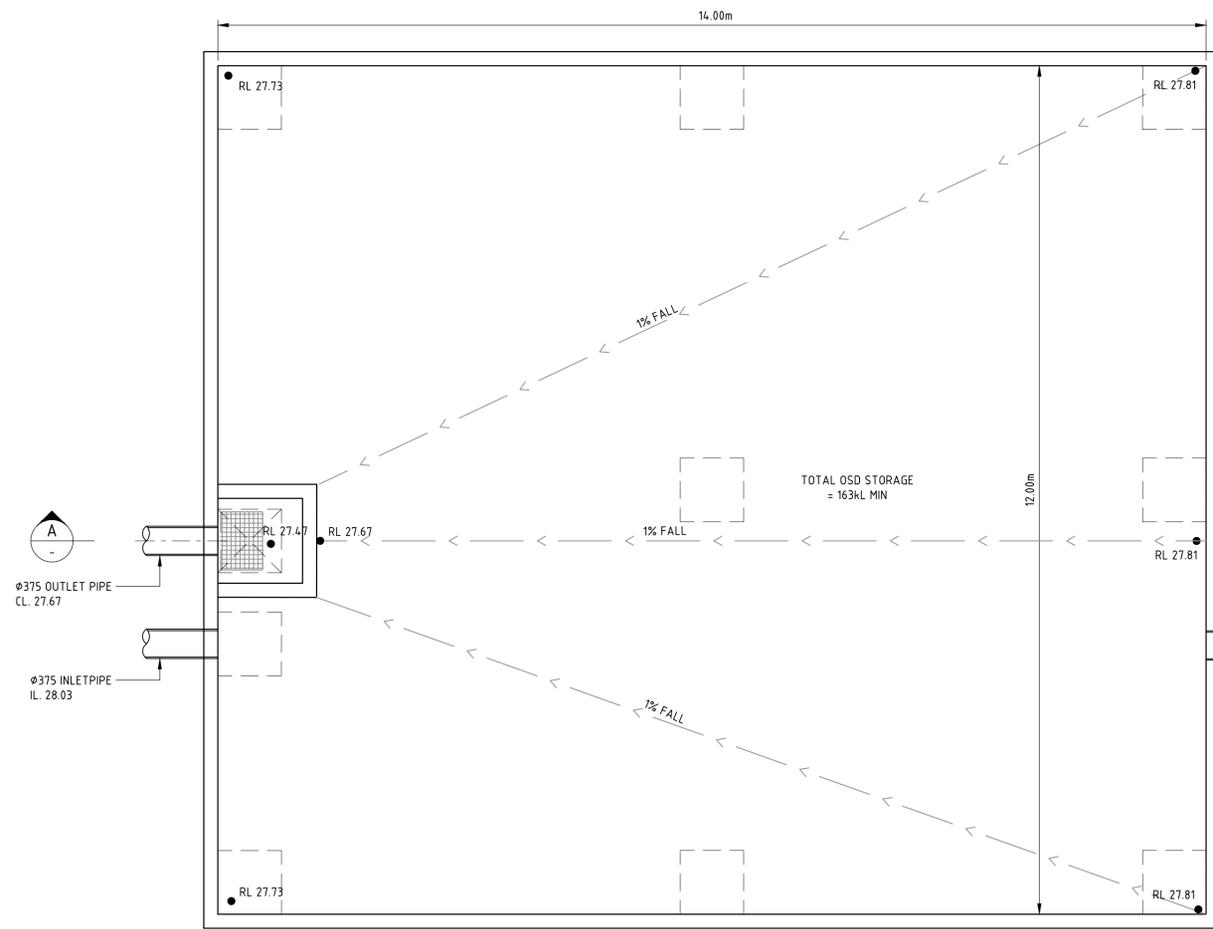
DRAWING NUMBER

**DA7.01**

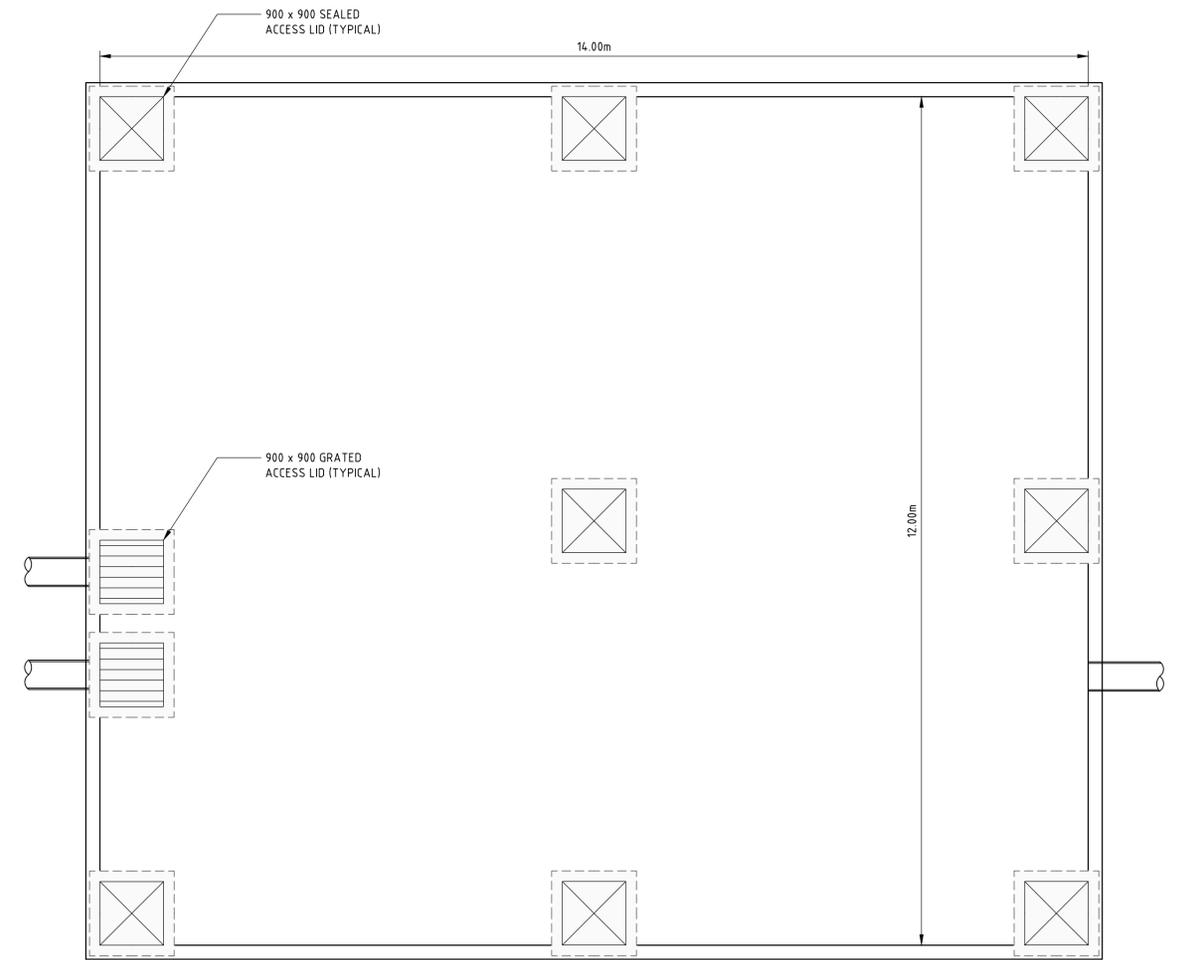
REVISION

**3**

DRAWING SHEET SIZE = A1

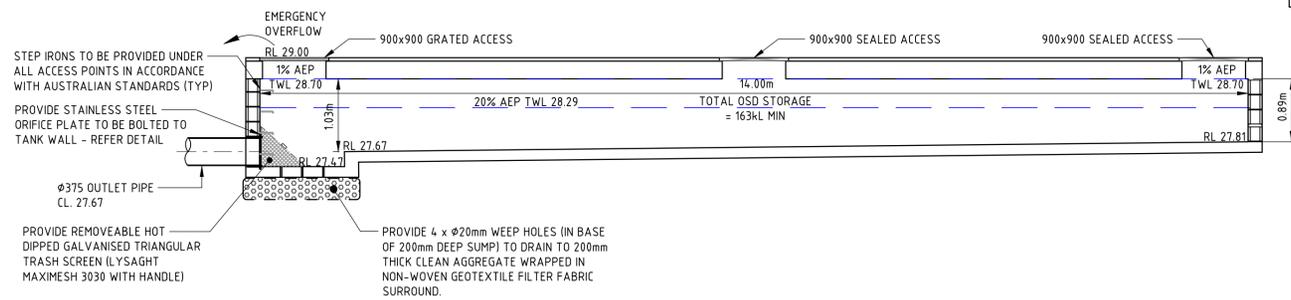


OSD BASE PLAN



OSD ROOF PLAN

INSTALL STEP IRONS IN ACCORDANCE WITH AUSTRALIAN STANDARDS.



VERIFIER: -  
 JOB MANAGER: S.NAUWOSKI  
 DESIGNED: S.NAUWOSKI  
 DRAWN: D.TENHAVE

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1	ISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	27.02.17
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3	MINOR AMENDMENTS	D.T		S.N	09.08.17
4	REISSUED FOR DEVELOPMENT APPLICATION	D.T		S.N	23.02.18

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PROJECT

**UoW P5 EXTENSION**

DRAWING TITLE

**DEVELOPMENT APPLICATION**

TYPICAL DETAILS  
SHEET 2

JOB NUMBER

**166807**

DRAWING NUMBER

**DA7.02**

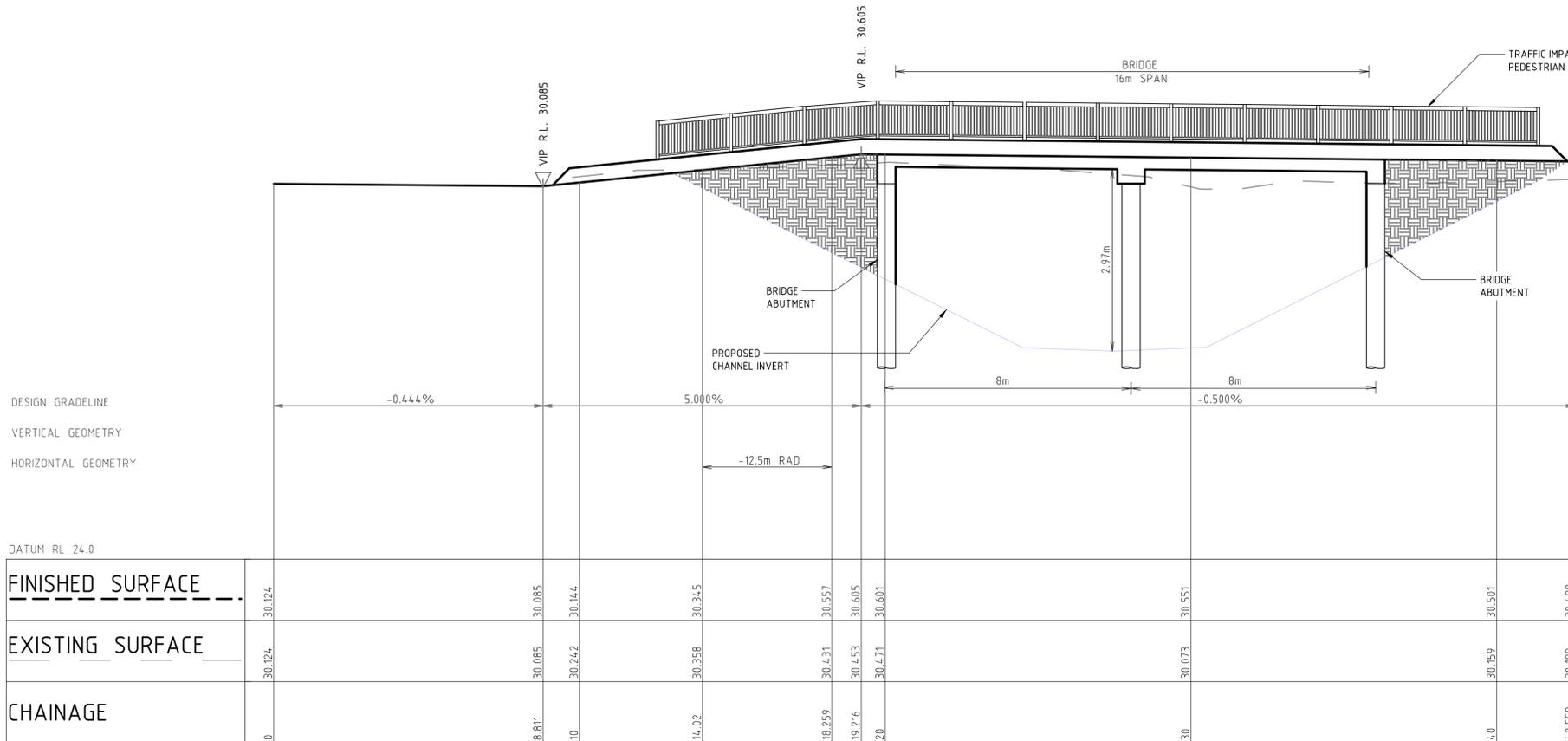
REVISION

**4**

DRAWING SHEET SIZE = A1

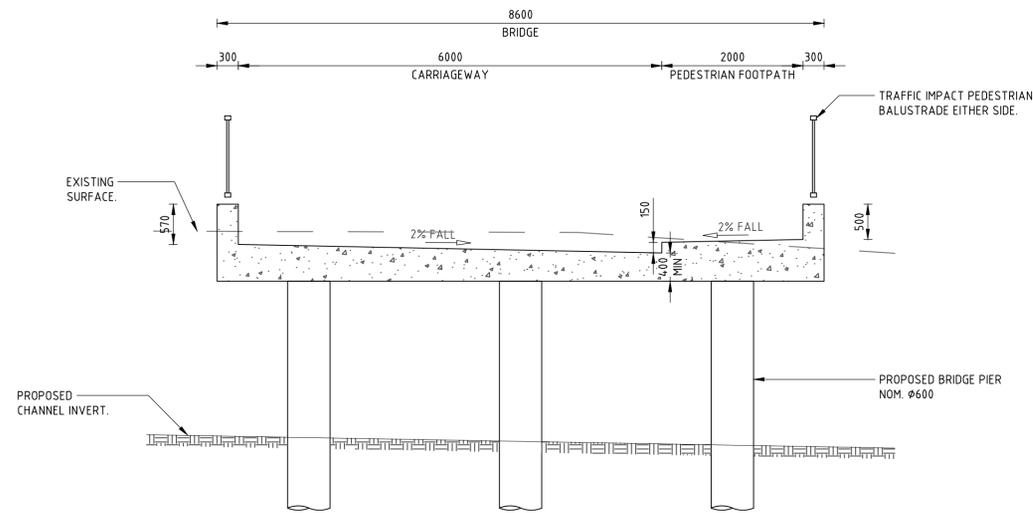
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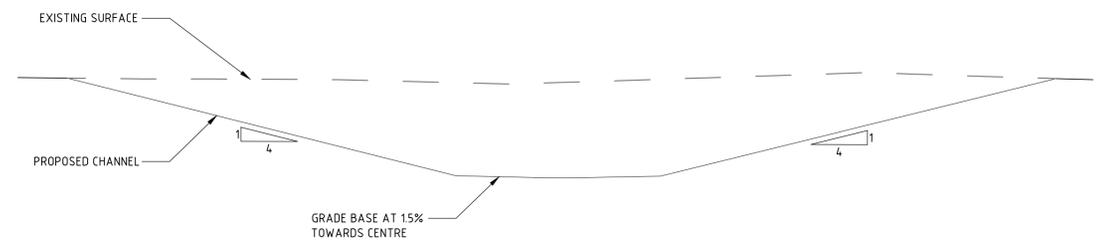
LONGITUDINAL SECTION ALONG MC01 (PROPOSED BRIDGE)

HORIZONTAL SCALE 1:100@A1  
VERTICAL SCALE 1:50@A1



TYPICAL BRIDGE CROSS SECTION

HORIZONTAL SCALE 1:50@A1  
VERTICAL SCALE 1:50@A1



TYPICAL CROSS SECTION THROUGH CHANNEL REALIGNMENT

HORIZONTAL SCALE 1:100@A1  
VERTICAL SCALE 1:100@A1

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PROJECT

**UoW P5 EXTENSION**

DRAWING TITLE

**DEVELOPMENT APPLICATION**

TYPICAL DETAILS  
SHEET 3

JOB NUMBER

**166807**

DRAWING NUMBER

**DA7.03**

REVISION

**4**

DRAWING SHEET SIZE = A1

VERIFIER -

JOB MANAGER: S.NAUWOSKI

DESIGNED: S.NAUWOSKI

DRAWN: D.TENHAVE

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## **ATTACHMENT 2 - CONDITIONS OF CONSENT**

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

### **NSW NRAR**

General Terms of Approval issued by the NSW NRAR dated 7 August 2017 as attached shall form part of this Integrated Development Consent.

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

### **Approved Plans and Specifications**

- 1) The development shall be implemented substantially in accordance with the details and specifications set out as follows:

Drawing No. DA1.11-3 dated 23 February 2018 prepared by Northrop

Drawing No. DA4.01-3 dated 23 February 2018 prepared by Northrop

Drawing No. DA4.02-3 dated 23 February 2018 prepared by Northrop

Drawing No. DA7.01-3 dated 23 February 2018 prepared by Northrop

Drawing No. DA7.02-4 dated 23 February 2018 prepared by Northrop

Drawing No. DA7.03-4 dated 23 February 2018 prepared by Northrop

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### **General Matters**

- 2) **Voluntary Planning Agreement**  
Pursuant to section 7.7(3) of the Environmental Planning and Assessment Act 1979, the Applicant is required forthwith to enter into a planning agreement with Council in the terms of an offer made by the Applicant and as now reflected in the document entitled Voluntary Planning Agreement supplied to Council on the Applicant's behalf on 4 September 2018.
- 3) **Geotechnical**
  - a. All work is to be in accordance with the geotechnical recommendations contained in the report dated 9 November 2016 by Coffey Services Australia and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
  - b. All earthworks including drainage, retaining wall and footing construction is to be subject to 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.
  - c. Foundation systems for structures are to be designed for Class P soils with all footings to be founded at least 400mm within the underlying stiff to very stiff natural clay or as recommended by the geotechnical consultant.
  - d. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.
- 4) **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.

- 5) **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.
- 6) **Occupation Certificate**  
An 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 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.
- 7) **Tree Retention**  
The developer shall retain the existing tree(s) indicated on the Landscape Plan, prepared by Taylor Brammer issue D dated 1 March 2018 and Arborist report prepared by Arbor Safe Australia consisting of tree(s) numbered 2754, 2755, 4346, 4347, 4348, 4381, 5709, 5710, 5711, 5713, 5714, and 5717.  
  
Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.  
  
All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.  
  
In the event the root sizing for these trees encroaches into the work zone, a qualified arborist will re-assess whether the tree shall be retained. In the event that it cannot be retained a suitable mature native species is to be planted in lieu.  
  
All recommendations in Arborist's Report by Arbor Safe Australia to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

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

- 8) **Dilapidation Report**  
A photographic survey and dilapidation report of boundary conditions for adjoining private properties must be undertaken and submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. This survey and report is to be prepared by an appropriately qualified consultant.
- 9) **Detailed Drainage Design**  
A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the Concept Stormwater Management Plan job no. 166807 drawing number DA5.01 and DA5.02 revision 5 prepared by Northrop dated 04/06/2018.
- 10) **On-Site Detention – Design Criteria**  
The on-site stormwater detention facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen and a suitably graded invert to the outlet to prevent ponding. Also, details of the orifice plate

including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.

11) **On-Site Detention – Identification**

The construction certificate plans are to detail a corrosion resistant identification plaque for location on or close to the on-site stormwater detention (OSD) facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:

The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.

Identification number – DA-2017/376

Any specialist maintenance requirements.

12) **On Site Detention Structural Design**

The on-site detention facility located within the proposed driveway shall withstand the maximum loading and configuration imposed by the heaviest vehicle likely to use the accessway as specified in the RTA Heavy Vehicle Mass Loading and Access documentation, and applied in accordance with the current code: AS/NZS 1170 - Structural Design Actions. The design loading adopted, and details of this detention facility shall be submitted prior to the release of the Construction Certificate.

13) **Orifice/Weir Calculations**

Orifice and weir calculations for the on-site detention facility shall be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The orifice shall be of circular shape, designed to allow free discharge and have no influence from any tailwater levels in the downstream drainage system.

14) **Impervious Area Drainage**

The carpark drainage that conveys flows from impervious areas to the OSD facility shall be designed by a suitably qualified civil engineer to cater for a 1 in 100 year ARI storm event. Details of gutter/downpipe sizes, downpipe locations, surface inlet pits and stormwater pipes shall be reflected on the Construction Certificate plans.

15) **Retaining Wall on Common Boundary**

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.

16) **Works within Council Land**

A detailed design for the proposed works within Council land shall be prepared by a suitably qualified civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Concept Stormwater Management Plan job no. 166807 drawing number DA5.01 and DA5.02 revision 5 prepared by Northrop dated 04/06/2018 and shall include the following:

- Levels/details of all existing and proposed infrastructure/services along with details of proposed earthworks shall be provided. All levels/details shall extend a minimum of 5 metres beyond the limit of works.
- Cut and Fill Plan Clearly identifying extent of Works on Council Land
- 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.
- All construction must be in accordance with the requirements of Council's Subdivision Code.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.

17) **Acceptance of Upslope Runoff**

The detailed design of the development must ensure the proposed on-site stormwater detention storage will be by-passed by all external runoff contributing to the site, with allowance for pit blockages in accordance with the requirements of Sections 7.2, 11.3.17, and 12.2.5 of Chapter E14 of the Wollongong DCP2009. In this regard, the proposed inlet structure/pit immediately west of the car park (labelled as pit 4/1 on the submitted concept stormwater management plan) shall be designed to convey the peak 100 year ARI flow rate from the contributing catchment area, including Ashcroft Place, with allowance for the relevant pit inlet blockage factor. In satisfying this requirement, the design must ensure no back-water ponding and/or obstruction of flows on the adjoining property. Engineering details and calculations demonstrating that these requirements have been satisfied shall be prepared by a suitably qualified civil engineer and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The engineering details shall form part of the stamped Construction Certificate plans.

18) **Scour Protection**

The watercourse and stormwater outlets shall be treated with appropriate scour/erosion protection measures in accordance with good engineering practice. All scour protection within the floodplain shall be designed and constructed in accordance with the design assumptions within the Flood Impact Assessment by Northrop dated 27 February 2018 (Reference number: 166807-CR-001 Rev C). All stormwater outlets to the watercourse must be taken to the low flow and orientated in the direction of natural flow. The final details of the proposed scour/erosion protection measures shall be reflected on Construction Certificate plans.

19) **Entry Bridge**

Details of the proposed entry bridge located shall be prepared by a suitably qualified engineer. The bridge and associated infrastructure shall also be generally in accordance with the post-development flood modelling in the Flood Impact Assessment by Northrop dated 27 February 2018 (Reference number: 166807-CR-001 Rev C) and be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 100 year flood level plus 0.5 metres freeboard. An engineering design certification that the bridge satisfies these requirements shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

20) **Design in Accordance with Flood Study**

The detailed design of the development (incl. earthworks, pavement, bridges, finished surface levels, and surface treatment) shall be generally in accordance with the Flood Impact Assessment by Northrop dated 27 February 2018 (Reference number: 166807-CR-001 Rev C). This requirement shall be reflected on the Construction Certificate plans and certified by a suitably qualified civil engineer prior to the release of the Construction Certificate.

21) **Detailed Design of Proposed Works**

Detailed Design of Proposed Works shall ensure no diversion of additional flows from the watercourse to the adjacent carpark area when compared with existing conditions. In this regard, the design engineer shall ensure that the design will not cause additional floodwater flows to escape the main watercourse channel and flow into the carpark. This requirement shall be reflected on the Construction Certificate plans and certified by a suitably qualified civil engineer prior to the release of the Construction Certificate.

22) **Piping of Entrapped Riparian Low Point – Engineering Details**

The watercourse must be piped from the termination point of the riparian earthworks to the downstream discharge location of the existing pipe line on the Council land ensuring no ponding of stormwater within the proposed riparian area. The pipe must be designed to ensure the following design requirements are achieved and be generally in accordance with the location of proposed Line 7 on The Concept Stormwater Management Plan job no. 166807 drawing number DA5.02 revision 5 prepared by Northrop dated 04/06/2018 :

- No reduction in the flow rate being conveyed through the existing drainage system in any storm event as a result of the works. Ensuring that the flow distribution is the same in the pre and post development scenario.
- The works must be designed to ensure all flows are conveyed to the outlet at an appropriate grade to ensure no ponding and subsoil drainage must be provided to ensure suitable draining of the low point.

The above details must be clearly identified on plan and a letter must be provided from a suitably qualified civil engineer certifying that the engineering details satisfy the above requirements. The above information must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

23) **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

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

24) **Car Parking and Access**

The development shall make provision for a total of 248 car parking spaces and 28 motorcycle spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in the 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 to the satisfaction of Council, at all times.

- 25) 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.
- 26) The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 27) The car parking areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties and shall be in general accordance with the requirements of Australian Standard AS4282 - Control of Obtrusive Effects of Outdoor Lighting. The final design details of the proposed floodlighting system shall be reflected on the Construction Certificate plans. The erection of the floodlighting system shall be in accordance with the approved final design.
- 28) The edge of the carpark must be provided with a hob or dish drain to prevent surface water flows from entering the adjoining property. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.
- 29) Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 30) The developer must provide on-site detention storage for stormwater runoff from the development designed to ensure no increase in stormwater discharge at each discharge location for events up to and including the 100 year storm ensuring no increase in flows to neighbouring properties. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be determined by a suitably qualified civil engineer, pre and post development

stormwater discharge rates at each discharge location from the site must be provided clearly demonstrating the above requirements. Details of the detention facility, SSR/PSD values and certification from a suitably qualified civil engineer must be submitted with the Construction Certificate application.

- 31) The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a) planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Banksia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
  - b) 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;
  - c) 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
  - d) 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.

- 32) 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.
- 33) **Tree Protection and Management**  
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- b) Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

- 34) **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**  
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal 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:
- 1 A plan of the wall showing location and proximity to property boundaries;
  - 2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
  - 3 Details of fencing or handrails to be erected on top of the wall;
  - 4 Sections of the wall showing wall and footing design, property boundaries 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;

- 5 The proposed method of subsurface and surface drainage, including water disposal;
- 6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- 7 The assumed loading used by the engineer for the wall design.
- 8 Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

35) **On-Site Detention – Structural Design**

The on-site detention facility must be designed to withstand loadings occurring from any combination of hydrostatic, earth, traffic and buoyancy forces. Details must be provided demonstrating these requirements have been achieved prior to the issue of the Construction Certificate.

36) **On-Site Detention - Maintenance Schedule**

A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of the Wollongong DCP2009.

**Prior to the Commencement of Works**

37) **Tree Removal**

Prior to removal, the trees approved for removal under this development consent shall be closely inspected for native vertebrate fauna occupation, and if occupied by native vertebrate fauna, then the NSW Wildlife Information, Rescue and Education Service (WIRES) shall be contacted for advice (phone 1300 094 737).

38) **Appointment of Principal Certifying Authority**

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

- a) 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
- b) 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.

39) **Sign – Supervisor Contact Details**

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

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

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

40) **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.

41) **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.

42) **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.

43) **Temporary Sediment Fences**

Temporary geotextile fabric sediment fences shall be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with "Managing Urban Stormwater: Soils and Construction", 4<sup>th</sup> edition, Landcom, 2004. Upon completion of the development, sediment fencing is to remain until the site has become stabilised (includes landscaping).

44) **Sediment Traps**

Sediment traps shall be installed on-site around all affected stormwater inlets in accordance with "Managing Urban Stormwater: Soils and Construction", 4<sup>th</sup> edition, Landcom, 2004. All sediment traps must be maintained until the site has become stabilised (includes landscaping).

45) **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.

46) 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 issued for construction.

47) **Sediment Control Measures**

Sediment-laden runoff from the site shall be controlled at all times subsequent to commencement of construction works. Sediment control measures shall be maintained at all times and checked for adequacy at the conclusion of each day's work, and after any rain event of 10mm or more.

48) **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

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

49) **Certification from Arborist - Adequate Protection of Trees to be Retained**

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

- 50) **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.

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

- 51) **Flows from Adjoining Properties**  
Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 52) **Asbestos Management**  
The Remediation Action Plan prepared by Clearsafe Environmental Solutions Pty Ltd dated 18 April 2018 shall be implemented as described.
- 53) **Avoidance of Cruelty and Harm to Fauna**  
During tree removal works, all care shall be taken to avoid cruelty and harm to fauna.
- 54) **Injured Native Fauna**  
In the event any native fauna are injured during tree removal works, then the NSW Wildlife Information, Rescue and Education Service (WIREs) shall be contacted (phone 1300 094 737) for assistance.
- 55) **Disposal of Excess Removed Vegetation Off-site**  
Any excess removed vegetation taken from the property shall be disposed of only at a location that may lawfully accept that waste.
- 56) **Imported Fill Material**  
Any imported fill material brought onto the site shall be certified virgin excavated natural material as defined by the NSW Environment Protection Authority, or excavated natural material complying with the Excavated Natural Material Order 2014 and the Excavated Natural Material Exemption 2014 issued under the Protection of the Environment Operations (Waste) Regulation 2014.
- 57) **Stormwater Quality Improvement Devices**  
Stormwater quality improvement devices shall be installed as per the Concept Stormwater Management Plans prepared by Northrop dated 23 February 2018.
- 58) **Weed Control**  
No known environmental weeds or known invasive plant species shall be used in any plantings or landscaping on the site, or otherwise brought onto the site.

- 59) **Supervision of Engineering Works**  
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 60) **No Adverse Run-off Impacts on Adjoining Properties**  
The design 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.
- 61) **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.
- 62) **Prior approval from Council for any works in Road Reserve**  
Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.  
  
**Note:** This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.
- 63) **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.
- 64) **Restricted Hours of Construction Work**  
The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.  
  
Any request to vary these hours shall be submitted to the **Council** in writing detailing:  
  - a the variation in hours required (length of duration);
  - b the reason for that variation (scope of works);
  - c the type of work and machinery to be used;
  - d method of neighbour notification;
  - e supervisor contact number;
  - f any proposed measures required to mitigate the impacts of the works.  
**Note:** The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.
- 65) 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.
- 66) **Site Management**  
Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- 1.1 does not spill, or have the potential to spill, or to be washed into any street gutter, or onto any road pavement; and
- 1.2 is not placed in drainage lines or watercourses and cannot be washed into these areas.
- 67) Any waste material or construction material accidentally or otherwise spilled, tracked or placed on the road or footpath area during demolition or construction without the prior approval of Council's Regulation and Enforcement Division shall be immediately swept up, or immediately removed by "dry" methods. Collected material shall be disposed of in a way that prevents its mobilisation. 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.
- 68) 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.
- 69) Building operations such as paver cutting, the washing of tools or other equipment and the mixing of mortar must not be carried out in any location which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.
- 70) **Dust Suppression Measures**  
Activities occurring during the excavation and construction phases of the development shall be carried out in a manner that will minimise the generation of dust.
- 71) Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.
- 72) **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.
- 73) **Contaminated or Excess Excavated Material - Disposal**  
Contaminated or 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.
- 74) **Provision of Taps/Irrigation System**  
The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

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

- 75) **Lot Consolidation**  
Lot 1 DP 507865 and Lot 222 DP 826710 must be consolidated into Lot 1 DP 1188267 prior to the release of the Occupation Certificate.
- 76) 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 Occupation Certificate.
- 77) **Works-as-Executed Plans – Works within Council Land**  
The submission of Works-As-Executed (WAE) plans for works within Council land must be submitted to Councils Development Engineering Manager for assessment, all works within Councils land must be to the satisfaction of Councils Development Engineer Manager prior to the release of the Occupation Certificate. The Works-As-Executed 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 Works-As-Executed dimensions and levels must also be shown in red on

a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- Final locations and levels for all works associated with the development within Council Land
- a separate cut/fill plan showing extent and depth;
- a separate plan which indicates the extent of flood inundation for 1% AEP and PMF storm event in the post development ;

78) **Site Contamination Validation Report**

A site contamination validation report prepared by a certified contaminated land consultant shall be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority for its records) prior to the issue of an Occupation Certificate. This validation report shall verify that:

- a all site contamination remediation works have been satisfactorily completed;
- b the site is not affected by any soil strata contamination above the adopted Remediation Acceptance Criteria contained in the Remediation Action Plan prepared by Clearsafe Environmental Solutions Pty Ltd dated 18 April 2018; and
- c the site is rendered suitable for the proposed development.

79) **Flood/Stormwater Affection Certification**

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate. This report is required to certify that the 'as-constructed' development will not result in any detrimental increase in flood affection to other development or properties due to loss of flood storage, changes in flood levels, diversion of floodwater flows, and/or alteration of flood conveyance. The report must also certify that the 'as constructed' development will not result in any adverse stormwater impacts to the adjoining land due to obstruction and/or ponding of surface water runoff.

80) **Certification – Entry Bridge**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the entry bridge and associated infrastructure has been constructed in accordance with the approved engineering details and documentation, relevant Standards, and can withstand the forces of floodwater, debris and buoyancy up to and including the 100 year ARI flood level plus 0.5 m freeboard.

81) **Drainage**

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

82) **Restriction on use – On-site Detention System**

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

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

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

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

83) **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.

84) **Occupation Certificate**

A 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 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.

85) The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, three (3) 400 litre container mature plant stock shall be placed along in appropriate locations with the carpark. The suggested species are *Ficus obliqua*.

86) **Positive Covenant – On-Site Detention Maintenance Schedule**

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

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

87) **On-Site Detention – Structural Certification**

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

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

88) **Loading/Unloading Operations/Activities**

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

**Reasons**

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council’s Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.

Attachment – NRAR General Terms of Approval



Contact: Jeremy Morice  
Phone: 02 4224 9738  
Fax: 02 4224 9740  
Email: [jeremy.morice@dpi.nsw.gov.au](mailto:jeremy.morice@dpi.nsw.gov.au)

Our ref: 10 ERM2017/0366  
Our file:  
Your ref: DA-2017/376

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

Attention: Andrew Kite

7 August 2017

Dear Sir

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA-2017/376**

**Description of proposed activity: Riparian Corridor works, carparking and relocation of existing demountable buildings**

**Site location: Lot 1 DP1172481 Lot 1 DP1188267 Lot 222 DP826710 Northfields Avenue & Falder Place Kieraville**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

•

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)      [Water licensing](#) ♦ [Approvals](#) ♦ Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



**Jeremy Morice**  
**Water Regulation Officer**  
**Water Regulatory Operations, Water Regulatory Operations South**  
**NSW Department of Primary Industries – DPI Water**

# General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	Riparian Corridor works, carparking and relocation of existing demountable buildings	
DA Number:	DA-2017/376	
LGA:	Wollongong City Council	
<b>Plans, standards and guidelines</b>		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA-2017/376 and provided by Council:</p> <ul style="list-style-type: none"> <li>(i) Statement of Environmental Effects</li> <li>(ii) Flood Study</li> <li>(iii) Stormwater Plan</li> <li>(iv) Landscape plans</li> <li>(v) Civil and Drainage Plans</li> </ul> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> <li>(i) Detailed Construction Civil and Drainage Plans</li> <li>(ii) Soil and Water Management Plan</li> <li>(iii) Final Detailed Landscape Plans and Maintenance schedule</li> <li>(iv) Costings for instream drainage works and riparian landscaping</li> </ul>	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals">www.water.nsw.gov.au/ Water-Licensing/Approvals</a>.</p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plans</li> <li>(ii) Laying pipes and cables in watercourses</li> <li>(iii) Riparian Corridors</li> <li>(iv) In-stream works</li> <li>(v) Outlet structures</li> </ul>	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>	

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740

E [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au)

Template Ref: CAAD4 Version 1.1 – June 2015

Number	Condition	File No:
<b>Rehabilitation and maintenance</b>		
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.	
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	
<b>Reporting requirements</b>		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
<b>Security deposits</b>		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
<b>Access-ways</b>		
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
<b>Disposal</b>		
11	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
<b>Drainage and Stormwater</b>		
12	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
13	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
<b>Erosion control</b>		
14	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
<b>Excavation</b>		
15	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
16	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by DPI Water.	
<b>Maintaining river</b>		
17	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.	

Number	Condition	File No:
<b>River bed and bank protection</b>		
18	The consent holder must establish a riparian corridor along the tributary of Fairy Creek in accordance with a plan approved by DPI Water.	
<b>END OF CONDITIONS</b>		



Natural Resources  
Access Regulator

Contact: Jeremy Morice  
Phone: 02 4224 9736  
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General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG, NSW, 2500

Our ref: DA2017/376  
File No: IDAS1108300 (S961107780)  
Your Ref: DA-2017/376

**Attention:** Andrew Kite

3 August 2018

Dear Sir/Madam

**Re: Proposed modification to integrated development – DA-2017/376 under S4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. Work or activity described as: Modification to riparian corridor works, construction of surface car parking and relocation of existing demountable buildings. Located at: Lot 1 DP 1188267; Lot 222 DP 826710; Lot 1 DP 507865 – University of Wollongong, 2 Northfields Avenue, 9-15 Falder Place, Keiraville, NSW, 2500.**

I refer to Council's letter dated 8<sup>th</sup> of June 2018 advising of the proposed modification or amendment to an integrated development proposal for the abovementioned property.

Based on a review of the information provided, the Natural Resources Access Regulator (formerly DPI Water) confirms the existing **General Terms of Approval** (for work or activity requiring an approval under the *Water Management Act 2000*), **issued on 07/08/2017** remain valid for the amended proposal and no amendments to the existing General Terms of Approval are necessary.

The Natural Resources Access Regulator should be notified if any further amendments result in more than minimal change to the proposed development or if additional works or activities are proposed.

Please direct any questions regarding this correspondence to Jeremy Morice by email to [Jeremy.Morice@nrar.nsw.gov.au](mailto:Jeremy.Morice@nrar.nsw.gov.au).

Further information on approvals required under the *Water Management Act 2000* is located at: [www.water.nsw.gov.au](http://www.water.nsw.gov.au) > [Water licensing](#) > [Approvals](#).

Yours sincerely

**Anisul Afsar**  
Water Regulation Officer  
Department of Industry - Water