

# **Council Assessment Report**

**2015STH005 (DA 10.2015.28.1)**

Mixed Use Development  
28 Bong Bong Street Kiama

## **JOINT REGIONAL PLANNING PANEL (Southern)**

JRPP No	<b>2015STH005</b>
DA Number	<b>10.2015.28.1</b>
Local Government Area	<b>Kiama Municipal Council</b>
Proposed Development	<b>Mixed use development comprising fifteen (15) ground floor retail premises and seventy-one (71) residential units</b>
Street Address	<b>28 Bong Bong Street, Kiama</b>
Applicant/Owner	<b>adm Architects</b>
Number of Submissions	<b>Eight (8) submissions</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>The proposal has a capital investment value of &gt;\$20 million</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments:           <ul style="list-style-type: none"> <li>- State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development (SEPP 65)</li> <li>- Illawarra Regional Environmental Plan (IREP) No. 1</li> <li>- Kiama Local Environmental Plan (LEP) 2011</li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Nil</li> <li>• List any relevant development control plan:           <ul style="list-style-type: none"> <li>- Kiama Development Control Plan (DCP) 2012</li> </ul> </li> <li>• List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: Nil</li> <li>• List any coastal zone management plan: Nil</li> <li>• List any relevant regulations: Nil</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• <b>Plans and elevations</b></li> <li>• <b>Shadow diagrams</b></li> </ul>
Recommendation	That the Joint Regional Planning Panel approve Development Application number 10.2015.28.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to

	conditions.
Report by	<b>Mr B Elliott</b>
Report date	<b>29 October 2015</b>

## **Background**

On 30 July 2015 the Southern Joint Regional Planning Panel considered a report for a proposed mixed use development comprising fifteen (15) ground floor retail premises and seventy-five (75) residential units on Lot 1 DP 1073158, 28 Bong Bong Street, Kiama.

The original report forms an enclosure to this report.

At the above meeting the Panel resolved to defer determination of the development application to enable the applicant to:

1. Consider modifying Blocks D and E to comply with the 11m height restriction, improve the relationship with the building immediately to the south and improve the views of residents in Eddy Street Kiama.
2. Consider removing or appropriately screening the external clothes drying areas when the development is viewed from surrounding areas.
3. Provide information on the noise attenuation resources proposed for the northern units that front Bong Bong Street to reduce the noise impact of the Grand Hotel at the north-western corner of Bong Bong and Manning Streets.
4. Consider providing an opening to the ground floor commercial premises fronting Bong Bong Street to facilitate interaction with the street, taking into account the constraints imposed by grade.

Following the Panel's decision, the applicant has revised the proposal and submitted amended plans for consideration. This report discusses the amended proposal and addresses the applicant's response to each of the reasons for the Panel's decision to defer determination of the development application.

## **Description of the Proposed Amended Development**

The amended proposal is a mixed use development consisting of fifteen (15) ground floor retail premises and seventy one (71) residential units (shop top housing). The development comprises four (4) storeys, with one (1) basement level.

The reduction in the overall number of residential units is brought about by the deletion of the eastern-most top floor units of Blocks D and E (the units facing Manning Street), being previously proposed Units D301 & D305 (Block D) and E301 & E305 (Block E).

The proposed development is configured as follows:

<b>Level</b>	<b>Proposed use</b>
Basement	<ul style="list-style-type: none"><li>○ 132 residential car parking spaces (including 15 visitor spaces);</li><li>○ Residential storage areas; and</li><li>○ 25 residential bicycle parking spaces;</li></ul>
Ground floor	<ul style="list-style-type: none"><li>○ 13 retail shops;</li><li>○ Foyers (for buildings) A, B, C, D &amp; E;</li><li>○ 61 retail car parking spaces;</li></ul>

	<ul style="list-style-type: none"> <li>○ 15 bicycle parking spaces;</li> <li>○ Loading dock; and</li> <li>○ Residential and retail garbage bin enclosures;</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>○ 2 retail shops;</li> <li>○ 23 residential units; and</li> <li>○ Residential common room;</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>○ 26 residential units;</li> </ul>
Level 3	<ul style="list-style-type: none"> <li>○ 22 residential units.</li> </ul>

In conjunction with the deletion of residential units D301, D305, E301 & E305, the previously proposed remaining units D302, D304, E302 & E304 have been reconfigured and enlarged from 1 bedroom units to 3 bedroom units, forming proposed units D301, D303, E301 & E303 in the amended proposal.

The residential component of the development now consists of seventy-one (71) units, made up of:

- 2 x 1 bedroom units;
- 47 x 2 bedroom units; and
- 22 x 3 bedroom units.

The proposed unit sizes range from 80m<sup>2</sup> to 134m<sup>2</sup> in floor area, with an average unit size in the order of 106.5m<sup>2</sup>. Eighteen (18) of the proposed residential units are adaptable units.

As before, the proposed fifteen (15) retail premises include thirteen (13) facing Manning (Ground floor retail premises 3 – 15 inclusive) and two (2) facing Bong Bong Street (Level 1 retail premises 1 & 2). With the amended proposal, the size of the retail premises now range from 84m<sup>2</sup> (Retail premise 15) to 184m<sup>2</sup> (Retail premises 10 & 11), with the average size being 145.27m<sup>2</sup> (previously 135.27m<sup>2</sup>). The overall retail floor space amounts to 2179m<sup>2</sup> (where previously it was 2029m<sup>2</sup>).

A total of 192 car parking spaces are now proposed on-site (previously 206 were proposed), as represented in the Table above. With fewer residential units now proposed, residential visitor car parking spaces have been incorporated into the residential basement car park, where previously these car parking spaces were positioned in the Ground Floor retail parking basement. In turn this has freed up space on the ground floor to expand the retail premise floor areas into the car parking area, resulting in the enlarged retail premises floor areas described above.

No change to the development has been proposed in relation to vehicular ingress/egress, garbage bin storage or finish materials/colours.

#### **Applicant's response to the Panels reasons for deferral of determination**

- Reason no. 1 for deferral of determination – “*Consider modifying Blocks D and E to comply with the 11m height restriction, improve the relationship with the building immediately to the south and improve the views of residents in Eddy Street Kiama.*”

Response: The applicant has amended the proposal by deleting the eastern-most top floor units of Blocks D and E (the units facing Manning Street), being previously proposed Units D301 & D305 (Block D) and E301 & E305 (Block E), as well as by reducing the floor to ceiling heights of the Blocks D & E.

The proposed amended finish height of Block D is RL 19.1m (previously RL 19.7m) and Block E is RL 18.4m (previously RL 19m), being a reduction of 0.6m in each instance. This 0.6m reduction has been achieved by compressing (flattening) Blocks D & E. In effect, the difference in floor to floor separation between the original proposal and the amended proposal is 0.4 (Ground floor to Level 1), 0.05m (Level 1 to Level 2), 0.05m (Level 2 to Level 3), 0.05m (Level 3 to the roof) and 0.05m (roof to parapet), which sums to the 0.6m reduced height as identified.

The compression of Blocks D & E, as described above, has had the side effect of reducing the floor to ceiling clearances, which are discussed below under DCP 2012 Chapter 5.

In terms of 'building height' as defined under Kiama LEP 2011, the amended proposal results in building heights of approximately 11.5m for building D (being 1.2m lower than the previously identified 12.7m building height) and 11.2m for Building E (being 0.8m lower than the previously identified 12.0m building height).

These heights remain greater than the 11m building height development standard of Clause 4.3 of Kiama LEP 2011.

It should be acknowledged that the height of proposed Block E is a compliant 10.9m at its south-eastern corner and 10.81m at its north-eastern corner; however a technical non-compliance with the 11m height limit arises with Block E because it is centrally positioned over a depression in the land. This means that its height is 11.2m (as identified above) at the point immediately above the lowest point of the depression, being a central point on the south eastern facade. Under these circumstances it is a technical non-compliance and the implications for neighbours, as a result of the central height breach, are minimal.

The issue of building height was discussed in detail in the previous report, as was the Clause 4.6 objection to the 11m building height development standard. Whilst, as described above, amended Buildings D & E retain a building height encroachment, the breach has been reduced with the amended proposal.

The issue of view loss was also discussed in detail in the previous report to the Panel. The deletion of the four upper floor units identified above and the reduction of the finish level of proposed Blocks D & E by 0.6m equates to improved view retention for residents in Eddy Street.

The building area previously occupied by proposed Units D301, D305, E301 & E305 now forms an expansive terrace area allocated to four (4) of the six (6) top floor units of proposed Blocks D & E. Each terrace area measures some 126m<sup>2</sup> in size.

The deletion of the four top floor units facing Manning Street results in the recessing of the top level of the Blocks D & E (away from Manning Street), to a point closely in line with the north-eastern corner of the neighbouring mixed use development to the south, also a recessed component of the neighbouring building. Deletion of the units has left the top

façade of Blocks D & E approximately 18m back from Manning Street, leaving a large open space that is proposed to be utilised as terraces. As a result the Manning Street façade of Blocks D & E will be viewed from street level as a three (3) storey building, as is the adjoining development to the south thereby improving the relationship between the buildings.

- Reason no. 2 for deferral of determination – “*Consider removing or appropriately screening the external clothes drying areas when the development is viewed from surrounding areas.*”

Response: Individual unit clothes drying lines have been deleted from the proposal. The residential units are now reliant upon mechanical clothes drying and the communal clothes drying line. The BASIX report for the development makes provision for mechanical clothes drying for each of the residential units.

- Reason no. 3 for deferral of determination – “*Provide information on the noise attenuation resources proposed for the northern units that front Bong Bong Street to reduce the noise impact of the Grand Hotel at the north-western corner of Bong Bong and Manning Streets.*”

Response: An acoustic report was submitted with the amended proposal, which comments that licensed premises in NSW, such as the Grand Hotel, are required to meet the conditions set out by the NSW Office of Liquor, Gaming and Racing (OLGR) in relation to noise emissions from music and patrons inside licensed premises. The requirements are as follows:-

*“The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz - 8 kHz inclusive) by more than 5 dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.*

*Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.”*

The acoustic report comments that, as “*the OLGR condition above is the responsibility of the Grand Hotel, it is not incumbent on the proponent of the mixed use development to meet the conditions.*

*However, the applicant proposes the following noise abatement measures to further reduce the possible noise impact from the Grand Hotel on the units on the northern façade of the development:-*

- 10.4 mm laminated glass with acoustics seals in all north facing glazing; and
- 75 mm thick bulk insulation (density 8 kg/ m3) installed in all wall cavities.

*It is our opinion, that the proposed upgraded glazing with acoustic seals and inclusion of insulation in the wall cavities of the units on northern façade of the proposed mixed use development at the Corner of Bong Bong and Manning Streets, Kiama, NSW, will reduce the noise impact of the Grand Hotel to future residents of the proposed development.”*

Should the Panel grant development consent to the proposal, a condition of consent will be applied requiring the above noise abatement measures be applied to the residential units facing Bong Bong Street.

- Reason no. 4 for deferral of determination – “*Consider providing an opening to the ground floor commercial premises fronting Bong Bong Street to facilitate interaction with the street, taking into account the constraints imposed by grade.*”

Response: Proposed retail premises 1 & 2 both front Bong Bong Street and have an active street frontage in accordance with LEP 2011 Clause 6.8. There is no change in this regard to the original proposal.

Proposed retail premise 3 is situated on the corner of Bong Bong Street and Manning Street, with its principal frontage and customer access to Manning Street and secondary frontage to Bong Bong Street.

The objective of clause 6.8 is “*to promote uses that attract pedestrian traffic along certain ground floor street frontages in certain business zones*”. As identified in the previous report to the Panel:

*“It is noted that the building has been excavated into the site at the north-eastern end, meaning the corner retail premise (no. 3) has its floor level predominantly below the street level of Bong Bong Street. This arguably diminishes the exposure of the retail use to that street frontage and, arguably the intent of active street frontages in engaging with the street.*

*In terms of the objective of the clause, retail premises no. 3 has a predominantly glass facade to Manning Street, making the retail use visible and accessible from Manning Street, being the main street frontage of the building. The premises does address Bong Bong through a 9m long window along this street frontage ...., providing a reasonable degree of exposure to/from the retail space and thereby adequately engaging with the street, as well as with retail premises no's 1 & 2, which both face Bong Bong Street at street level.”*

Having regard to the topography, finished floor levels and the orientation of retail premises 1 and 2 towards Bong Bong Street, it is considered that activation of the street frontage as proposed is satisfactory.

### **SEPP 65 Design Quality of Residential Flat Development (Amendment No. 3)**

At the July meeting of the JRPP it was also identified that the supplementary report to the Panel should include consideration of SEPP 65 Design Quality of Residential Flat Development (Amendment No. 3) in accordance with Section 79C.

Response: Prior to lodgement of the development application (on 17 February 2015), draft SEPP 65 Amendment No 3 and the associated Apartment Design Code (replacing the Residential Flat Design Code) had been exhibited. The draft SEPP has been considered in the assessment of this development application, pursuant to Section 79C(1)(a)(ii) and the proposed development does not represent any breach of the draft SEPP amendment.

The amended SEPP 65 and Apartment Design Code is not the instrument used in assessment as the development application was lodged with Council prior to 19 June 2015.

### **DCP 2012 Chapter 5 – Medium Density Development**

Control C37 – This control requires a 3.3m minimum ground floor to ceiling height (to promote flexibility of end use) and 2.7m floor to ceiling height for all habitable rooms on all floors. This control is consistent with the Rules of Thumb under the Residential Flat Design Code.

As identified earlier, the applicant's attempts to reduce the height of proposed Blocks D & E has resulted in the compressing of these blocks, thereby resulting in reduced floor to ceiling heights.

In regards to the floor to floor height of Building D and E, the applicant confirms that “*they were reduced following the redesign in consideration of the JRPP comments. A sum of 400mm was deleted from the retail/commercial space height. We understand that the revised height is below what is required in the DCP, however in this instance it is reasonable because the 3.1m floor to floor height will allow for 2.4m high finished ceilings and 400mm for services and 300mm for slab and insulation. The lettable space is relatively small and therefore a 2.4m clear ceiling height is more than acceptable, is common place, and meets all the provision of the Building Code.*”

Following from this, the floor to ceiling heights of the habitable rooms of the residential units are in the order of 2.65m (allowing for a 300mm slab), being marginally less than the required 2.7m prescribed in the DCP. However given the overall results in reducing the height of Blocks D & E, reducing view loss for residents in Eddy Street and improving the relationship with the adjoining mixed use development to the south (i.e. addressing the Panel's reason no. 1 for deferral of determination), on balance the variation to the floor to ceiling heights for proposed Blocks D & E are considered to be reasonable.

### **DCP 2012 Chapter 9 - Car parking requirements**

The proposed development incorporates basement car parking accommodating for 193 cars over 2 levels (lower level 132, upper level 61).

Overall, Council's DCP requires the provision of 168 on-site car parking spaces (107 residential + 61 retail = 168 (see below)).

The proposed mixed use development triggers separate parking requirements between the retail component of the development and the residential component. In this respect, and as outlined in the DCP, car parking is calculated on the basis of each distinct use.

#### Retail component

Based on the DCP requirements, retail premises require 1 car parking space per 35m<sup>2</sup> of Gross Leasable Floor Area (GLFA).

The overall retail GLFA proposed is some 2104m<sup>2</sup>, thereby requiring sixty-one (61) car parking spaces (i.e. 2104/35 = 60.1, rounded up to 61). Sixty-one (61) car parking spaces are proposed on-site for the retail component of the mixed use development, including two (2) disabled parking spaces.

### Residential component

The residential component of the development draws on the RMS Guide to Traffic Generating Developments for medium density residential development. The Guide recommends a minimum number of off-street, residential parking spaces:

- 1 space for each unit (71 units = **71 spaces**), plus
- an additional 1 space per each 5 x 2 bedroom unit or part thereof ( $47 \div 5$  bedroom = **9.4 = 10 spaces**),
- an additional 1 space per each 2 x 3 bedroom unit or part thereof ( $22 \div 2$  bedroom = **11 spaces**), plus
- an additional one space per each five units for visitor parking or part thereof *is recommended* (71 units = **15 visitor spaces**).

Consequently a total of 107 on-site car parking spaces are required and 132 (including 15 visitor parking spaces) are proposed in this instance.

Overall forty-two (42) bicycle parking spaces (25 residential, 10 visitor & 7 commercial) are proposed for the development.

The proposed development satisfies Council's DCP requirements for on-site parking.

### **Public Submissions**

Notification letters were sent to neighbouring property owners, as well as persons who lodged a submission in response to the original proposal. The notified parties were provided with fourteen (14) days in which to comment on the amended proposal. At the conclusion of the notification period, eight (8) submissions were received, which raised the following (summarised) matters of concern:-

Item 1 – Concern is expressed about the height of the development. It is acknowledged that the height of Blocks D & E has changed; however the height of the remainder of the development has not.

Response – The resolution of the Panel in July was that the applicant consider “*modifying Blocks D and E to comply with the 11m height restriction, improve the relationship with the building immediately to the south and improve the views of residents in Eddy Street Kiama.*”

The emphasis was on blocks D & E as it was considered these blocks were the main impediment to the primary view corridor from Eddy Street and because these blocks formed the critical link/transition to the adjoining development to the south. As described and discussed in the report, the height of blocks D & E have been reduced with the amended proposal.

Item 2 – Based on height and density, concern is expressed that the proposed building is out of character with the area.

Response – Further to the discussion in the previous report, the proposed amended development is considered to positively respond to existing neighbouring development. Proposed Block A (the corner building) is built to the Manning Street/Bong Bong Street

boundary, complimenting the adjacent Grand Hotel. Blocks B, C, D & E are recessed from the Manning Street boundary, with the fourth storey of blocks D & E stepped back further from Manning Street (some 18m with the amended proposal), in acknowledgement of the existing three (3) storey mixed use development to the south (83 Manning Street). From a streetscape perspective this means Blocks D & E will present as three storeys to Manning Street, thereby improving the relationship with the neighbouring development. Overall, the proposed building form appropriately transitions from the generally lower set, recessed mixed use development at 83 Manning Street to the more prominent Grand Hotel at the top of the hill. Under these terms and with the design responses of the amended proposal, the proposed development is not considered to be out of character with the area and town centre.

Item 3 – Traffic in Manning Street will be excessive and road safety will be compromised

Response:- The development application is supported by a Traffic & Car Parking Impact Statement, which has been reviewed in detail by Council's Development Engineers. It is considered that the proposed development is likely to have an acceptable impact in terms of traffic related matters and road safety and that the road network within the Kiama town centre is capable of supporting the additional traffic generated by the proposed development.

Item 4 – Overshadowing – the proposed development will overshadow the building at 62 Manning Street reducing afternoon sunlight.

Response:- Shadow diagrams have been provided (attached) which indicate that the shadow cast by the proposed development will not impact the base of the objector's three storey building until after 1pm on 21 June (mid-winter). On this basis the overshadowing from the development does not breach Council's policy and will not be unreasonable, particularly given the central business area location.

Item 5 – Construction noise and dust will penetrate the residential units in Manning Street

Response:- Conditions of consent will be imposed, should consent be granted, to address these issues and minimise the impacts on neighbours, including restricting the hours during which construction activities may occur and employing dust suppression measures.

Item 6 – The development will “*destroy the aesthetic value of the area*” and deter tourists.

Response – The proposed development is a mixed use development appropriate for a prime town centre location. As discussed previously, the proposed development is not considered to be of a height or bulk that is unacceptable or out of character in the context of its town centre location. The development is unlikely to deter tourism to Kiama. On the contrary it is likely to create additional short term accommodation options for tourists and visitors alike.

Item 7 – The proposed units are very small and have the “*potential to create a future slum area*”.

Response – The proposed unit sizes range from 80m<sup>2</sup> to 134m<sup>2</sup> in floor area, with an average unit size of 106.5m<sup>2</sup>. For a medium density residential flat development the unit sizes are acceptable and provide greater housing choice.

Item 8 – The loss of views will devalue properties.

Response – The proposal is considered to be satisfactory from a view sharing perspective. Potential devaluation of property as a consequence of proposed development is not a matter for consideration under Section 79C of the Environmental Planning & Assessment Act, 1979.

Item 9 - It was requested that an additional condition of consent be imposed requiring a dilapidation survey pertaining to the neighbouring development at 83 Manning Street, Kiama.

Response – The following condition will be imposed, should the development be approved:

“The person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on the adjoining property at 83 Manning Street, Kiama (SP 62956), pending the consent of the adjoining property owner. In the event that the consent of the adjoining property owner cannot be obtained, copies of the letter/s that have been sent via registered mail and any responses received shall be forwarded to the PCA before work commences.”

## **Conclusion**

As outlined in this report, the applicant has sought to address the concerns raised by the JRPP which led to determination of the development application being deferred at the July meeting of the JRPP.

The proposed amended development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is generally consistent with Kiama Local Environmental Plan 2011 and relevant Development Control Plan 2012 Chapters. The proposed development is consistent with the objectives of the B2 Local Centre zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

Having regard to the JRPPs reasons for deferral, it is considered that the amendments put forward by the applicant sufficiently address the issues raised and support a favourable determination. The proposed development is considered to be reasonable and conditional approval is recommended.

## **Draft Conditions of Development Consent**

### **General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2015.28.1 dated 13 November 2015 and on the application form except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule. (g014.doc)

- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site. (g065.doc)
- (6) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the release of the construction certificate. (g130.doc)

- (7) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Manning Street and Bong Bong Street for the purpose of carrying out activities associated with the development. (g145.doc)
- (8) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. (g160.doc)
- (9) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
  - a The variation in hours required.
  - b The reason for that variation.
  - c The type of work and machinery to be used. (g165.doc)
- (10) All eighteen (18) nominated adaptable housing units shall, as a minimum, meet "Adaptable house class C" requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
- (11) The developer shall obtain consent from Kiama Municipal Council under Section 139 of the Roads Act 1993, for the erection and maintenance of the awnings over the

public road reserve of Bong Bong Street and Manning Street, prior to issue of any Construction Certificate.

- (12) The person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on the adjoining property at 83 Manning Street, Kiama (SP 62956), pending the consent of the adjoining property owner. In the event that the consent of the adjoining property owner cannot be obtained, copies of the letter/s that have been sent via registered mail and any responses received shall be forwarded to the PCA before work commences.
- (13) The development is to satisfy the recommendations of the Rail Noise and Vibration Assessment, prepared by Day Design Pty Ltd, dated 6 January 2015 as well as the supplementary report dated 20 August 2015 (Ref: 5572-2.1L).

### **Transport Sydney Trains**

- (1) Unless amendments are required in order to obtain approval/certification from Sydney Trains in relation to the items listed in condition B2 below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
  - Geotechnical Report prepared by SMEC dated 21/11/2014 (Ref No: 30012025-R02).
  - General Notes Plan prepared by Austrut Consulting Engineers – Drawing No. SO. 000 Issue A, dated 16/03/15.
  - Footings and Shoring Plan Concept prepared by Austrut Consulting Engineers - Drawing No. S1.000 Issue A, dated 16/12/14.
  - Sections Concept prepared by Austrut Consulting Engineers – Drawing No. S1.001 Issue B, dated 16/03/15.
  - Elevations and Section Concept prepared by Austrut Consulting Engineers – Drawing No. S1.002 Issue B, dated 16/03/15.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains condition 82 below. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (2) Prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
  - Detailed report from a specialist hydrogeologist that the groundwater inflow rate on the will not be problematic for the proposed shoring system listed in condition 81 above. A revised shoring system may need to be developed for endorsement by Sydney Trains.
  - Detailed final shoring system
  - Machinery to be used during excavation/construction.

- Track/vibration monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- Groundwater monitoring plan.
- If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

Any conditions issued by Sydney Trains as part of the approval/certification by Sydney Trains of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. Further, the certification of the above documentation may require the submittal of additional information that may supersede the documentation listed in condition 81.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or supersede those listed in 81 above. The measures detailed in the documents approved/certified by Sydney Trains are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (3) If required by Sydney Trains, prior to the commencement of new buildings works, the Applicant shall identify via survey or services search rail services along the rail corridor and undertake an assessment of the excavation induced impact on these services.
- (4) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (5) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (6) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (7) The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

- (8) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (9) No rock anchors/bolts are to be installed into RailCorp's property.
- (10) Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.
- (11) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
- (12) Sydney Trains, Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (13) The Applicant must provide a plan of how future maintenance of the retaining wall along the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- (14) Prior to the commencement of works and prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project (including adjoining brick building on rail land) is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (15) Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
- (16) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (17) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

(18) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant shall provide Sydney Trains for endorsement details of the measures to be installed (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(19) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(20) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

(21) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

(22) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

(23) Prior to the commencement of demolition works, the Applicant shall obtain written advice from Sydney Trains as to whether track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to Sydney Trains facilities) is required to be able to undertake the proposed works. Should Sydney Trains advise that track possessions and/or power outages are required, the Applicant must undertake those works as directed by Sydney Trains. The Applicant is advised that the Applicant must enter into a Deed with Sydney Trains, enabling this work to be planned and to proceed in a safe and controlled manner may be required.

(24) Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

- (25) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.
- (26) That the drainage concept plan be amended to reflect either Option 8 or C as shown in Attachment 8 of the RailCorp land owner's consent dated 13 February 2015.
- (27) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review prior to the issuing of a Construction Certificate. (it should be noted that there is to be no landscaping (ie shrubs or trees etc) within the proposed 3m drainage easement area benefitting RailCorp/Sydney Trains (grass turf is permitted)).
- (28) The electricity substation must be located outside the 3m drainage easement area benefitting RailCorp/Sydney Trains.
- (29) That the development includes the provision of access gates for Sydney Trains at the locations shown in Attachment C of the RailCorp land owner's consent dated 13 February 2015.
- (30) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

### **Contributions**

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$458,304.50**. (bo005.doc)

### **Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
  - i The licensee's name and contractor licence number;
  - ii That the licensee has complied with Part 6 of the Home Building Act 1989.

In the case of work to be done by any other person, the Principal Certifying Authority:

- a Has been informed in writing of the person's name and owner builder permit number;

or

b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)

(2) The developer shall lodge with Council a bond of **\$10,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:-

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)

(3) Under the provisions of the Act, work may not commence on the development until the following is carried out:

- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
- b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
- c You **must** notify the Council of the appointment; and
- d You **must** give at least two (2) days notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form. (pt020.doc)

(4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the commencement of any construction work. (pt034.doc)

- (5) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering construction works. (pt045.doc)
- (6) A sign must be erected in a prominent position on any site on which building work is being carried out:
  - a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - 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 work site is prohibited.

**Note:** Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (7) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)

## **Traffic Management**

- (1) A detailed Traffic Management Plan shall be prepared by a certified practicing engineer, be submitted to the Kiama Local Traffic Committee and be endorsed by Council prior to the issuing of any Construction Certificates. The Traffic Management Plan shall include:
  - a) the proposal to relocate the regulatory bus zone (currently located in Manning Street adjacent to the intersection with Bong Bong Street), and
  - b) the proposal to provide an Austroads compliant regulatory combined bus and loading zone, to be located in Manning Street on the southern edge of the proposed development site.

In preparing the Traffic Management Plan, the developer shall provide within the development site for the loss of any on-street car parking.

## **Civil Engineering Design**

- (1) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of

accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);

- b Plan, longitudinal and cross sectional detail shall be provided for the proposed access driveway, circulation aisle, ramps, car parking aisles and car parking modules;
- c The proposed pavement treatment to the access driveway, circulation aisle, ramps, car parking aisles and car parking modules. The minimum surface treatment shall be cement concrete and segmental paving;
- d The location and reduced level of all services under the control of public utilities or agencies;
- e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD). (ced030.doc)

- (2) A Chartered Professional Engineer shall provide details of any retaining walls required to support proposed vehicle parking areas wherever the drop from the edge of the circulation roadway, circulation aisle, parking aisle and ramp to a lower level exceeds 600 millimetre. The designing engineer must certify that the proposed retaining walls can withstand the impact of a vehicle on the safety barrier in accordance with AS 2890 and AS/NZS 1170. The details shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate for that structure. The design detail shall include but is not limited to, plans, sections, provision and method of attachment of safety barriers, method of sub-surface drainage and jointing. (ced060.doc)

## **Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

## **Erosion and Sedimentation Controls / Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
  - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
  - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development. (esc010.doc)

- (3) The developer shall 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. (esc020.doc)

## **Stormwater Management**

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. (sm055.doc)
- (2) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this

to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm060.doc)

- (3) The developer shall provide Chartered Professional Engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to the release of any Occupation Certificate. (sm080.doc)
- (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any of the Occupation Certificate. (sm130.doc)
- (5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate. (sm135.doc)
- (6) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

Detail shall be submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate. (sm150.doc)
- (7) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)

## **Access Construction**

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*". (ac001.doc)
- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)
- (3) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any Occupation Certificate. (ac015.doc)
- (4) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department. (ac020.doc)

### **Vehicular Access, Car Parking and Manoeuvring**

- (1) The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3 and AS 4049.1. (c025.doc)
- (2) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)
- (3) The on-site service vehicle shall meet with the requirements of AS/NZS 2890.1 in relation to on-site manoeuvring, clearance height and loading.
- (4) All vehicles shall enter and exit the development site in a forward direction.
- (5) The development shall meet the minimum design requirements of AS/NZS 2890.1 subsection 2.5.3 *Circulation Roadway and Ramp Grade*.
- (6) All vehicles being loaded and/or unloaded shall stand within the curtilage of the development site. (c085.doc)
- (7) All car wash bays are to be clearly delineated and sign posted.

### **Civil Engineering Construction**

- (1) The footpath and access driveways within Manning Street and Bong Bong Street, and immediately adjoining the development site shall be prepared and paved using the segmental paving bricks complying with Kiama Municipal Council's *Kiama Town Centre Strategy* (NB: footpath paving shall be Claypave Regal Tan 90° Herringbone pattern with soldier course at kerb).

Landscape plans detailing soft and hard landscaping including materials and colours of all paved vehicular and pedestrian areas shall be submitted to Council for assessment, prior to the issuing of a Construction Certificate. (cec005.doc)

- (2) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties. (cec015.doc)
- (3) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail. (cec025.doc)
- (4) No vibratory rollers are to be used during the construction of this civil engineering work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority. (cec030.doc)

## **Inspections**

(1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

## **Building Construction**

(1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)

(2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)

(3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)

(4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)

(5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:

- Preserve and protect the building from damage;
- Underpin and support the building in an approved manner, if necessary, and;
- At least seven (7) days before excavating 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 to the owner of the proposed work. (bu100.doc)

(6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.

(7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)

(8) Construction work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday	- 7.00 am to 6.00 pm
Saturdays	- 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

(9) The Waste Management Plan shall be strictly adhered to at all stages during the construction work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

## **Utility Servicing**

(1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)

(2) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "*A Model Agreement for Local Councils and Utility/Service Providers*" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area. (us035.doc)

(3) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

(4) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Manning Street and Bong Bong Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main.

A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate. (us050.doc)

## **Landscaping Works**

(1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)

(2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)

(3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)

(4) Footpath paving shall be Claypave Regal Tan 90° Herringbone pattern with soldier course at the kerb.

(5) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

## **Prior to Occupation**

(1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

(2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)

(3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

**NOTE:** A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

(4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate. (po010.doc)

(5) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail. (sf050.doc)

(6) Prior to the issue of any Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section.

## **Advertising Signage**

(1) A Development Application, where required, shall be submitted to Council and approval obtained prior to the erection of any advertisement or advertising structure.

## **Conveyancing Requirements**

(1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

# **Amended Plan Set**

**2015STH005 (DA 10.2015.28.1)**

Mixed Use Development  
28 Bong Bong Street Kiama

# PROPOSED MIXED USE DEVELOPMENT

AT

# CNR MANNING AND BONG BONG STREETS KIAMA

## NaTHERS THERMAL PERFORMANCE

External Walls					
Wall Type	Insulation	Colour	Comments		
Hebel Panel	R1.5	Med - SA 0.475 - 0.7	Throughout		
SA - Solar Absorptance					
Internal Walls					
Wall Type	Insulation	Comments			
Plaster board on Stud	None	Internally in units			
Hebel Panel	R1.5	Party walls and lobby/common area walls			
Floors					
Floor Type	Insulation	Comments			
Concrete	R1.0	All units with floor suspended over carpark			
Concrete	None	All units with other unit or retaiel below			
Ceilings					
Ceiling Type	Insulation	Comments			
Plasterboard	None	Throughout			
Any insulation loss due to ceiling penetrations for lights, ceiling fans and the like must be offset by increasing the remaining insulation in accordance with the BCA. Insulation loss due to ceiling penetrations has not been included in this assessment.					
Roof					
Roof Type	Insulation	Colour	Comments		
Concrete	R3.0	Med - SA 0.475 - 0.7	Throughout		
SA - Solar Absorptance					
Windows					
Window Type	U-Value	SHGC	Comments		
Single Clear Aluminium	6.57	0.74	Throughout except as below		
			Units		
Single Clear Aluminium	4.7	0.63	A101,A201,A301,A104,B102,B104,C102,C104,D102,D104,E102,E104		
Skylights					
Skylight Type	U-Value	SHGC	Comments		
Single Clear Aluminium	6.57	0.74	Throughout		
Window and skylight U and SHGC values, if specified, are according to NFRC. Alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above.					

## ARCHITECTURAL DRAWING SCHEDULE

No.	DESCRIPTION	SCALE @ A1
A00	TITLE SHEET	NTS
A01	SITE ANALYSIS	NTS
A02	SITE PLAN	1:200
A03	BASEMENT FLOOR PLAN	1:200
A04	GROUND FLOOR PLAN	1:200
A05	LEVEL 1 FLOOR PLAN	1:200
A06	LEVEL 2 FLOOR PLAN	1:200
A07	LEVEL 3 FLOOR PLAN	1:200
A08	ROOF PLAN	1:200
A09	ELEVATIONS 1 OF 2	1:200
A10	ELEVATIONS 2 OF 2	1:200
A11	SECTIONS 1 OF 2	1:200
A12	SECTIONS 2 OF 2	1:200
A13	PRE AND POST ADAPTION PLAN 1 OF 2	1:50
A14	PRE AND POST ADAPTION PLAN 2 OF 2	1:50
A15	SHADOW ANALYSIS	NTS
A16	MATERIALS AND COLOURS SCHEDULE	NTS
A17	ARTISTS IMPRESSION	NTS

## DEVELOPMENT SUMMARY

SITE AREA	5488.00 m <sup>2</sup>
PERMISSABLE FSR	2.1
PERMISSABLE FLOOR AREA	10976.00 m <sup>2</sup>
PROPOSED FSR	1.961
RESIDENTIAL + RETAIL	
GROUND	2211.44m <sup>2</sup>
LEVEL 1	3040.06m <sup>2</sup>
LEVEL 2	2965.36m <sup>2</sup>
LEVEL 3	2565.90m <sup>2</sup>
TOTAL PROPOSED FLOOR AREA	10786.76 m <sup>2</sup>
PARKING	
RESIDENT CARS	117
VISITOR CARS	15
RETAIL CARS	61
RESIDENTS BICYCLES	25
VISITORS BICYCLES	10
OTHER	-

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admbb St. Wollongong NSW 2500 PO Box 3061 Wollongong  
9322 1888 1300 366 333 [www.adm.com.au](http://www.adm.com.au)

Client  
**NICOLAS DAOUD**  
& Co PTY. Ltd

ject  
**PROPOSED MIXED USE  
DEVELOPMENT**  
NR. MANNING & BONG BONG  
STREETS, KIAMA

le	NTS		
te	AUGUST 2015		
own	LD	SP	chkd
			ADM
Drawing			
DEVELOPMENT APPLICATION			
ITLE SHEET			
Object No.	Drawing No.		issue
014-15	A00		D

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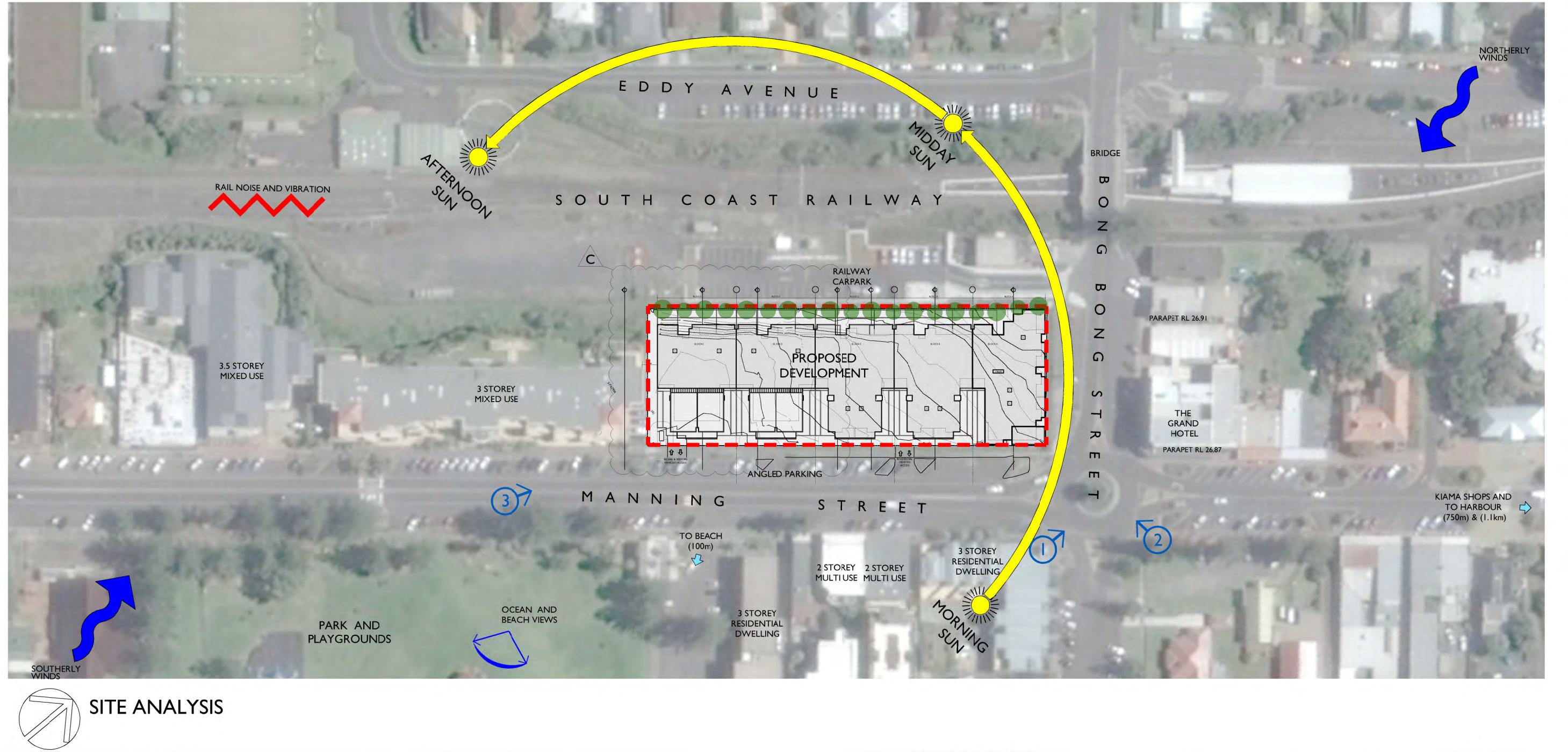
PHOTO 1 - THE GRAND HOTEL



PHOTO 2 - CNR OF MANNING AND BONG BONG STREET



PHOTO 3 - ADJOINING BUILDING MANNING STREET



ISSUE	DATE	DESCRIPTION	Initials	ckhd
C	19.08.15	AMENDED IN RESPONSE TO IRPP DETERMINATION	SP	
B	21.05.15	AMENDED FOR DEVELOPMENT APPLICATION	ADM	
A	16.02.15	ISSUED FOR DEVELOPMENT APPLICATION	SP	

**sign**  
date  
COS  
CF  
CEILING FAN  
CHECK ON SITE  
EX  
EXISTING  
CIO  
CUPBOARD  
CC  
CONCRETE COLUMN  
END  
EXPANSION JOINT  
GL  
GROUND LINE  
GRAB RAIL  
RBC  
BARGE CAMPING  
RBR  
BARGE ROOF  
RL  
REDUCED LEVL

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**Discrepancies in Dimensions/Positions/Locations/Finishes**: The Contractor is to verify all dimensions and locations on site. ADM Architects is to be present at physical construction or setting out so that ADM Architects is given the opportunity to resolve potential discrepancies or conflicts in sufficient time without causing abortive work. The Contractor shall be responsible for notifying ADM Architects of any such discrepancy or conflict that arises on site.

**Code of Practice**: The Code of Practice is to be used in conjunction with the full set of consultant's drawings, specifications, reports and DA conditions.

**Nominated Architect**: The nominated Architect for ADM Projects (Australia) Pty Ltd TAS ADM Architects is Angelo Di Martino ARB No.7608

**Energy Rating**

**Certificate Number**: 16450052

**heating**: 58.6 MJ/m<sup>2</sup>

**cooling**: 13.9 MJ/m<sup>2</sup>

**Assessor Name/Number**: Dean Gorman WIC/BDAA/13/1645

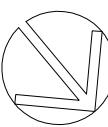
**Assessor Signature**:

**Date**: 15 Oct 2015

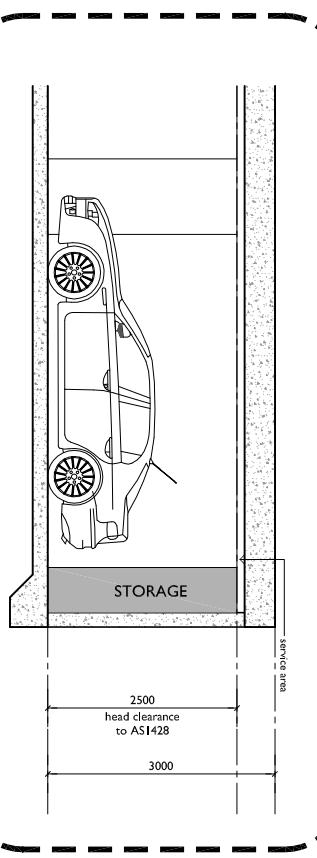


94 Kembla St. Wollongong NSW 2500 PO Box 3061 Wollongong ph: 02 4228 6400 fax 02 4228 6455 www.admarchitects.com.au

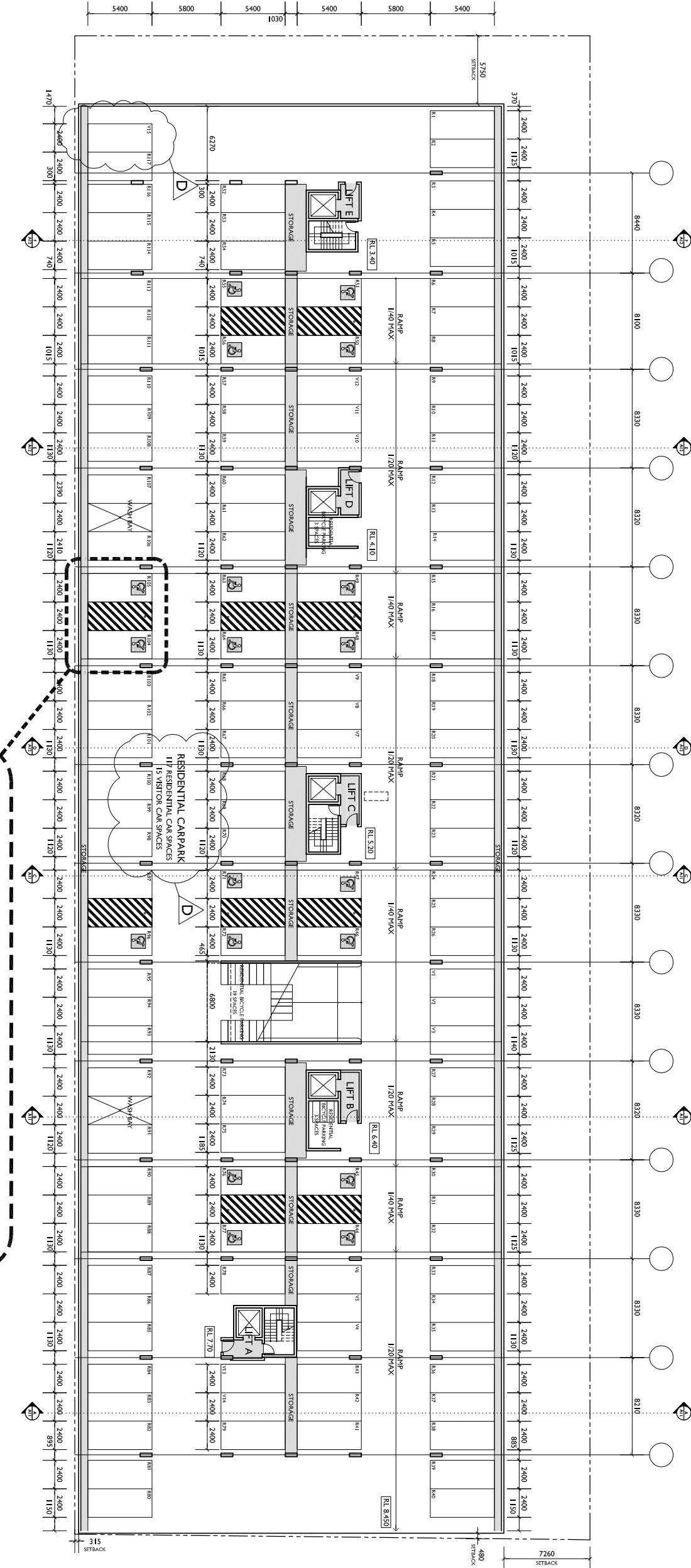




BASEMENT FLOOR PLAN



## ADAPTABLE SPACE TYPICAL SECTION @1:50



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**DISCREPANCIES IN DIMENSIONS/POSITIONS.** Contractor is to verify any dimensional location or position of any part of the structure. Architects prior to any physical construction or alteration of any part of the structure, are to have the opportunity to inspect the work. The contractor is to advise the architect of any discrepancies or omissions in the drawings. The contractor is to notify the architect of any such discrepancies or omissions in the drawings and the architect is to correct the same. The contractor is to be responsible for the coordination of all work. These drawings are to be interpreted in conjunction with the full set of the architect's drawings.

**NOMINATED ARCHITECT.** The nominated architect is to be responsible for the drawings and the interpretation of the drawings.

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ARC

JD

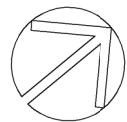
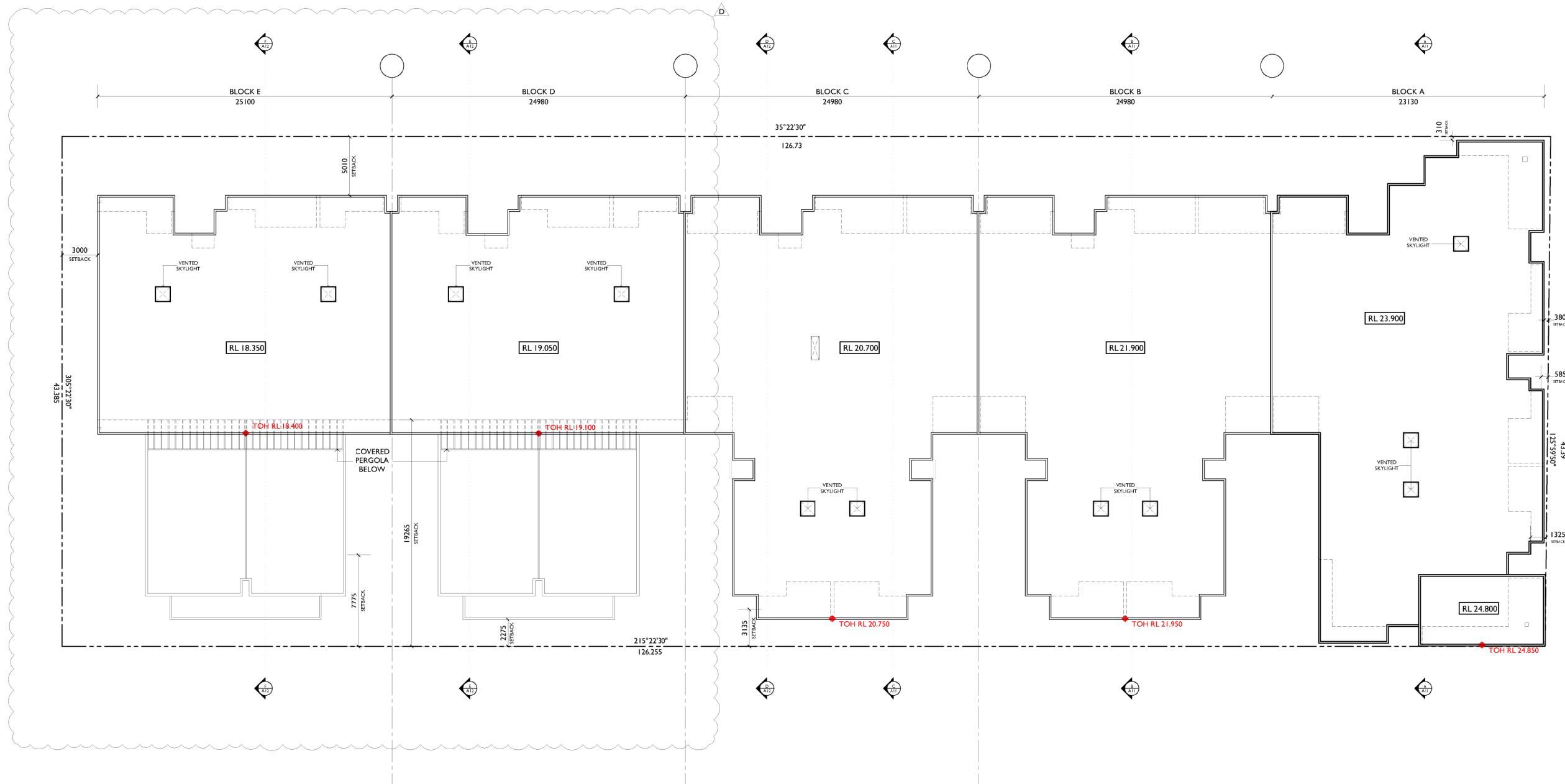
Project  
**PROPOSED MIXED USE  
DEVELOPMENT**  
t  
CNR MANNING & BONG BONG  
STREETS, KIAMA







## LEVEL 3 FLOOR PLAN



ROOF PLAN

		LEGEND	
BAL	BALUSTRADE - METAL	CEG	FIBRE CEMENT CEILING
BUD	BUD	CEG	FIBRE CEMENT
BHO	BULK HEAD OVER	FCB	BROOM FINISHED CONCRETE
BRW	BRICK RETAINING WALL	FCP	CONCRETE
BTH	BATHTUB	FCT	CERAMIC FLOOR TILES
BTS	BATHTUB SINK	FGR	COOK TOP
BTR	BATHTUB	FGR	PLASTERBOARD CEILING
BW	BUILDING OVER	FGR	PLASTERBOARD CLADDING
BU	BUILDING UNDER	FGR	PLASTERBOARD CLADDING
CWU	COLD WATER UNIT	DTR	TOILET PAPER DISPENSER
CIO	CUPBOARD	DTR	TOILET PAPER DISPENSER
CC	CONCRETE COLUMN	EDB	EXISTING GROUND LINE
END	END	EDB	EXISTING GROUND LINE
EXP	EXPANSION JOINT	GL	GROUND LINE
GR	GRAB RAIL	GL	GROUND LINE
GRB	GRAB RAIL	PC	PAVING CONCRETE
HR	HANDRAIL	PC	PAVING CONCRETE
HRB	HANDRAIL	PCB	PAVING CONCRETE
HL	HOSE COCK	PCB	PAVING CONCRETE
EX	EXISTING	PL	PLASTERBOARD
CFF	CEILING FAN	PL	PLASTERBOARD
COS	CHECK ON SITE	PL	PLASTERBOARD
EMB	ELECTRICAL METER BOARD	PL	PLASTERBOARD
EX	EXISTING	PL	PLASTERBOARD
HR	HANDRAIL	PL	PLASTERBOARD
RL	REDUCED LVL	PL	PLASTERBOARD

These drawings are not to be scaled. Figured dimensions shall be used in all cases.

sign date

date

Energy Rating	
Certificate Number: 16450052	
<input type="checkbox"/> single-dwelling rating <span style="float: right;">5.8 stars</span>	
<input checked="" type="checkbox"/> multi-unit development (attach listing of ratings) <span style="float: right;">heating 68.6 MJ/m<sup>2</sup>, cooling 13.9 MJ/m<sup>2</sup></span>	
If selected, data specifies the average across the entire development	
Recessed downlights confirmation: <input type="checkbox"/> Rated with <input checked="" type="checkbox"/> Rated without	
Assessor Name/Number: Dean Gorman VIC/BDAA/13/1645	
Assessor Signature: 	
Date: 15 Oct 2015	

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CODES AND OFFICIALS - These drawings are to be used in conjunction with the full set of consultant's drawings, specifications, reports and DA conditions.

NOMINATED ARCHITECT - The nominated Architect for ADM Projects (Australia) Pty Ltd T/A/ADM Architects is Angelo Di Martino ARB No.7608

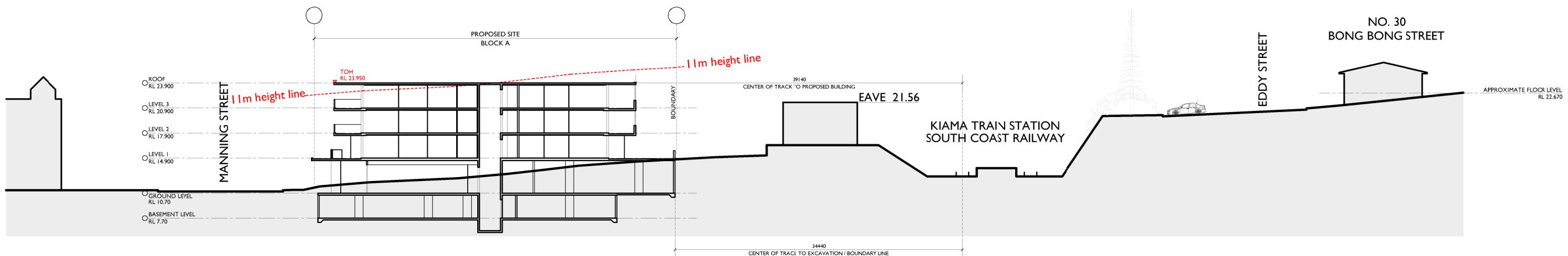


Client: NICOLAS DAOUD & Co PTY. Ltd  
Project: PROPOSED MIXED USE DEVELOPMENT  
at: CNR MANNING & BONG BONG STREETS, KIAMA  
Drawing: ROOF PLAN  
Project No.: 2014-15 Drawing No.: A08 issue: C

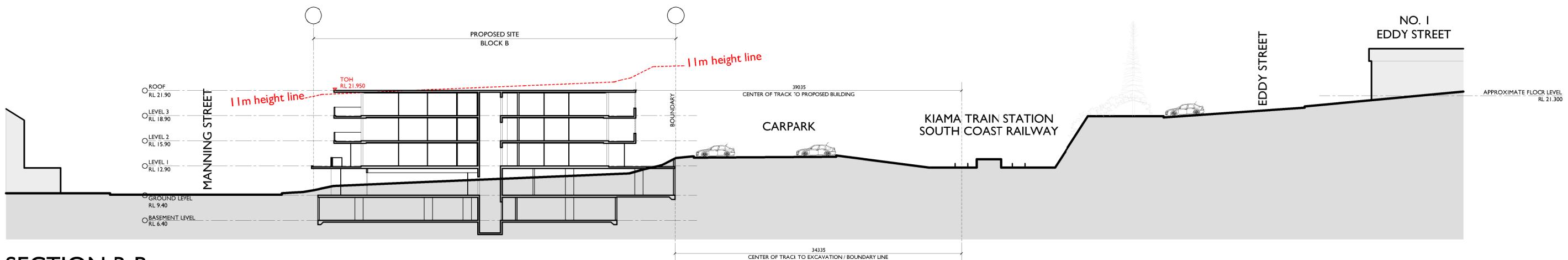
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date: AUGUST 2015  
drawn: LD SP chkd: ADM  
drawing:  
DEVELOPMENT APPLICATION  
ROOF PLAN  
Project No.: Drawing No.: issue  
2014-15 A08 C



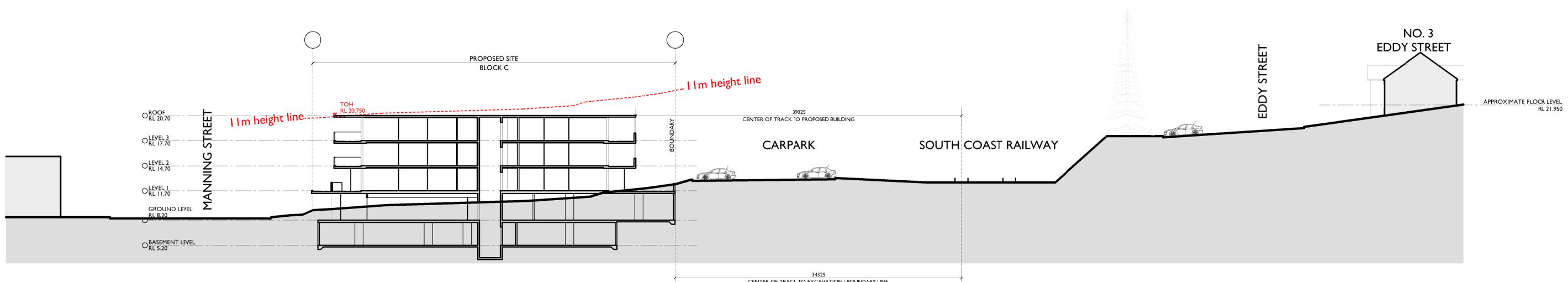




**SECTION A-A**  
**THROUGH NO. 30 BONG BONG STREET**



**SECTION B-B**  
THROUGH NO. 1 EDDY STREET



## SECTION C-C



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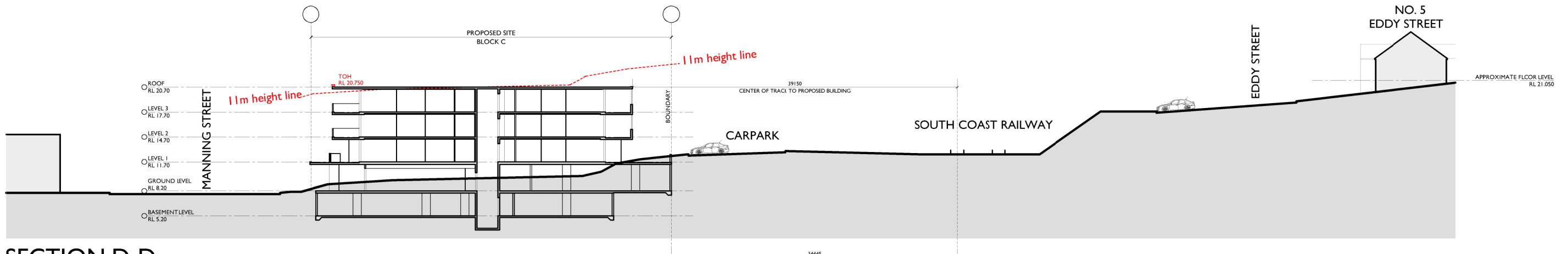
**NOTIFICATION OF DEFECTS** - ADM Architects, ADM Project Managers, ADM Engineers and ADM Surveyors.

adm  
ADM SUGAR CO.

Client	Project	Site
<b>NICOLAS DAOUD Co PTY. Ltd</b>	<b>PROPOSED MIXED USE DEVELOPMENT</b> at <b>CNR MANNING &amp; BONG BONG STREETS, KIAMA</b>	<b>S C C C C D D S F C C</b>

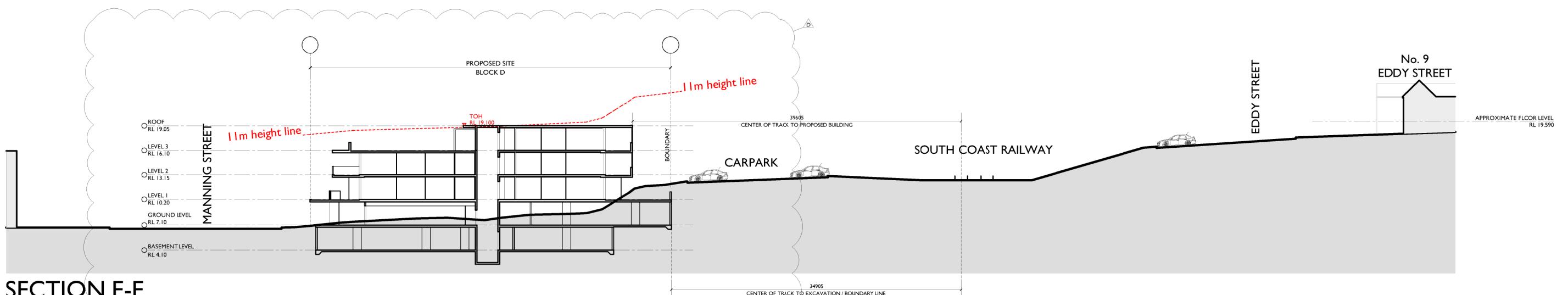
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date AUGUST 2015  
rawn LD SP chkd ADM  
rawing  
DEVELOPMENT APPLICATION  
SECTIONS 1 of 2  
Project No. Drawing No. issue  
2014-15 A-1 1

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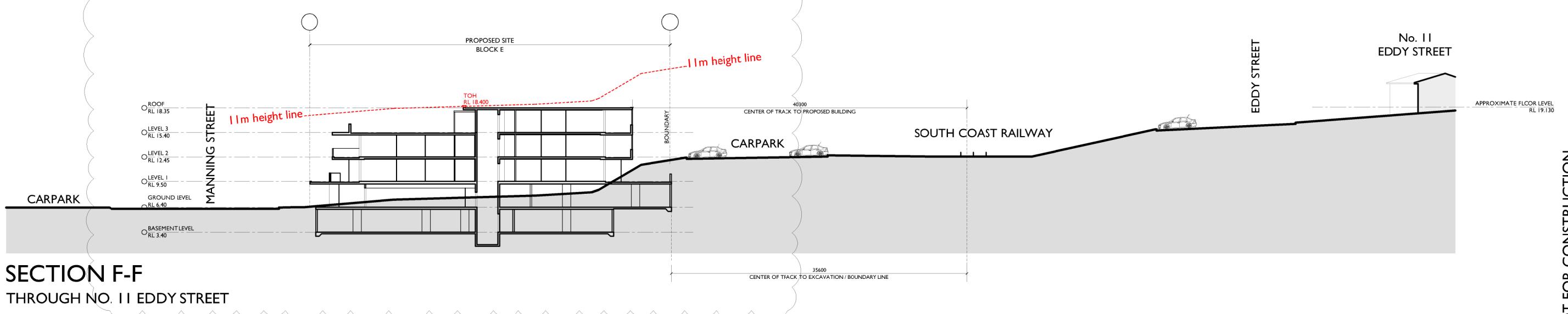
## SECTION D-D

THROUGH NO. 5 EDDY STREET



## SECTION E-E

### THROUGH NO. 9 EDDY STREET



# SECTION F-F

## THROUGH NO. 11 EDDY STREET



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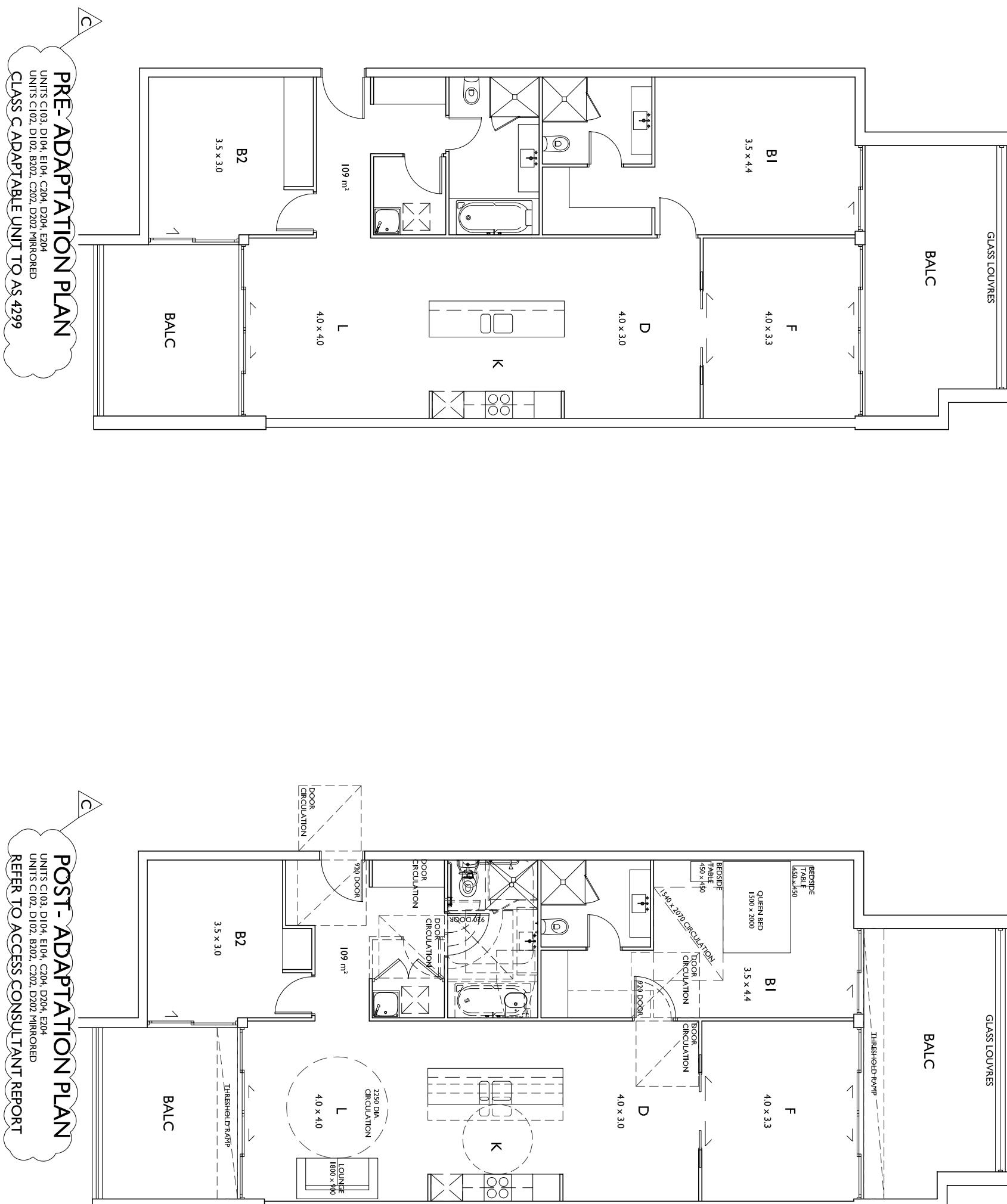
**NOMINATED ARCHITECT** - The nominated Architect for ADM Projects.

adm  
ARCHITECTS

Client	Project
<b>NICOLAS DAOUD &amp; Co PTY. Ltd</b>	<b>PROPOSED MIXED USE DEVELOPMENT</b> at <b>CNR MANNING &amp; BONG BONG STREETS, KIAMA</b>

scale	1:400 @ A1		1:800 @ A3	
date	AUGUST 2015			
drawn	LD	SP	chkd	ADM
drawing				
DEVELOPMENT APPLICATION				
SECTIONS 2 of 2				
Project No.			Drawing No.	issue
2014-15			A12	D

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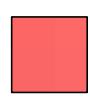


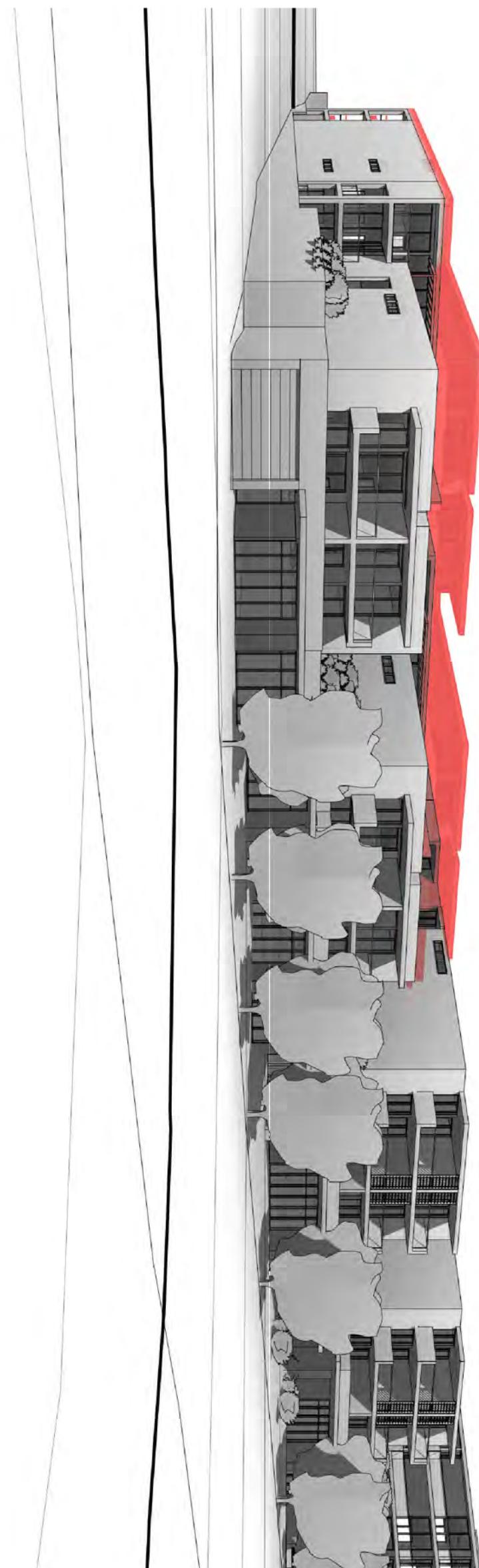
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3D MODEL

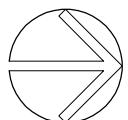
 BUILDING MASS DELETED



**adm**  
ARCHITECTS

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Ph: 02 4228 6400 Fax: 02 4228 6455 [www.admprojects.com.au](http://www.admprojects.com.au)

ISSUE A - 20.08.2015



SHADOW ANALYSIS COMPARISON  
JUNE 21ST

AMENDED AND CURRENT PROPOSAL      PREVIOUS PROPOSAL

