

DETERMINATION AND STATEMENT OF REASONS
SOUTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	23 November 2016
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Andrew Kelly, Mark Carlon
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Wollongong City Council, 41 Burelli St, Wollongong on Wednesday, 23 November 2016, opened at 2.05 pm and closed 2:27pm.

MATTER DETERMINED

2016STH017 – Wollongong – DA-2016/591 at 78-80 Keira Street, 82-84 Keira Street, 90 Keira Street, 65 Flinders Street, 73-75 Flinders Street, 65 Flinders Street, 74-76 Keira Street and 87 Campbell Street, WOLLONGONG (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was Unanimous.





REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will contribute to the range and availability of housing supply in the Wollongong Local Government Area. The housing will have good access to amenities, such as public transport, shopping and employment.
2. The Panel determined that the proposed development as appropriate having regard to the objectives of the B6 Enterprise Corridor zone.
3. The proposal complies with the essential criteria and intent of the relevant State Environmental Planning Policies, the Wollongong Local Environmental Planning Policy 2009 and Wollongong Development Control Plan 2009 (as listed in Schedule 1, part 6).
4. The proposed development has been designed appropriately given the constraints and characteristics of the site, and is consistent with the existing and desired future character of the area.
5. The Panel considers that the development is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as amended in the meeting and attached as Schedule 2.

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Andrew Kelly	 Mark Carlon

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH017 – Wollongong – DA-2016/591
2	PROPOSED DEVELOPMENT	Shop-top housing development comprising construction of four x 7-8 storey buildings containing total 221 residential apartments, 330 parking spaces and eight business tenancies
3	STREET ADDRESS	78-80 Keira Street, 82-84 Keira Street, 90 Keira Street, 65 Flinders Street, 73-75 Flinders Street, 65 Flinders Street, 74-76 Keira Street and 87 Campbell Street, WOLLONGONG
4	APPLICANT/OWNER	Edmiston Jones/Wollongong City Council
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP No. 55 – Remediation of Land SEPP No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004 SEPP (Infrastructure) 2007 SEPP (State and Regional Development) 2011 Wollongong Local Environmental Plan (WLEP) 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Wollongong Section 94A Development Contributions Plan 2015 Reg 92 (see sec 2.1, 2.6) Design Review Panel Planning agreements: Nil Environmental Planning and Assessment Regulation 2000: Nil

		<ul style="list-style-type: none"> • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 8 November 2016 • Written submissions during public exhibition: 5 • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Mark Jones & Gabe Reed (Architects Edmiston Jones GBB) and Terry Wetherall (TCW Consulting)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site visit on 18 November 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report with modified conditions 13, 15, 17, and 29

SCHEDULE 2

Attachment 6 Draft conditions of consent DA-2016/591

Approved Plans and Specifications

1) [To be completed by Council]

General Matters

2) Shop Top Housing Definition

As required by the Wollongong Local Environmental Plan 2009 (WLEP 2009) 'shop top housing' definition, the ground floor units must be occupied, or advertised only for occupation, by business premises or retail premises, as defined in WLEP 2009.

3) Geotechnical

- a) An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks.
- b) All recommendations of the report dated 23 July 2013 by Parsons Brinckerhoff and any supplementary geotechnical report are to be accommodated in the earthworks plan.
- c) All earthworks including drainage and retaining wall construction is to be subject to geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- d) Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.

- e) There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
 - f) Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
 - g) At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- 4) Separate development consent must be obtained prior to use of any business and retail areas within the development.
- 5) Water Cycle/Stormwater Quality Management
- a) The water cycling management treatment nodes shall be constructed as per the Jones Nicholson Consulting Engineers '*DA Stormwater Design Report*' dated 5 September 2016 water cycle management study to achieve the treatment goals for removal of pollutants and nutrients which shall be: Gross Pollutants (GP) – 90%, Total Suspended Solids (TSS) – 80%, Total Phosphorus (TP) – 60% and Total Nitrogen (TN) – 45%;
 - b) It is the owners/strata management's responsibility to maintain the water cycle management infrastructure and undertake regular servicing of gross pollutants.
- 6) All works and traffic control facilities in Flinders Street shall be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors is located at <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>
- 7) Building Work - Compliance with the Building Code of Australia
- All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 8) Construction Certificate
- A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.
- A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.
- Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within two (2) days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.
- 9) Disability Discrimination Act 1992
- This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.
- It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 10) Separate Consent Required for Advertising Signage
- This consent does not authorise the erection of any advertising signage. Any advertising signage will require separate Council consent in the event that the signage is not exempt development. Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 11) Maintenance of Access to Adjoining Properties
- Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.
- 12) Occupation Certificate

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

Prior to the Issue of the Construction Certificate

13) Flinders, Campbell and Keira Streets – Detailed Civil Engineering Design

A detailed civil engineering design shall be provided for the proposed footpath works in Flinders, Campbell and Keira Streets. 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 include:

- a) Levels and details of existing and proposed infrastructure such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway and footpath levels, and shall extend a minimum of 10 metres beyond the limit of works.
- b) Footpath longitudinal sections, and cross-sections at regular intervals including building entrance points 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) Cross sections of the design must be from the crown of the road and continue past the property boundary with a maximum chainage of 10m per cross section.
- 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 Code and the Wollongong City Council City Centre Public Domain Technical Manual. Where 'Sante Fe, Illiad' by Adbri Masonry Pty Ltd is unavailable, 'Stradapave' by Adbri Masonry Pty Ltd in a honed finish may be used. Evidence that this requirement has been met must be detailed on the engineering drawings.

The detailed civil engineering design and supporting documentation shall be submitted to Wollongong City Council's Development Engineering Manager for approval prior to the issue of the construction certificate, other than a construction certificate for remediation or bulk excavation.

14) Footpath Levels

Footpath levels must be obtained from Council's Development Assessment and Certification Division prior to the issue of the Construction Certificate. The approved footpath levels shall be reflected on the Construction Certificate plans. All such structures and internal driveways shall be constructed to these approved levels.

15) Road Reserve – Footpath Levels/Gradients

Entry point floor levels of the development shall be designed to match Council and Roads and Maritime Services footpath levels at the property boundary. Footpath crossfalls from the back of the kerb to the property boundary shall be maintained at maximum 2.5% for the full frontage of the development to the road reserve. This requirement shall be reflected on the construction certificate plans and associated documentation and submitted to Council's Development Engineering Manager prior to the issue of the Construction Certificate.

16) Street Trees

The developer must address all three street frontages by installing street tree planting. The number and species for this development are as follows:

Flinders Street

200 litre size *Brachychiton acerifolius*.

Keira Street and Campbell Street

200 litre size *Tristanopsis laurina* 'Luscious'

Tree pit detailing is to be in accordance with the City Centre Public Domain Technical Manual. Dial Before You Dig 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 or other existing services.

Tree pits must be installed to the satisfaction of WCC Manager Design and Technical Services.

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

17) Footpath Paving

The developer is responsible for the construction of footpath paving for the entire frontage (Campbell, Flinders and Keira Streets) of the development for the full width of the verge. The paving for this development is to be in accordance with the City Centre Public Domain Technical Manual. Where 'Sante Fe, Illiad' by Adbri Masonry Pty Ltd is unavailable, 'Stradapave' by Adbri Masonry Pty Ltd in a honed finish may be used.

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.

Driveway entry threshold finish from property boundary line to face of kerb shall match the footpath and be designed to withstand predicted traffic loadings.

Driveway threshold finish within property boundary line shall contrast with driveway entry.

Footpath must be installed to the satisfaction of Council.

A Landscape Plan is to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.

18) Works Authorisation Deed

Prior to issue of the Construction Certificate, the developer must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services (RMS) for all works on Flinders Street. Any new services or modifications to existing services associated with this development that involves works on, over or under Flinders Street must be incorporated into and managed under the Works Authorisation Deed for the project. It is the developer's responsibility to identify these works to the relevant RMS project manager.

19) A graffiti management strategy is required to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. This strategy shall include methods to prevent graffiti from being applied where it is visible from public roads, and detail removal methods, the persons responsible for removal and scheduling of removal.

20) Lighting of car parking areas shall be in accordance with AS/NZS1158. Transition lighting from dark to light areas and light to dark areas of the carpark should be of adequate flux to prevent 'blindness' of drivers. Details of proposed lighting shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

21) Dilapidation Report Prior to Construction

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

22) Excavation and Retaining Structures Adjacent to a Public Road

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 provided to Wollongong City Council and the Principal Certifying Authority prior to the issue of the Construction Certificate. The design must be prepared by a suitably qualified civil engineer with experience in structural design and NPER 3 accreditation, in accordance with the RMS Technical direction GTD 2012/001. The design must clearly show that all components of the retaining structure and associated drainage are wholly located within the development site. The following additional documentation must accompany the design:

- a) A geotechnical report prepared by a suitably qualified and practising engineer in accordance with RMS Technical direction GTD 2012/001. The report must also certify that the structural design is in accordance with the recommendations of the geotechnical report;
- b) A dilapidation survey of the existing Council infrastructure, including CCTV footage of any existing stormwater drainage infrastructure fronting the subject site to the next downstream pit;
- 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 2012/001.

23) Proposed Levels

Proposed levels to Australian Height Datum (AHD), including floor, ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

24) Permit to Enter and Exit Construction Site

Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993. Where it is proposed to carry out activities such as construction vehicles entering and leaving the site from a public road reserve and/or installation of a fence or hoarding, a permit must be obtained from Council's Development Assessment and Certification Division prior to the issue of the Construction Certificate.

25) Ground Anchors

Permanent ground anchors are not permitted within the road reserve. Temporary ground anchors can only be used where the Roads Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.

26) Street Furniture

Any street furniture installed must comply with the City Centre Public Domain Technical Manual for Core and Civic Streets. Details of street furniture are to be included in a Landscape Plan is to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.

27) Car Parking and Access

The development shall make provision for the following car parking, motorcycle and bicycle parking spaces.

Total: cars 330, bicycles 108 and motorcycles 19.

Residential

233 residential car parking spaces (comprised of 189 resident spaces 44 residential visitor spaces)

92 secure residential bicycle spaces (comprised of 74 resident spaces and 18 residential visitor spaces)

15 motorcycle spaces (for residents, no requirement for residential visitor spaces)

Non-residential

97 car parking spaces (includes staff and customers/visitors)

16 secure bicycle space (comprised of 13 staff and 3 customers/visitors)

4 motorcycle spaces

This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers requires a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times, including their designated use as residential and non-residential. Adequate security measures to limit access to spaces by unauthorised persons must be implemented at all times. The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

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

29) Noise Attenuation Building Design

Prior to issue of the Construction Certificate, details are to be provided to the Principal Certifying Authority demonstrating that the building would achieve internal noise levels not exceeding those prescribed in State Environmental Planning Policy (Infrastructure) 2007.

The relevant LAeq levels are:

- in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

- anywhere else in the residential areas of the building (excluding a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

- 30) Suitable barriers, line-marking and painted signage delineating vehicular flow movements are required within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 31) A change in driveway paving is required at the entrance threshold to clearly show motorists they are crossing a pedestrian area. The developer must construct the paving in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
- 32) Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls and dense planting. This requirement shall be reflected on the Construction Certificate plans.
- 33) The depth and location of all services (i.e. gas, water, sewer, electricity, telephone, stormwater etc.) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 34) 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 and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). This requirement shall be reflected on the Construction Certificate plans.
- 35) Detailed Drainage Design
A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009 and conditions listed under this consent.
- 36) Protection of Building from Surface Runoff
The development shall be designed such that adequate protection is provided to the building against the ingress of upslope surface run-off in any rainfall event. This design shall also ensure there are no adverse effects to adjoining properties or upon the subject land as a result of flood or surface run-off. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
- 37) On Site Stormwater Detention - Design Criteria
The on-site stormwater detention facility must incorporate a minimum 900mm square lockable grate for access and maintenance purposes, provision for step irons where required, provision for safety, debris control screen and a suitably graded invert to prevent ponding (i.e., no sump). Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.
- 38) On Site Stormwater Detention – Identification
Details shall be provided of a corrosion resistant identification plaque for location on or close to the on-site detention (OSD) facility. The plaque shall include the following information:
The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
identification number [DA-2016/591]
any specialist maintenance requirements.
- 39) Orifice Plate Design and Installation
The orifice plate shall be designed and installed such that the orifice invert matches the invert level of the On Site Detention (OSD) control pit. This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.
- 40) Roofwater Drainage
All roof gutters/sumps and downpipes shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 (2003) – Plumbing and Drainage (Stormwater Drainage).

Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.

- 41) The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of the Wollongong DCP2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

42) On-Site Detention – Structural Design

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

43) On-Site Detention - Maintenance Schedule

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

- 44) A dedicated pit and pipe system shall be provided to drain the low point along the eastern side of the proposed building, designed to collect and convey the upslope runoff to Council's existing stormwater drainage system. The dedicated pit/pipe system shall be designed to capture and convey the full 100 year ARI flow rate from all of Lots 1-2 DP 544681 and Lot 12 DP 840017, with allowance for pit blockage in accordance with Section 7.2 of Chapter E14 Wollongong Development Control Plan 2009 (i.e. 50% blockage for sag pits). A catchment plan and hydrologic/hydraulic calculations for the upslope catchment area and dedicated pit/pipe system in accordance with Section 13.1(1)(b) of Chapter E14 shall be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

- 45) Prior to issue of the Construction Certificate, a revised stormwater concept plan shall be submitted to the Principal Certifying Authority demonstrating that the development does not allow ingress of stormwater into the proposed building in the event of a blockage/overload of the piped system.

- 46) Prior to issue of the Construction Certificate, a revised stormwater concept plan shall be submitted to the Principal Certifying Authority demonstrating compliance with Section 12.5.5(7) of Chapter E14 Wollongong Development Control Plan 2009. Provision needs to be made in the design of the storage for overflows from storms more severe than the design storm or for blockages in the system. Overflows should be directed to a flow path through the development so that buildings are not inundated nor are flows concentrated on an adjoining property.

- 47) Revised plans shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate demonstrating overflow paths are provided to allow for flows in excess of the piped drainage system or for blockages in the system and each proposed floor level should be set with a suitable freeboard above the adjacent local blocked pipe situation 100 year ARI water level.

- 48) Prior to issue of the Construction Certificate, a revised stormwater concept plan shall be submitted to the Principal Certifying Authority demonstrating the existing pit invert and grate levels shown on the stormwater external works plan for the road reserve drainage works are inconsistent with the submitted drainage survey plan by Craven Elliston & Hayes dated 26 February 2016.

- 49) Prior to issue of the Construction Certificate, a revised stormwater concept plan shall be submitted to the Principal Certifying Authority demonstrating there is sufficient cover to facilitate the proposed upgraded (larger) pipes within the road reserve. Council will not accept proposed road drainage pipes with insufficient cover.

- 50) Prior to issue of the Construction Certificate, a revised stormwater concept plan shall be submitted to the Principal Certifying Authority demonstrating that the basement car parking area will not collect external runoff, in accordance with Section 11.3.11 of Chapter E14 Wollongong Development Control Plan 2009. The water to be pumped from the basement car park shall be limited to sub-soil drainage, vehicle wash water, and runoff from the driveway that drains towards the basement.

51) Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Builders and Developers" section of the web site

www.sydneywater.com.au then search to "Find a Water Servicing Coordinator". Alternatively, telephone 13 20 92 for assistance.

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

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

52) Endeavour Energy Requirements

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

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

53) Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

54) In order to maximise visibility in the basement carpark, adequate areas of the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

55) Prior to release of the Construction Certificate, a final Landscape Plan shall be submitted to the Principal Certifying Authority. The final Landscape Plan shall address the following requirements:

- a) consistency with architectural plans;
- b) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- b) the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees.

The completion of the landscaping works in accordance with the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

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

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

58) Property Addressing Policy Compliance

Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's Property Addressing Policy (as amended). Where appropriate, the developer must also lodge a written request to Council's Infrastructure Systems & Support - Mapping Services Section, for the site addressing prior to the issue of the construction certificate.

59) Section 94A Levy Contribution

The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to \$1,027,446.60 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The

Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 110.4. The following formula for indexing contributions is to be used:

Contribution at time of payment = \$C x (CP2/CP1)

Where:

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website Catalog No. 6401.0 - Consumer Price Index, Australia.

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 717585	Credit Card
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	Cash Credit Card Bank Cheque
PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted)		

A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

The reason for Section 94A is to provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council

Prior to the Commencement of Works

60) Construction Environmental Management Plan

Prior to commencement of works, the developer shall submit the Construction Environmental Management Plan (CEMP) prepared by Coffey dated 28 August 2014 to the Principal Certifying Authority. These works shall be undertaken prior to issue of the Occupation Certificate.

61) RMS is the roads authority for works on Flinders Street. Consent under section 138 of the Roads Act 1993 must be obtained from RMS prior to works commencing. The developer is required to submit detailed design plans and all relevant additional information to RMS prior to undertaking any work in Flinders Street and pay all RMS associated fees and charges. In the first instance, the developer should email the conditions of consent to WAD.suthern@rms.nsw.gov.au.

62) Prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road, the developer must apply for and obtain a Road occupancy Licence (ROL) from RMS Traffic Operations Unit (TOU).

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 is also required from the TOU. The developer must submit the ROL application at least ten business days before commencing work. It should be noted that receiving an approval for the ROL within ten business days is dependent upon providing RMS an accurate and compliant TMP.

An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the relevant RMS Project Manager.

63) Soil Material Disposal Plan

Prior to commencement of works, the developer shall submit an excavated soil material disposal plan to the Principal Certifying Authority, with the batching, sampling and analysis procedures in accordance with NSW Government DECCW (2009) *Waste Classification Guidelines*. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

- 64) Appointment of Principal Certifying Authority
- Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
 - b) notify Council in writing of their intention to commence work (at least two days notice is required).
- The Principal Certifying Authority must determine when inspections and compliance certificates are required.
- 65) Sign – Supervisor Contact Details
- Before commencement of any work, a sign must be erected in a prominent, visible position:
- a) stating that unauthorised entry to the work site is not permitted;
 - b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.
- This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.
- 66) 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.
- 67) Structural Engineer's Details
- Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.
- 68) Hoardings (within any Public Road Reserve)
- The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.
- 69) Enclosure of the Site
- The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.
- 70) Consultation with NSW WorkCover Authority
- Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.
- 71) Support for Neighbouring Buildings

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

72) Erosion and Sediment Control Measures

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

73) Application for Occupation, Use, Disturbance or Work on Footpath/Roadway

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

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

During Demolition, Excavation or Construction

74) 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.

All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.

75) Importation of soils

Prior to importing any soils to site for the purpose of back-filling, the soils require validation testing in accordance with NSW Government Environment Protection Authority (1995) *Sampling Design Guidelines* to confirm suitability for the proposed land use.

76) Mechanical Plants and Exhaust Ventilation system

Mechanical Exhaust

Centralised mechanical exhaust ventilation must be provided to the building. Cooking appliances installation in all commercial kitchens such as cafes and restaurants shall be in accordance with AS4674-2004, AS1668.2-1991. Grease filters shall comply with AS1530.1.

Outdoor Air Conditioning or refrigeration units

The outdoor units for refrigeration system, including air conditioners, shall have suitable acoustic enclosures to comply with NSW Government noise guidelines.

Duct system

The ducting within the building must be mounted on vibration-reducing pads to minimise the vibration effect for residential and business/retail spaces and ensure compliance with vibration guidelines.

77) Water Sensitive Urban Design

The Water Sensitive Urban Design concept detailed in '*DA Stormwater Design Report*' reference CRPT-20151191.01.C prepared by Jones Nicholson Consulting Engineers dated 5 September 2016 must be implemented.

78) Survey Report for Floor Levels

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

79) Forty Eight Hours Notice – Prior to Works Commencing in any Road Reserve

The applicant shall consult with Wollongong City Council's Divisional Engineer, giving 48 hours notice to arrange an on-site meeting, prior to any works commencing in any road reserve (footpath/carriageway). The purpose of the meeting will be to discuss any relevant issues such as a schedule of inspections, the need for a road opening permit and the provision of a traffic control plan as part of the works.

80) Restricted Hours of Work

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 6.00 pm, Monday to Saturday without the prior written consent of the Principal Certifying Authority and Council.

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

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

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

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997.

81) The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

82) 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.

83) 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.

84) 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

Prior to the Issue of the Occupation Certificate

85) Heritage Interpretation Plan

Prior to the release of any Occupation Certificate, the developer is to prepare a Heritage Interpretation Plan. This plan must provide specific recommendations for on-site interpretation of the history of the former Mt Keira Colliery Tramline, which traversed the site through Lots 11 and 12, DP 231424. The Interpretation plan must be submitted to Council for written endorsement prior to implementation. A copy of the endorsed Heritage Interpretation Plan is to be lodged with the Wollongong City Library for inclusion in the local studies collection.

86) Heritage Interpretation Works

Prior to the release of any Occupation Certificate, the developer is to complete all recommended on-site interpretation works, as detailed in the required Heritage Interpretation Plan. These on-site interpretation works must then be retained and maintained by the future body corporate.

87) Prior to issue of any Occupation Certificate, the arrangements on Flinders Street must be designed and constructed in accordance with the relevant standards and to the satisfaction of RMS. Lane widths on Flinders Street must be preserved (or widened), with road widening to accommodate the median. The design must accommodate the swept path of the largest vehicles likely to use Flinders Street, Charlotte Street and all access affected by the works.

88) The upgrade to the pavement and wearing surface associated with the Flinders Street road widening must be to the satisfaction of RMS, consistent with existing lanes and in accordance with Austroads Standards. Pavement joins must be located away from wheel paths. RMS requires a uniform pavement and wearing surface that is adequately waterproofed. All these works must be completed prior to issue of any Occupation Certificate.

89) Prior to issue of any Occupation Certificate, the developer must ensure to the satisfaction of Council that post development storm water discharge from the subject site into the classified road drainage system does not exceed the pre-development discharge.

90) Prior to issue of any Occupation Certificate and where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.

91) All road works, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, shall be at no cost to RMS. All works must be completed prior to issue of any Occupation Certificate.

92) Dilapidation Report Post Construction

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Occupation Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of an Occupation Certificate.

93) CEMP implementation

Prior to issue of any Occupation Certificate, certification by a qualified person must be provided to the Principal Certifying Authority confirming that the Construction Environmental Management Plan (CEMP) prepared by Coffey dated 28 August 2014 has been implemented in full.

94) Prior to issue of any Occupation Certificate, adequate security measures are to be installed into the development. These include traffic signalling systems and signage within car parking areas and controlled access to circulation spaces.

95) Retaining Wall Certification

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

96) Occupation Certificate

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

97) BASIX

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

98) Completion of Landscape Works

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

99) Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to confirm that internal noise levels in residential parts of the building would not exceed levels prescribed in State Environmental Planning Policy (Infrastructure) 2007.

The relevant LAeq levels are:

- in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- anywhere else in the residential areas of the building (excluding a garage, kitchen, bathroom or hallway)—40 dB(A) at any time

100) Garbage and recycling collection shall occur within the building. On-street placement of bins is not permitted.

101) Consolidation of allotments is required. Prior to issue of the Occupation Certificate, details must be provided to the Principal Certifying Authority confirming all allotments have been consolidated.