

Jemena Gas Networks NSW Limited
C/- Jarrod Irving
LEVEL 14/99 Walker St
NORTH SYDNEY NSW 2060

APPLICATION

Determination
Approval Authority
Endorsement Date

DA-2019/663

Conditionally Approved
Wollongong City Council
4 September 2019

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Description	Demolition of three (3) buildings and removal of vegetation
Location	Lot 2411 DP 1097900, Lot 253 DP 787299 120 - 122 Smith Street, WOLLONGONG NSW 2500

Consent has been granted subject to the following conditions:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 21-28174 Drawing Figure 1.2-0 dated 21 June 2019 and Photo Nine to Photo Seventeen prepared by GHD 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 Tree Retention/Removal

The Developer shall retain the existing trees indicated within the Arboricultural Assessment for The Former Wollongong Gasworks Site – Demolition and Vegetation Removal Project by Jemena Gas Networks (NSW) Ltd, dated June 2019 consisting of trees numbered Group 14 and Group 16 (on the adjacent site) and Group 17 on the subject site.

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 AS4970-2009 Protection of Trees on development Sites.

All recommendations in within the Arboricultural Assessment for The Former Wollongong Gasworks Site – Demolition and Vegetation Removal Project by Jemena Gas Networks (NSW) Ltd, Section 6, dated June 2019, are 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.

This consent permits the removal of trees numbered Groups 1 - 13 and Group 15 as indicated within the Arboricultural Assessment for The Former Wollongong Gasworks Site – Demolition and Vegetation Removal Project by Jemena Gas Networks (NSW) Ltd, dated June 2019. No other trees shall be removed without prior written approval of Council.

3 **Tree Protection and Management**

The existing trees required by this consent 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.

Prior to the Commencement of Works

4 **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).

5 **Dust Suppression Measures**

Suitable proposed dust suppression measures shall be prepared by the developer for demolition and stockpile management that will be implemented at times when weather conditions are conducive to dust generation impacts.

6 **Enclosure of the Site**

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

7 **Demolition Notification to Surrounding Residents**

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

8 **Hazardous Material Survey**

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

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

9 **Asbestos Management Report**

A report shall be prepared by a licensed asbestos assessor that indicates the exact nature and extent of asbestos material contained within the site and the proposed remediation measures to be adopted for the removal of the asbestos material from the site to a NSW Environment Protection Authority licensed waste disposal facility.

10 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

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

- 11 **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.
- 12 **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 Council 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.
- 13 **Tree Protection**
Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

During Demolition, Excavation or Construction

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

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to Council. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.
- 15 **Demolition Works**
The demolition of the existing buildings and parking areas shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of Council. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.
- 16 **Works to be in Accordance with Construction Environmental Management Plan**
All works on the site must be carried out in accordance with the approved environmental management plan prepared by GHD Consulting dated June 2019 and environmental mitigation measures stated in the Statement of Environmental Effects prepared by GHD dated June 2019 for the full duration of demolition works.

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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 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.

18

Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

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

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Asbestos Waste Collection, Transportation and Disposal

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to Council.

20

Excess Excavated Material – Disposal

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

21

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.

22

Avoidance of Cruelty and Harm to Fauna

During tree removal works, all care shall be taken to avoid cruelty and harm to fauna.

23

Injured 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.

24

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.

Reasons

The reasons for the imposition of the conditions are:

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

Notes

- 1 This consent becomes effective and operates from the date shown as "**Endorsement Date**" on the front page of this notice. This consent will lapse unless development is commenced within five (5) years from the endorsement date shown on this notice.
- 2 Section 8.7 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
- 3 Section 8.3 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review of the determination must be made within six (6) months from the date of receipt of this notice. In the absence of a pending appeal before the Land and Environment Court, the request for review, and the review by Council, must all be completed within the abovementioned six (6) month time period. Accordingly, applicants are advised to provide Council with sufficient time to complete the review within this period, failing which the determination cannot be reviewed. The request must be accompanied by the fees set by the Environmental Planning and Assessment Regulation.

A right of review of determination does not exist for a determination made in respect of a Designated Development.
- 4 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.
- 5 A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.
- 6 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 7 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website www.wires.org.au for more information.
- 8 Before undertaking renovation or demolition work or removing materials from site during development works refer to Council's website for further information:

<http://www.wollongong.nsw.gov.au/development/regulations/Pages/Renovations-Demolition.aspx>
<http://www.wollongong.nsw.gov.au/services/household/Pages/chemicalcleanout.aspx>

9 **Prolonged Rainfall Events**

The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

This letter is authorised by

Anne Starr

Senior Development Project Officer

Wollongong City Council

Telephone (02) 4227 7111

enc



Legend

- Site Boundary
- Former stockpiles (removed in late 2018)
- Collegians Football Club

- Structures to be demolished
- Railway
- Streets
- Lots

WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT
21-28174-1663

Paper Size ISO A4
0 20 40 60 80
Meters
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56



Former Jemena Wollongong Gasworks site
120 - 122 Smith Street

Project No. 21-28174
Revision No. 0
Date 21/06/2019

Site context and lots

FIGURE 1.2

This is the plan/document referred to in consent
Dated: 4/9/19
G:\2128174\GIS\Map\Deliverables\21_28174_SMITH_STREET_Site_context_and_lots_13062019_Figure_1.2.mxd
Print date: 21 Jun 2019 - 10:46

Data source: General topo - NSW LPI DTDB 2012, 2015. Aerial imagery - Created by: ecastellano



Photo Nine: Existing buildings to be demolished



Photo Ten: Existing building to be demolished (octagon)



Photo Eleven: Existing building to be demolished (octagon)



Photo Twelve: Existing building to be demolished (rear two story office)



Photo Thirteen: Existing building to be demolished (rear two story office)

WOLLONGONG CITY COUNCIL DEVELOPMENT CONSENT

This is the plan/document referred to in consent DA 2019/63

Dated: 4/9/19



Photo Fourteen: Existing building to be demolished (rear two story office)



Photo Fifteen: Existing building to be demolished (warehouse)



Photo Sixteen: Existing building to be demolished (warehouse)



Photo Seventeen: Existing building to be demolished (warehouse)

WOLLONGONG CITY COUNCIL DEVELOPMENT CONSENT

This is the plan/document referred to in consent DA-2019/663

Dated: 4/4/19