

Wollongong Investments No. 5 Pty Ltd
531/533 Kingsway
Miranda NSW 2228

APPLICATION

DA-2023/156

Determination	Conditionally Approved
Approval Authority	Southern Regional Planning Panel
Endorsement Date	3 December 2024

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:

Proposal	Mixed use - demolition of existing structures, construction of a 19 storey shop-top housing development including car parking, associated earthworks and landscaping
Location	Lot 2 DP 201949 Lot 1 DP 201949 Lot 6 DP 14480 Lot 7 DP 661845 2-4 Gladstone Avenue & 357-363 Crown Street WOLLONGONG NSW 2500

Consent has been granted subject to the following conditions:

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
A001	04	Cover Sheet	BKA Architecture	7 June 2024
A017	04	Project Summary	BKA Architecture	7 June 2024
A018	04	Accommodation Schedule of Units Sheet #1	BKA Architecture	7 June 2024
A019	04	Accommodation Schedule of Units Sheet #2	BKA Architecture	7 June 2024
A020	04	Storage Schedule	BKA Architecture	7 June 2024
A021	04	Storage Schedule – Parking Levels	BKA Architecture	7 June 2024

A101	06	Lower Ground	BKA Architecture	31 July 2024
A102	06	Ground Floor	BKA Architecture	31 July 2024
A103	06	Upper Ground	BKA Architecture	31 July 2024
A104	06	Level 1	BKA Architecture	31 July 2024
A105	06	Level 2	BKA Architecture	31 July 2024
A106	05	Level 3	BKA Architecture	7 June 2024
A107	05	Level 4	BKA Architecture	31 July 2024
A108	04	Level 5	BKA Architecture	7 June 2024
A109	04	Level 6	BKA Architecture	7 June 2024
A110	04	Mid Rise (Lv 7-16)	BKA Architecture	7 June 2024
A111	04	Level 17	BKA Architecture	7 June 2024
A112	04	Level 18	BKA Architecture	7 June 2024
A113	03	Roof Plan	BKA Architecture	7 June 2024
A114	03	Adaptable Unit	BKA Architecture	7 June 2024
A115	01	Adaptable Unit	BKA Architecture	7 June 2024
A116	03	Liveable Units	BKA Architecture	7 June 2024
A202	04	Materials and Finishes – 1	BKA Architecture	7 June 2024
A203	04	Materials and Finishes – 2	BKA Architecture	7 June 2024
A204	04	Crown Street Elevation	BKA Architecture	7 June 2024
A205	04	Gladstone Ave Elevation	BKA Architecture	7 June 2024
A206	04	West Elevation	BKA Architecture	7 June 2024
A207	04	South Elevation	BKA Architecture	7 June 2024
A208	04	Internal Elevation Tower A & B	BKA Architecture	7 June 2024
A209	04	Pedestrian Link Elevation – Views	BKA Architecture	7 June 2024
A301	03	Section 01 / 02	BKA Architecture	19 June 2024

A302	03	Section 03	BKA Architecture	19 June 2024
A303	03	Section 04	BKA Architecture	19 June 2024
A304	03	Section Through South Maisonettes	BKA Architecture	7 June 2024
A305	03	Section Through Neighbour's Light Well	BKA Architecture	7 June 2024
A306	02	Driveway Section	BKA Architecture	7 June 2024
A350	01	1:20 Façade Section	BKA Architecture	7 June 2024
LP01	E	Public Domain Plan	Conzept Landscape Architects	11 June 2024
LP02	E	GF & Level 2 Hardscape Plan	Conzept Landscape Architects	11 June 2024
LP03	E	GF & Level 2 Landscape Plan – 1	Conzept Landscape Architects	11 June 2024
LP04	E	Level 2 Landscape Plan – 2	Conzept Landscape Architects	11 June 2024
LP05	E	Level 1 Landscape Plan	Conzept Landscape Architects	11 June 2024
LP06	E	Level 3 Landscape Plan	Conzept Landscape Architects	11 June 2024
LP07	E	Level 4 Landscape Plan	Conzept Landscape Architects	11 June 2024
LP08	E	L5 Landscape Plan	Conzept Landscape Architects	11 June 2024
LP09	E	L6-L17 Landscape Plan	Conzept Landscape Architects	11 June 2024
LP10	E	Sections	Conzept Landscape Architects	11 June 2024
LP11	E	Details 1 & Specifications	Conzept Landscape Architects	11 June 2024
LP12	E	Details 2	Conzept Landscape Architects	11 June 2024

LP13	E	Details 3	Conzept Landscape Architects	11 June 2024
LP14	E	Irrigation Concept Plan for Existing Tree	Conzept Landscape Architects	11 June 2024

Document Title	Version No	Prepared By	Dated
Access Report	5	East Coast Accessibility Pty Ltd	29 May 2024
Acoustic Report	4	Acoustic Noise & Vibration Solutions P/L	March 11 2024
ESD Report		Integreco Consulting	June 2024
Construction Traffic Management Plan	4	Genesis Traffic	27 May 2024
Demolition Site Management Plan		Melhem Civil	12 March 2024
Geotechnical Investigation		ei Australia	13 January 2023
Ground Water Take Assessment		Ei Australia	27 March 2024
Noise and Vibration Management Plan		Anavs-Acoustic Noise & Vibration Solutions P/L	4 December 2023
Operational Waste Management Plan	B	Elephants Foot	9 December 2022
Remediation Action Plan	0	Ei Australia	4 April 2023
Statement of Heritage Impact		Heritage 21	December 2023
Traffic Impact Assessment	5	Genesis Traffic	19 June 2024

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

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

Reason:

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

General Conditions

2. Geotechnical requirements

- a. A detailed geotechnical investigation is required for the design of site preparation earthworks.
- b. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- c. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.

- d. Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- e. No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- f. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- g. All recommendations of EI Australia in their preliminary geotechnical report dated 25 November 2022 are to be accommodated in the earthworks plan.
- h. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- i. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- j. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- k. At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
- l. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Reason:

To mitigate impacts associated with excavation works.

3. Endeavour Energy requirements

The development is to be carried out in accordance with the general conditions provided by Endeavour Energy on the NSW Planning Portal (Standard Conditions for Development Applications and Planning Proposals Version 7 December 2022 and conditions and advice contained in the Endeavour Energy submission dated 8 March 2023).

Reason:

To comply with legislative requirements.

4. Maintenance of Access to Adjoining Properties

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

Reason:

To ensure that access is maintained.

5. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

6. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of Section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Reason:

To satisfy the requirements of the legislation.

7. Site Remediation Work

Site remediation work must be undertaken as per the Remediation Action Plan (RAP) prepared by EI Australia Consulting dated 4 April 2023.

Reason:

To ensure the site will be suitable for the proposed use in accordance with Chapter 4, clause 4.6 of SEPP Resilience and Hazards 2021.

8. Site Validation Report

A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Construction Certificate.

The Validation Report shall verify that:

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

The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

The Validation Report is to be issued by the certified contaminated land consultant direct to Council. No third party submissions will be accepted.

Reason:

To comply with the cl 4.6 SEPP Resilience and Hazards 2021.]

9. NSW Aquifer Interference Policy - Groundwater Take Assessment

Prior to issue of Construction Certificate the developer must submit the Groundwater Take Assessment prepared by eiAustralia Consulting dated 27 March 2024 to NSW Office of Water and obtain an activity approval under section 91 of the Water Management Act 2000 where applicable.

Reason:

To comply with Water Management Act 2000

10. Stormwater Quality Management

The Stormwater filtration devices are to be installed in accordance with Stormwater Drainage Sections and Details Sheet 1 dated 7 December 2023 prepared by Smart Structures Australia.

Reason:

To comply with Wollongong Development Control Plan 2009 Chapter E 15

11. Mailboxes and Street Numbering

The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. The mailboxes must be provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2) reflective

paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

Reason:

To identify the property.

12. Tree Retention/Removal

The developer shall retain the existing tree(s) indicated on Arboricultural Impact Assessment Report dated 16 December 2022 prepared by Seasoned Tree Consulting consisting of tree(s) numbered 3, 4, 6 and 11.

This consent permits the removal of trees numbered T1, T2, T5, T7, T8, T9, T10, T12 and T13 as indicated on the Arboricultural Impact Assessment Report dated 16 December 2022 prepared by Seasoned Tree Consulting.

Reason:

To protect trees to be retained.

13. Construction Certificate

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

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

14. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$1,601,160.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution go to www.wollongong.nsw.gov.au/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.nsw.gov.au.

Reason:

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

Before the Issue of a Construction Certificate

15. Present Plans to Sydney Water

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

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

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

Reason:

To satisfy the requirements of the legislation.

16. Utilities and Services

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

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

Reason:

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

17. Glass Reflectivity Index

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

Reason:

To comply with Council's Development Control Plan.

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

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) for approval of both the Principal Certifier and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

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

- a. Proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

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

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

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

Reason:

To ensure compliance with Australian Standards.

19. Depth and Location of Services

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

Reason:

To ensure development does not impact services.

20. Dilapidation Report

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

Reason:

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

21. No Adverse Runoff Impacts on Adjoining Properties

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

Reason:

To protect neighbourhood amenity.

22. Awning design

Awnings for the development are to generally comply with the following:

- i Minimum soffit height of 3.3 metres;
- ii Low profile, with slim vertical facias or eaves (generally not to exceed 300mm height);

- iii Setback a minimum of 1.2 metres from the kerb;
- iv 2.4 metres deep;
- v Provided with under awning lighting to facilitate night use and to improve public safety.

Reason:

To comply with Council's Development Control Plan.

23. **Acoustic requirements**

Evidence is to be provided with the Construction Certificate that all recommendations contained in the Acoustic Report (Acoustic Noise & Vibration Solutions P/L Rev 4 dated March 2024) are complied with.

Reason:

To comply with building code requirements.

24. **NCC Section J Report**

A NCC Volume 1, Section J compliance report shall be prepared to demonstrate compliance with the relevant requirements outlined in Table 1 below. This shall be submitted to Council for endorsement prior to the issue of the Construction Certificate. All requirements must be shown on the CC Plans where applicable.

Table 1

<i>NSW Application of Section J</i>
<i>(1) For a Class 3 and 5 to 9 building, Performance Requirement NSW J1P1 is satisfied by complying with—</i> <i>(a) Part J4, for the building fabric; and</i> <i>(b) Part J5, for building sealing; and</i> <i>(c) Part J6, for air-conditioning and ventilation; and</i> <i>(d) Part J7, for artificial lighting and power; and</i> <i>(e) Part J8, for heated water supply and swimming pool and spa pool plant; and</i> <i>(f) J9D3, for facilities for energy monitoring.</i> <i>(2) For a sole-occupancy unit of a Class 2 building or a Class 4 part of a building, Performance Requirement NSW J1P5 is satisfied by complying with—</i> <i>(a) J3D5 and J3D6, for thermal breaks; and</i> <i>(b) J4D3, for general thermal construction; and</i> <i>(c) J3D10(3), J3D10(5) and J3D10(6), for floor edge insulation.</i> <i>(3) For a Class 2 building or a Class 4 part of a building, Performance Requirement NSW J1P6 is satisfied by complying with Part J5 for building sealing.</i> <i>(4) For a Class 2 building or a Class 4 part of a building, Performance Requirement NSW J1P7 is satisfied by complying with—</i> <i>(a) Part J6, for air-conditioning and ventilation; and</i> <i>(b) J8D2, for heated water supply; and</i> <i>(c) J9D3, for facilities for energy monitoring.</i>

(5) For a Class 2 to 9 building, Performance Requirement NSW J1P4 is satisfied by complying with J9D4 and J9D5.

Reason:

To satisfy the requirements of the legislation.

25. Electric Vehicle Charging Infrastructure

100 per cent of resident parking and 20 per cent of commercial and visitor spaces to be electric vehicle ready to support a minimum 7kW charger.

Reason:

To address environmental sustainability under Wollongong Local Environmental Plan 2009 Clause 7.18.

26. Car Parking and Access

The development shall make provision for the following:

Residential

- 229 residential car parking spaces (including a minimum of 26 spaces capable of adaption for people with disabilities)
- 51 residential visitor car parking spaces
- 18 residential motorcycle parking spaces
- 84 secure (Security Class B) residential bicycle spaces
- 22 residential visitor bicycle spaces (Security Class C)

Commercial

- 17 commercial car parking spaces (including 1 car parking space for people with disabilities)
- 1 commercial motorcycle parking space
- 5 secure (Security Class B) staff bicycle spaces
- 2 commercial visitor bicycle spaces (Security Class C)

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

27. Parking Dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

28. Redundant Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays'

are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

Reason:

To comply with Council's Development Control Plan.

29. Bicycle Parking Facilities

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To satisfy the requirements of Australian Standards.

30. Disabled Person Parking Space Dimensions

Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

31. Designated Loading/Unloading Facility

The designated loading/unloading facility must be clearly delineated with appropriate signage and/or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

32. Vehicular Flow Signage

Suitable barriers, line-marking and painted signage delineating vehicular flow movements must be provided within the car parking areas. These details shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

33. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

34. Security Roller Shutters for Basement Car Parking Areas

The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifier prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

35. Details of Proposed Pit and Pipeline

Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be

made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

Reason:

To ensure development does not impact services.

36. Certification for Landscape and Drainage

The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the issue of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

Reason:

To ensure development does not impact services.

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. a plan of the wall showing location and proximity to property boundaries;
- b. an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. details of fencing or handrails to be erected on top of the wall;
- d. sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. the proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. the assumed loading used by the engineer for the wall design; and
- g. flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

Reason:

To comply with Council's Development Control Plan.

38. Sizing of Drainage

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1% AEP storm event in accordance with AS 3500.3: Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

39. Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions

listed under this consent, and generally in accordance with the concept stormwater plan/s lodged for development approval, prepared by SMART Structures Australia, Project No. 220413, including the drawings listed in the table below:

Sheet No.	Title	Revision	Date
D03	External Stormwater Drainage Plan	A	14/12/2022
D05	Lower Ground Stormwater Drainage Plan	C	17/06/2024
D06	Ground Stormwater Drainage Plan	D	17/06/2024
D07	Upper Ground Stormwater Drainage Plan	C	17/06/2024
D20	Pre and Post Development Catchment Plan	B	08/12/2023
D31	Stormwater Drainage Sections and Details Sheet 2	B	07/12/2023
D32	Stormwater Drainage Sections and Details Sheet 3	B	07/12/2023

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

Reason:

To comply with Council's Development Control Plan.

40. On-Site Stormwater Detention (OSD) Design

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.

- d. The OSD 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.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation/Subdivision Certificate:
 - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - ii. Identification number DA-2023/156.
 - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Council's Development Control Plan.

41. Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation. Measures shall be included in the design of the pump system (e.g., flap gate or one-way valve system) where necessary to ensure backwater flow from the stormwater system into the basement car park level is not possible.

Reason:

To protect residential amenity.

42. Basement protection

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres.

Reason:

To protect residential amenity.

43. Ground Anchors

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

- a. A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2020/001.
- b. A dilapidation survey of the existing Council infrastructure within the zone of influence of the proposed excavation including CCTV of all stormwater pits and pipes and a photographic record of the road pavement, footpath area and associated civil assets

- c. A dial before you dig confirming all service providers in the road. All services must be shown in a site plan, as well as in all cross sections
- d. A detailed structural design of the proposed temporary anchors prepared by a Chartered Civil Engineer (Structural) that referenced the relevant geotechnical investigation and includes cross sections every 5m within the road frontage that shows the depth and clearance of the temporary anchors to all services, road pavements, stormwater pits and pipes and related assets based on surveyed levels.

Reason:

To protect residential amenity.

44. Excavation and Retaining Structures Adjacent to Public Roads

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

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

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

Reason:

To protect adjoining property.

45. Crown Street and Gladstone Avenue – Detailed Civil Engineering Design – Council Land

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council land, including footpath works within Crown Street and Gladstone Avenue, and new drainage pipeline connecting to Council's existing kerb inlet pit in Gladstone Avenue, south of the site. The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing Civil Engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the concept civil works and stormwater plans lodged for development approval, prepared by SMART Structures Australia, Project No. 220413, including CIVIL WORKS LAYOUT PLAN (Sheet C001, Revision B, dated 14/06/2024) and EXTERNAL STORMWATER DRAINAGE PLAN (Sheet D03, Revision A, dated 14/12/2022), and shall include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts

and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.

- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Policy. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified Engineer to the expected traffic loadings and type.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate. The application must be made via Wollongong City Council's Frontage Works Application process with details available on www.wollongong.nsw.gov.au. It is recommended that where the development also may include landscaping in the public domain or other works such as temporary anchors, that details and supporting information be included with the frontage works application.

Reason:

To comply with Council's Development Control Plan and Australian Standards.

46. Historical Archaeological Test Excavation

Historical archaeological test excavations are to be undertaken to identify if evidence of Gladstone House remains and to assess and determine if additional archaeological excavation and recording measures are required. The methodology for test excavations must be as per Section 9 of the Historic Archaeological Report (Sustainable Heritage Version 2 dated 8 March 2023).

Reason:

To identify any items of historical archaeological significance.

47. Excavation adjacent to TfNSW Infrastructure

Prior to the issuing of the Construction Certificate, the developer must:

1. Demonstrate to the satisfaction of TfNSW that the excavation for this development will comply with the TfNSW Technical Direction (Attachment 2) – Excavation adjacent to TfNSW Infrastructure (GTD2020/001 2 July 2020 – as amended from time to time) and will not impact upon the adjacent Crown Street road reserve.

The developer must submit their updated Geotechnical documents to TfNSW (via email to development.south@transport.nsw.gov.au) for approval prior to the issue of the Construction Certificate.

The Geotechnical documentation must be updated to address the following:

- a. Carrying out the level of geotechnical investigation specified in the GTD, along the alignment of proposed retaining systems along Crown St. This may require increased number of boreholes along Crown Street.
- b. Confirmation of bulk excavation depth and demonstrate on a cross section plan;
- c. Details of the method of ground support, inclusive of calculations;
- d. Stability analyses of temporary and permanent batters adjacent to Crown St;
- e. Details of how groundwater inflows will be managed in the design;
- f. Design calculations for the proposed retaining wall system;
- g. Predictions of ground movement along Crown St;

- h. Details of proposed instrumentation and monitoring plan to ensure the predicted ground movements are not exceeded.

Reason:

To manage impacts to adjacent roads and infrastructure.

48. Waste Management

- The waste rooms on each floor are to accommodate FOGO waste bins and the Operational Waste Management Plan (Elephants Foot Rev C dated 29 November 2023) is to be updated to reflect this.
- The FOGO waste storage area capacity is to be increased to 7,175L total in accordance with the EPA Better practice guide for resource recovery in residential developments (i.e. 25L/wk for one and two bedroom units, 50L/wk for three bedroom units).
- The Operational Waste Management Plan must be updated to include specific detail of the management process for problem waste for each residential tower (i.e. information, handling, storage etc.).
- The commercial waste room must make provision for separation of waste streams (e.g. FOGO, general and recyclable waste).

Reason:

To ensure appropriate separation of waste streams.

49. Landscape Maintenance Plan

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

Reason:

To comply with Council's Development Control Plan.

50. Landscaping

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

Reason:

To comply with Council's Development Control Plan.

51. Footpath Paving City Centre

The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

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

Reason:

To comply with Council Policy.

52. Street Trees City Centre

The developer must address the street frontage by installing street tree planting in accordance with the following:

- 9 trees in total as shown on the approved Landscape Plan
- Minimum 200 litre container size in accordance with AS 2303:2018: Tree stock for landscape use.
- Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual.
- Before You Dig Australia must be consulted prior to any excavation on site.
- Pot holing must be carried out to determine service location.
- Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.
- Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of Wollongong City Council.

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

Reason:

To comply with Council's Development Control Plan.

53. External Finishes

The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours (A202 and A203 Rev 04 dated 7 June 2024 prepared by BKA Architecture) except where amended by conditions of this consent. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

Reason:

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

54. Adaptable Units

Before the issue of a relevant Construction Certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the Certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of AS 4299-1995: Adaptable Housing Standards.

The nominated adaptable units within the development must be designed and constructed so as to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the *Australian Adaptable Housing Standard (AS 4299-1995)*, which includes "pre-adaptation" design details to ensure visitability is achieved. Level access is required to be provided between the internal living space and balcony of the adaptable units and sufficient circulation space is required throughout.

Reason:

To comply with Australian Standards.

Before the Commencement of Building Work

55. Tree Retention / protection

The developer shall retain the existing tree(s) indicated on Arboricultural Impact Assessment Report dated 16 December 2022 prepared by Seasoned Tree Consulting consisting of tree(s) numbered 3, 4, 6 and 11.

The developer must appoint a AQF5 consulting arborist to supervise and manage all works (including demolition) within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of trees to be retained.

Tree protection recommendations in the Arboricultural Impact Assessment Report dated 16 December 2022 prepared by Seasoned Tree Consulting are to be implemented and installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites. Evidence of compliance must be submitted to Council. This includes installation of tree protection fencing constituting 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 Certifier and Council prior to release of the Construction Certificate.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007. Tree 3 will require canopy pruning on the south side of the tree. This canopy pruning must be undertaken by an AQF3 Arborist and comply with the AS4373-2009.

A site-and-tree-specific Tree Protection Plan must be prepared for the Morton Bay Fig tree and endorsed by the appointed arborist that addresses all tree protection measures throughout the construction stage and for ongoing management of the tree following the completion of the project. This should address but not be limited to the following:

- The bitumen surface beneath the Moreton Bay Fig tree must be cracked and broken up by hand (e.g. light use of a sledgehammer or similar handheld tool for a minimum 6m radius).
- Removal of the bitumen must be undertaken in small sections at a time moving progressively further away from the tree.
- As a section is cleared, it must be watered and mulched (minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch).
- Small planting container sizes should be used within the Structural Root Zone to avoid unnecessary damage or disturbance of tree roots.
- All proposed ground works within the TPZ and SRZ of T6 are to be sympathetic with existing ground levels (that is no land filling over 200mm in grade change or excavation of more than 100mm).
- Sections of concrete edging overgrown with roots for the Morton Bay Fig may be safer retained insitu rather than removed. This should be determined by the Project Arborist. If sections of the concrete edging are removed, that must be done by hand (jackhammer) and not by excavator to protect damage to structural roots.
- All services plans must be reviewed by the consulting Arborist who should ensure underground services are located outside the TPZ of trees to be retained. If underground services within the TPZ are unavoidable they must be installed via tree sensitive techniques. This should include either directional drilling methods or manual excavations to minimise the impact to trees identified for retention.

The Tree Protection Plan must be submitted to Council for endorsement.

The consulting Arborist must prepare a report on the existing condition of tree 6 (heritage listed Morton Bay Fig Tree) prior to commencement of work and then once every 12 months in April or May until the Occupation Certificate is issued. The annual report is to document the existing condition of the tree and compare the condition of the tree since the first report. The initial report is due prior to commencement of work and include the tree protection and landscape care works. Photos are to be taken from the same location with the same aspect for comparison. The reports must be submitted to Council.

All contractors must be made aware of the tree protection requirements prior to commencing works at the site and be provided a copy of associated reports.

Reason:

To protect trees to be retained.

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

The immediately adjoining neighbours of the site must be given a minimum of 48 hours notice in writing that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence. Contact details of the site supervisor are also to be provided.

Reason:

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

57. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

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

Reason:

To satisfy the requirements of the legislation.

58. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

59. Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

Reason:

To satisfy the requirements of the legislation.

60. Structural Engineer's Details

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

Reason:

To ensure structural integrity.

61. Enclosure of the Site

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

Reason:

To ensure safety.

62. Demolition Works

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

63. Demolition Notification to Surrounding Residents

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

Reason:

To advise neighbourhood.

64. Waste Management

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

Reason:

To protect neighbourhood amenity.

65. Site Management Program - Sediment and Erosion Control Measures

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

Reason:

To protect neighbourhood amenity.

66. Sediment Control Measures

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

Reason:

To protect neighbourhood amenity.

67. Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

Reason:

To ensure services are not impacted.

68. Geotechnical Requirements During Construction

All works must be carried out in accordance with reports submitted in support of the development application and construction certificate application.

Reason:

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

69. Hazardous Material Survey

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

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

Reason:

To identify hazardous materials and ensure safe disposal.

70. Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier prior to the 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 the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

Reason:

To identify hazardous materials and ensure safe disposal.

71. Consultation with SafeWork NSW - Prior to Asbestos Removal

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

Reason:

To satisfy the requirements of the legislation.

72. Works in Road Reserve - Major Works

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

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

Restoration must be in accordance with the following requirements:

- a. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road Reserve".
- b. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

Reason:

To satisfy the requirements of the legislation.

73. Road Occupancy Licence (ROL)

Prior to any works commencing, the applicant shall obtain a ROL from TfNSW in conjunction with Council's permit under Section 138 of the Roads Act 1993.

The developer shall apply for a ROL from the TfNSW Traffic Operations Unit (TOU) prior to commencing works within the classified road reserve or works that will impact on the travel lane of the classified road.

For information on the ROL process and to lodge an ROL application, please visit

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.

The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10-business day period is dependent upon TfNSW receiving an accurate and compliant TMP.

Reason:

To satisfy the requirements of the legislation.

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

The immediately adjoining neighbours of the site must be given a minimum of 48 hours notice, in writing, that excavation, shoring or underpinning works or use of high noise emission appliances/plant are about to commence. Contact details of the site supervisor are also to be provided.

Reason:

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

75. Home Building Act Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor; and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Reason:

To satisfy the requirements of the legislation.

76. Temporary Sediment Fences

Temporary sediment fences (e.g. haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

Reason:

To protect neighbourhood amenity.

77. Contaminated Roof Dust

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

Reason:

To ensure safety.

While Building Work is Being Carried Out

78. Tree Protection

The appointed AQF5 consulting arborist must supervise and manage all works (including demolition) within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of trees to be retained.

All works must be in accordance with Arboricultural Impact Assessment Report dated 16 December 2022 prepared by Seasoned Tree Consulting site and tree specific Tree Protection Plan prepared in accordance with condition 55 of this consent.

Tree protection works are to be maintained in line with the Arboricultural Impact Assessment Report dated 16 December 2022 prepared by Seasoned Tree Consulting and 6 monthly reports on landscape maintenance works to the Tree protection zone and tree care with photographic evidence are to be submitted to Council.

Reason:

To protect trees to be retained.

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

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

Reason:

To protect trees being retained.

80. Treatment of any Tree Damage by a Supervised Arborist

Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

Reason:

To protect trees being retained.

81. Restricted Heavy Vehicle Access to the Site During Construction

All 12.5-metre-long heavy rigid vehicles or larger are not permitted to access the site from the Crown Street/Osbourne Street intersection during the construction or operation of the development due to its constrained geometry.

Reason:

To ensure safe operation of the Crown Street/Osbourne Street intersection during construction of the development.

82. Heritage NSW - Interpretation Plan

A Heritage Interpretation Plan is to be prepared in accordance with Heritage Council of NSW guidelines. It must contain specific information on the display and housing of significant artefacts; the conservation of the artefacts; and details of a maintenance strategy for the interpretation including any digital displays. On site interpretation is to be implemented within a publicly accessible space where available within the redevelopment. The Heritage Interpretation Plan must be prepared and lodged for approval by the Heritage Council of NSW or its Delegate within 6 months of the completion of the excavation program.

Reason:

To comply with legislation.

83. Site Contamination Remediation Works

The completion of any site contamination remediation works (if necessary) in accordance with the remediation measures recommended in the site contamination audit report and any additional measures as required by the site contamination auditor, if necessary.

Reason:

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

84. Heritage NSW - Unexpected Finds

If substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified in the Historical Archaeological Assessment, prepared by Sustainable Heritage dated 8 March 2023, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. All significant fabric within a State Heritage Register curtilage should be managed according to its significance.

Reason:

To manage historical archaeological relics, or other unexpected buried discoveries identified during works.

85. Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason:

To satisfy the requirements of the legislation.

86. Heritage NSW - Aboriginal Objects

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason:

To manage Aboriginal objects unexpectedly identified during works.

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

The operation of high noise emission appliances, plant and/or machinery such as rock breaking, rock hammering, rock sawing, blasting, sheet piling, pile driving may only be carried out between the following hours:

- a 9:00am to 12:00pm, Monday to Friday;
- b 2:00pm to 5:00pm Monday to Friday; and
- c 9:00am to 1:00pm Saturday.

Any request to vary these hours shall be submitted to **Council** in writing prior to works being undertaken and shall detail:

- a. the variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number;
- f. any proposed measures required to mitigate the impacts of the works.

Note: Blasting for excavation works is only permitted where it has been identified within a submitted and approved Demolition Construction Noise and Vibration Management Plan and must be undertaken observing all the requirements of SafeWork NSW.

Reason:

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

88. Demolition and Construction Noise and Vibration Management

The findings, recommendations and management controls from the Noise & Vibration Management Plan dated 4 October 2023 prepared by Anavs-Acoustic Noise & Vibration Solutions P/L must be adhered to in full for the duration of the works the subject of the plan.

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

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

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

Reason:

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

89. Building Operations Not to Discharge Pollutants

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

90. Dust Suppression Measures

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

91. Asbestos Waste Collection, Transportation and Disposal

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

Reason:

To satisfy the requirements of the legislation.

92. New Information/Unexpected Finds

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

Reason:

To ensure protection of the environment and comply with legislation.

93. Waste management

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

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

- The contract details of the person(s) who removed the waste;
- The waste carrier vehicle registration;
- The date and time of waste collection;
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill;
- The address of the disposal location(s) where the waste was taken;

- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to the Order or Exemption and provide the records to the principal certifier and Council.

Reason:

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

94. Restricted Hours of Construction Work

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing prior to works being undertaken and shall detail:

- The variation in hours required (length of duration);
- the reason for that variation (scope of works);
- the type of work and machinery to be used;
- method of neighbour notification;
- supervisor contact number;
- any proposed measures required to mitigate the impacts of the works.

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

Reason:

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

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

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

Reason:

To satisfy the requirements of the legislation.

96. Installation of WSUD treatment train

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan report.

Reason:

To comply with the WDCP Chapter E 15

97. Implementation of all the recommendation (Façades Glazing) of acoustic report

Implement building acoustic treatment as recommended in acoustic report prepared by Acoustic Noise & Vibration Solution P/L dated 11 March 2024 to comply with the NSW SEPP Transport and Infrastructure 2021 and Noise Guidelines for Local Government.

Reason:

To comply with the NSW SEPP Transport and Infrastructure 2021 and Noise Guidelines for Local Government.

98. Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason:

To satisfy the requirements of the legislation.

99. Site Management

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

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

Reason:

To comply with Council's Development Control Plan.

100. Spillage of Material

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

Reason:

To comply with Council's Development Control Plan.

101. Excess Excavated Material - Disposal

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

Reason:

To satisfy the requirements of the legislation.

102. Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system.

Reason:

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

103. No Adverse Run-off Impacts on Adjoining Properties

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

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

Reason:

To comply with Council's Development Control Plan.

104. Shoring and adequacy of adjoining property

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

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

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

Reason:

To satisfy the requirements of the legislation.

105. Supervision of Engineering Works

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

Reason:

To ensure compliance with relevant Standards.

106. Pipe Connections

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

Reason:

To ensure construction Standards are met.

107. Excavation Protection and Notification

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

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

Reason:

To ensure compliance with relevant Standards.

108. Safe Excavations and Backfilling

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

Reason:

To ensure compliance with relevant Standards.

109. Guarding of Excavations and Backfilling

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

Reason:

To ensure compliance with relevant Standards.

110. Podium Planting

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

Reason:

To comply with Council's Development Control Plan.

111. 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.

Reason:

To comply with Council's Development Control Plan.

112. Provision of Waste Receptacle

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

Reason:

To comply with Council's Development Control Plan.

113. Where Polystyrene Waffle Pods Are Used During Construction

Management of waffle pods at the site must comply with the Industry Code of Practice - Waffle Pods (2023/2024)

https://epsa.org.au/wp-content/uploads/2023/07/Pod-Code-of-Practice-EPSA_2023.pdf

- Pods must be secured using the approved tie down method at time of delivery, immediately upon completion of installation and any other time not in use.
- Scrap pods, offcuts and beads must be collected immediately after installation and placed in approved bags provided by the supplier.
- Waffle pods, waffle pod offcuts or waffle pod fragments must not be permitted to lie or accumulate on the property.

Reason:

To ensure protection of the environment.

Before the Issue of an Occupation Certificate

114. Repair of Infrastructure

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

Reason:

To ensure any damage to public infrastructure is rectified.

115. BASIX

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate.

NOTE: Clause 44 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 provides for independent verification of compliance in relation to certain BASIX commitments.

Reason:

To satisfy the requirements of the legislation.

116. Lot consolidation

The lots making up the development site are to be consolidated. Those lots are:

Lot 1 DP 201949

Lot 2 DP 201949

Lot 6 DP 14480

Lot 7 DP 661845

Reason:

To update property details.

117. Electric Vehicle Charging Infrastructure

Prior to the issue of the Occupation Certificate, a verification statement from a suitably qualified electrical engineer that the following Electric Vehicle Charging Infrastructure has been installed:

- 100 per cent of resident parking and 20 per cent of commercial and visitor spaces to be electric vehicle ready with appropriate electrical cabling to the parking space to support a minimum 7kW charger.

Reason:

To comply with Council's Development Control Plan.

118. Drainage Certification and WAE

The following information shall be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate:

- a. Certification from a suitably qualified Civil Engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans and Chapter E14 of the Wollongong DCP2009.
- b. A certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified Civil Engineer, confirming that all on-site stormwater detention works have been constructed in accordance with the approved plans.
- c. Full works-as-executed plans, prepared and signed by a Registered Surveyor, including levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels, and satisfying the requirements stated in Chapter E14 of the Wollongong DCP2009.

Reason:

To comply with Council's Development Control Plan.

119. Restriction on Use - On-Site Detention System (OSD)

The applicant must create a restriction on use under the Conveyancing Act 1919 over the OSD 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 detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site 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 registered instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

Reason:

To comply with Council's Development Control Plan.

120. Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the 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 Certifier.

Reason:

To comply with the relevant Standards.

121. Positive Covenant - On-Site Detention Maintenance Schedule

A positive covenant shall be created and registered under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule (DA-2023/156).

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

Reason:

To comply with Council's Development Control Plan.

122. On-Site Detention - Structural Certification

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the 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.

Reason:

To comply with Council's Development Control Plan.

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

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

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

Reason:

To comply with the relevant Standards.

124. Completion of Engineering Works

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

Reason:

To comply with the relevant Standards.

125. CCTV of Works in Existing Road

All stormwater pipes within road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Council's Development Engineering Manager for assessment prior to the issue of the Occupation Certificate. Below

standard work must either be replaced or repaired to Council's satisfaction prior to the issuing of the Occupation Certificate.

Reason:

To comply with the relevant Standards.

126. Works-as-executed drawings

Prior to the issuing of the Occupation Certificate (interim or final), the developer must provide a copy of the works-as-executed drawings to TfNSW on completion of the construction. This should include any structural elements that are left in the TfNSW easements.

Note: Documentation to be sent to development.south@nsw.gov.au

Reason:

To satisfy requirements for construction adjacent to a classified road.

127. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied that all landscape and tree works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Reason:

To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

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

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

Reason:

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

129. Arborist Verification – Street Tree Installation

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

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

Reason:

To comply with the Australian Standards.

Occupation and Ongoing Use

130. Stormwater quality management

The stormwater filtration systems installed in accordance with Stormwater Drainage Sections and Details Sheet 1 dated 7 December 2023 prepared by Smart Structures Australia must be maintained in perpetuity.

131. On-site Waste Collection Only

All waste collection is to be undertaken from within the site from the loading dock with turning for waste vehicles being carried out in no more than 3 turning movements, ensuring forward egress. No waste bins are to be placed on the street at any time.

Reason:

To protect residential amenity.

132. Street Tree Establishment Period - City Centre/Commercial Village Centre

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

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

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

Reason:

To comply with Council's Development Control Plan.

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 the consent is uploaded to the NSW Planning Portal. The consent will lapse unless development is commenced within five (5) years from the date the consent was uploaded to the NSW Planning Portal.
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 this notice was uploaded to the NSW Planning Portal.
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 this notice was uploaded to the NSW Planning Portal. 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. The holder of a Development Consent that is being acted upon must also hold a current:
 - a. Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
 - b. Subdivision Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
 - c. Strata Subdivision approval under the Strata Titles Act, 1973.

5. Where the **consent** is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
6. A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.
7. 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.
8. 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.
9. Before undertaking renovation or demolition work or removing materials from site during development works refer to Council's website for further information regarding the responsible disposal of waste during demolition and building works.
10. **[DELETE IF IT DOES NOT APPLY]Wollongong City Centre**
The Wollongong City Centre plays a key role in accommodation, cultural, sporting and business uses.

A key to the revitalisation of these centres is to build on these aspects through greater activation and investment beyond 5pm through an evening economy.

You should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.

This letter is authorised by

Nigel Lamb
Senior Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111