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WOLLONGONG NSW 2520

APPLICATION	DA-2021/1168
Determination	Deferred Commencement
Approval Authority	Southern Region Planning Panel
Date	30 August 2022

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 4.16 in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Description	Demolition of two (2) existing structures, construction of a new nine (9) storey office building with four (4) levels of basement parking and adaptive reuse of existing heritage building
Location	Lot 1 DP 127333, Lot B DP 153923 72-76 Crown Street WOLLONGONG NSW 2500

Consent has been granted for **deferred commencement**.

This development application has been determined by granting deferred commencement consent subject to the following conditions:

A. The Development Consent shall not operate until Council has been satisfied as to the following matters:

a Heritage – Interpretation Plan

An interpretation plan prepared by a suitably qualified and experienced heritage consultant is to be provided to Council for written approval to guide appropriate the delivery of onsite heritage interpretation material that is both within publicly accessible internal spaces and includes exterior signage and other innovative interpretive devices, to reference the history of the site and its significance in the development of Crown Street, its past ownership and the existing heritage item. The details of the proposed plan are to be provided to Councils Heritage Officers for written approval prior to release of Construction Certificate.

The plan must also reference the archaeological investigation undertaken on the site and the event that relics or archaeology are located during the course of the works these relics and details of the archaeological find are to be considered for inclusion in the interpretative plan and any resulting interpretation material.

b Heritage – Schedule of Conservation Works

The applicant is to provide a Schedule of Conservation Works detailing works to the internal spaces of the heritage item as well as conservation works to be undertaken on the exterior of the existing heritage building, to remove any unsympathetic signage, reinstate original doors and windows, repair, and inspection of elements. The schedule should specify detailed

maintenance works and costings which will be required to ensure the ongoing upkeep of the heritage items in their post development condition (after the completion of works specified under this consent). The Schedule is to be prepared and endorsed by a suitably qualified heritage consultant and submitted to Council's Heritage Staff for written approval prior to the release of the Construction Certificate.

c Heritage - Construction Management Plan

A Heritage Management Plan or Construction Management Plan, that includes a structural assessment and suitable control measures that will ensure the protection of the heritage item from inadvertent damage during the demolition and construction phases of the development is to be prepared and submitted to Council for approval By Council's Heritage Staff.

- B. The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- C. If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

1. Approved Plans and Supporting Documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
A101	E	Site and Roof Plan	ADM Architects	June 2022
A105	E	Ground Floor Plan	ADM Architects	June 2022
A106	E	Level 1 Plan	ADM Architects	June 2022
A107	E	Level 2 Plan	ADM Architects	June 2022
A108	E	Level 3 Plan	ADM Architects	June 2022
A109	E	Level 4 Plan	ADM Architects	June 2022
A110	E	Level 5 Plan	ADM Architects	June 2022
A111	E	Level 6 Plan	ADM Architects	June 2022
A112	E	Level 7 Plan	ADM Architects	June 2022
A113	E	Level 8 Plan	ADM Architects	June 2022
A114	E	Roof Plan	ADM Architects	June 2022
A201	E	North Elevation	ADM Architects	June 2022

A202	E	East Elevation	ADM Architects	June 2022
A203	E	South Elevation	ADM Architects	June 2022
A204	E	West Elevation	ADM Architects	June 2022
A205	E	Section A-A	ADM Architects	June 2022
A401	E	Materials and Colours	ADM Architects	June 2022
A501	C	Demolition Plan	ADM Architects	June 2022
4234-F101	E	Ground Floor	DSB Landscape Architects	22/06/22
4234-F102	B	Level 1	DSB Landscape Architects	25/03/22
4234-F103	B	Level 2	DSB Landscape Architects	25/03/22
4234-F104	C	Level 3	DSB Landscape Architects	22/06/22
4234-F105	B	Level 4	DSB Landscape Architects	22/06/22

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

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

General Conditions

2 Construction Certificate

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

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

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

3 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.

4. Closure of Crown Street Egress Driveway

Upon Moore Lane being reconfigured to provide one-way traffic flow in a northern direction and vehicular access from Moore Lane being available to Corrimal Street, the approved egress driveway to Crown Street shall be removed and vehicular egress provided via Moore Lane. The approved egress driveway within the building shall be reconfigured as commercial floor space with

the Crown Street frontage being activated by removing the garage door and inserting a glazed partition with window and door. Such modifications to the approved building shall be carried out in accordance with plan marked Project No. 2021-12 Drawing No. A105a Issue A dated February 2022. All necessary approvals required for these works shall be obtained from Council.

5 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 AS 1428.1:2009: 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.

6 Mailboxes and Street Numbering

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

Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

7 Separate Consent Required for Advertising Signage

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under an Environmental Planning Instrument.

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.

8 Maintenance of Access to Adjoining Properties

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

9 Height Restriction

The development shall be restricted to a maximum height of 32.21 metres from the natural ground level (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

10 Occupation Certificate

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

11 Smoke-Free Environment

This consent does not imply or confer compliance with the requirements of the Smoke-Free Environment Act 2000. It is the responsibility of the applicant to guarantee compliance with this Act.

12 Street Tree Removal

Permission is granted to the developer to remove one of the existing street tree(s) indicated on the Landscape Plan by DSB Landscape Architects issue E date 22.6.22 .

Tree removal costs are to be borne by developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate WH&S policies and procedures (including traffic control) to ensure that works are carried out in a safe manner and in accordance in Council's own WH&S policies.

The developer must apply for (and be granted) permission under section 138 of the Roads Act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

13 Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2021), a monetary contribution of \$1,147.059.14 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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

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

Before the Issue of a Construction Certificate

14 BCA/Aust Standard Requirements

The following information will be required prior to the issue of the Construction Certificate in accordance with the Building Code of Australia and/or relevant Australian Standards:

- a. Details of termite protection in accordance with AS 3660.1:1995.
- b. The location of smoke detectors in the building.
- c. A schedule and location of all proposed essential services in the building in accordance with Section E of the Building Code of Australia.
- d. Proposed method of egress from the building in accordance with Section D of the Building Code of Australia.
- e. Means of protection of openings in accordance with Section C of the Building Code of Australia.
- f. Specific materials proposed to be used to satisfy the requirements of Specification C1.1 of the Building Code Australia.
- g. Fit out details for the disabled toilet(s) in accordance with AS 1428.1:2009.
- h. Details of footing/slab design in accordance with AS 2870:1996.
- i. A Wind Classification for the site in accordance with AS 4055 and AS 1170.2.
- j. Details of the proposed method car park ventilation in accordance with Section E of the Building Code of Australia and AS 1668.
- k. A certificate from an "accredited access consultant" certifying that the building complies with the requirements of AS 1428.1:2009.

15 Structural Engineering Details

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifier, prior to the release of the Construction Certificate addressing the following matters:

- a. Footings;
- b. reinforced concrete slabs;
- c. retaining walls;
- d. structural steelwork;
- e. wall bracing and tie-down requirements;
- f. the structural engineer, in producing a design is to complement the Geotechnical Engineer's Stability Report to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described in Clause 1.3 of 2870 (1996) and any other relevant codes and standards."
- g. 2.004 Fire Safety Schedule
- h. When issuing a Construction Certificate, a Principal Certifier must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

16 Present Plans to Sydney Water

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

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

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

17 Sydney Water Corporation Requirements

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 Certifier prior to issue of the Construction Certificate.

18 Endeavour Energy Requirements

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

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

19 Telecommunications

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

20 Geotechnical Report

- a. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- b. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c. Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- d. No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- e. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- f. All recommendations of Geofirst in their geotechnical report dated 27 October 2021 are to be accommodated in the earthworks plan.
- g. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- h. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- i. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision.
- j. At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- k. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

21 Schedule of External Building Materials/Finishes

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifier, prior to the release of the Construction Certificate.

22 Glass Reflectivity Index

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

23 Wind Amelioration

The development shall incorporate the wind amelioration measures specified in recommendations of the Qualitative Wind Statement prepared by SLR Ref: 610.30565-R01 Version No: -v1.3 dated April 2022. In this regard further assessment shall be carried out by a qualified wind consultant during the detailed design phase of the project, to quantify wind speeds in and around the development and confirm the effectiveness of the proposed wind mitigations.

The measures identified to meet the wind amelioration specifications identified at detailed design stage shall be reflected in the Construction Certificate Plans.

24 Disabled Access and Facilities

The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS 1428.1:2009: Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

25 Toilet Facilities for Disabled Persons

Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS 1428.1:2009: Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

26 Gradient for Disabled Access Ramps

The gradient for all disabled access ramps shall not exceed a maximum of one (1) (vertical) in fourteen (14) (horizontal) as per the requirements of Australian Standard AS 1428.1:2009: Design for Access and Mobility – General Requirements for Access – New Building Work. The final design of the proposed disabled access ramps shall be reflected on the Construction Certificate plans.

27 Car Parking and Access

The development shall make provision for a total of 169 car parking spaces (including 5 car parking spaces for people with disabilities), 6 motorcycle parking spaces, a minimum of 51 secure (Security Class B) staff bicycle spaces, and a minimum of 14 visitor bicycle spaces (Security Class C). This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

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

30 The stacked parking spaces must comply with the requirements of Chapter E3 of Wollongong Development Control Plan 2009. Each stacked parking arrangement must be allocated to the same tenancy within the development.

31 Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

32 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.

33 The development shall make provision for suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

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

35 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.

36 Smoke Alarms

Smoke alarms designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency shall be installed in the building in accordance with Part 3.7.2 of the Building Code of Australia (Housing Provisions). The location of smoke alarms shall be shown on plan prior to the issue of the Construction Certificate.

37 Payment of S94A Levy

Prior to release of any associated Construction Certificate the Certifier must ensure that the S94A levy has been paid in full. In this regard the Certifier must submit to Council, with the Construction Certificate documentation, receipts which will specify whether the levy has been paid by cash or bank cheque.

38 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 – Property Addressing (council@wollongong.nsw.gov.au), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 7111.

39 Construction Management, Pedestrian and Traffic Management Plan

The submission of a Construction Management, Pedestrian and Traffic Management Plan to the Principal Certifier prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742 - Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, and adjoining property during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a. proposed earthworks plan as approved by the geotechnical engineer;
- b. proposed ingress and egress points for vehicles to/from the construction site;
- c. proposed protection of pedestrians, infrastructure and property adjacent to the construction site;
- d. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- g. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- h. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Maritime Service's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);

- i. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- j. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

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

40 Asbestos Hazard Management Strategy

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

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier prior to the issue of a Construction Certificate. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for work to commence.

41 Dilapidation Report

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

42 Structures Adjacent to Driveway

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

43 Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a. planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

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

44 Certification for Landscape and Drainage

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

45 Landscape Maintenance Plan

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

46 Footpath Paving City Centre

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

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

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

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

The footpath and driveway entry on the Council property must be installed to the satisfaction of WCC Manager of Works.

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

47 Council Footpath Reserve Works – Driveways and Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

48 Unexpected Find Protocol

Unexpected contamination and "hotspots" Sometimes site contamination is not expected and is detected after work commences. Excavations may uncover buried asbestos, other materials. Unexpected contamination or hotspots on a site should be taken into account for any site health and safety plan. Precautions should be included in the plan, including:

- workers trained to recognise potential contamination and danger signs eg odours or soil discolouration
- precautions if signs of unexpected contamination or hot spots are found, such as:
- stop work
- report signs to the site supervisor immediately
- isolate the area with a physical barrier
- assume the area is contaminated until an assessment proves otherwise
- assess the area to identify contaminants in the soil or spoil.

49 Water/Wastewater Entering Road Reserve

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

50 Depth and Location of Services

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

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

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

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

52 Sizing of Drainage

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3: Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

53 Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept stormwater plans lodged for development approval, prepared by JN Responsive Engineering (Project No. Q0210019), including the following drawings:

Drawing No.	Drawing Title	Revision	Date
C001	Basement Level 5 Stormwater Plan	A	11-03-2022

C002	Basement Level 4 Stormwater Plan	B	11-03-2022
C003	Basement Level 3 & 2 Stormwater Plan	B	11-03-2022
C004	Basement Level 1 Stormwater Plan	B	11-03-2022
C005	Ground Floor Stormwater Plan	D	24-06-2022
C006	Stormwater Drainage Details Plan	B	11-03-2022
C007	Post Development Catchment Plan	B	11-03-2022

- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

54 Flood Level Requirements

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a. Habitable floor levels must be constructed at a minimum of RL 7.95 metres AHD for Shop 1, RL 7.53 metres AHD for the existing heritage footprint, and RL 7.75 metres AHD for all other areas.
- b. Any portion of the building or structure below the 1 % AEP flood level plus 0.5 metres freeboard should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- c. The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.

55 On-Site Stormwater Detention (OSD) Design

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

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site 'in accordance with the concept stormwater plans lodged for development approval, prepared by JN Responsive Engineering (Project No. Q0210019), including the following drawings:

Drawing No.	Drawing Title	Revision	Date
C005	Ground Floor Stormwater Plan	D	24-06-2022
C006	Stormwater Drainage Details Plan	B	11-03-2022

- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - ii. Identification number [DA-2021/1168].
 - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

56 No Adverse Runoff Impacts on Adjoining Properties

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

57 Crown Street & Moore Lane – Detailed Civil Engineering Design – Council Land

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council land. The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing Civil Engineer in accordance with the relevant Council engineering standards. The design plans shall include:

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

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

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate.

58 Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as doors or ventilation louvres.

59 Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

60 Excavation and Retaining Structures Adjacent to Public Roads

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the Principal Certifying Authority for assessment prior to the issue of the Construction Certificate. The design must be prepared in accordance with the RMS Technical direction GTD 2012/001, by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design. The plan must clearly show that all components of the retaining structure and associated drainage is wholly located within the subject site. The design must be supported by:

- a. A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- b. A dilapidation survey of the existing Council infrastructure

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.

61 Ground Anchors

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

62 Heritage – Strata Funding Mechanism

The applicant is to provide details of how the future Strata Arrangement and ownership of the development will provide for a funding mechanism that allows for ongoing implementation of the costed schedule of ongoing Maintenance, funded by the Strata Corporation in perpetuity to the written satisfaction of Council's Heritage Staff prior to the release of the Construction certificate

Before the Commencement of Building Work

63 Appointment of Principal Certifier

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

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

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

64 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 PC 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.

65 Heritage Excavation Permit

The applicant must obtain an excavation permit from the NSW Heritage under Section 140 of the NSW Heritage Act 1977 before any works commence. A copy of the Permit should be provided to Council's Heritage Staff for their information.

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.

- a. Each toilet provided must be:
- b. a standard flushing toilet; and
- c. 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 Certifier, prior to the commencement of any works on the site.

68 Hoardings

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 Demolition

The demolition of the existing shall be carried out in accordance with Australian Standard

AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

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

70 Consultation with SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

71 Notification Prior to Commencement of Demolition

At least five (5) days notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information:

- a. a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
- b. details of the primary contractor and/or company conducting the demolition works;
- c. the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.

72 Contaminated Roof Dust

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

73 Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.

74 Site Management Program

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

75 Depth/Location of Services

The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

76 Vehicular Crossing

Prior to the works commencing on the construction of the vehicular crossing the applicant shall apply for and obtain the relevant approval for a Vehicular Crossing from Councils Works and Services Division for a "Recognised Concrete Contractor" to carry out the works.

A copy of the approval shall be submitted to the Principal Certifier prior to works commencing. The entire length of any vehicular crossings must be constructed:

1. to Council's currently adopted standard drawings;
2. for the full width of the footpath; and
3. by Council's recognised concrete contractors at the developer's expense.

77 Notification of any Damage to Infrastructure

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

78 Site Management, Pedestrian & Traffic Management

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

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

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

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

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

79 Adjustment to Public Utility Service

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

80 Works in road Reserve - Minor Works

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

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

81 Temporary Road Closure

If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to eight (8) weeks for approval. An application for approval must include a Traffic Control Plan (TCP) prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information. The TCP shall satisfy the requirements of the latest versions of Australian Standard AS 1742-Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual

82 Hazardous Material Survey

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

- a. the location of hazardous materials throughout the site;
- b. a description of the hazardous material;
- c. the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d. an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;

- e. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f. identification of the disposal sites to which the hazardous materials will be taken.

83 Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier prior to the commencement of any works).

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

84 Consultation with SafeWork NSW - Prior to Asbestos Removal

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

85 Waste Management

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

86 Heritage - Photographic Recording

Prior to the commencement of works the existing building condition is to be documented through a photographic recording prepared in accordance with the NSW Heritage Branch Guidelines. A copy of the recording is to be provided to Council's Heritage Staff for written approval prior to the commencement of works. A copy of the final recording is to be provided to Wollongong City Council for inclusion in the local studies collection of the Wollongong City Library.

While Building Work is Being Carried Out

87 Survey Report for Floor Levels

A Survey Report must be submitted to the PC 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.

88 Environmental Wind Control

Implement all the mitigation measures stated in SLR Consulting Assessment Report dated October 2019 to minimise adverse wind effect.

89 Site Contamination Remediation Works

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

90 Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:

- a. A hoarding or fence must be erected between the work site and the public place;
- b. an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- c. the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d. safe pedestrian access must be maintained at all times;
- e. any such hoarding, fence or awning is to be removed when the work has been completed.

91 Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter Acid Sulfate Soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

92 Demolition Works

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

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

93 Restricted Work Hours of Operation

The developer must not carry out any work (other than emergency procedures to control dust or sediment laden runoff) outside the normal working hours, namely 7.00 am to 5.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday, without the prior written consent of the Principal Certifier. No work is permitted on Sundays or Public Holidays.

Any request to vary these hours shall be submitted to the Principal Certifier in writing, detailing:

- a. the variation in hours required;
- b. the reason for that variation; and
- 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. Developers must note that consistent with the NSW Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction (LAeq (15 min)) must not exceed the background noise level (LA90 (15 min)) plus 10 dB(A), and a LAeq (15 min) of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

94 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.

95 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.

96 Hours of Work

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any request to vary the approved hours shall be submitted to the council in writing detailing:

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

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

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

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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*.

97 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.

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

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

99 Asbestos Waste Collection, Transportation and Disposal

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

100 Imported Soil

Prior to importing any soils to site for the purpose of back-filling also requires validation testing following the EPA (1995) Sampling Design Guidelines to confirm suitability for the proposed land use.

101 Piping of Stormwater to Existing Stormwater Drainage System

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

102 No Adverse Run-off Impacts on Adjoining Properties

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

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

103 Flood Compatible Materials - Electrical

All power service (metering) equipment, power outlets, switches etc. shall be located above the 1 % AEP flood level plus 0.5 metres freeboard. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below the 1 % AEP flood level plus 0.5 metres freeboard should be capable of disconnection by a single plug and socket assembly.

104 Shoring and adequacy of adjoining property

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

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

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

105 Supervision of Engineering Works

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

Before the Issue of an Occupation Certificate

106 Section 73 Certificate

A Section 73 Certificate must be submitted to the Principal Certifier prior to occupation of the development/release of the plan of subdivision.

107 Site Contamination Validation Report

The submission of a site contamination validation report to the Principal Certifier and Council (in the event that Council is not the Principal Certifier for its records) is required, prior to the issue of an Occupation Certificate. This validation report shall verify that:

- a. all site contamination remediation works have been satisfactorily completed;
- b. the site is not affected by any soil strata and/or groundwater table contamination, above NSW EPA threshold limit criteria; and
- c. the site is rendered suitable for the proposed development.

The submission of a site audit statement/final clearance certificate is also required from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

108 Completion of Landscape Works on Council Owned or Controlled Land

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

109 Drainage

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

110 Restriction on Use - On-Site Detention System (OSD)

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

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

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

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

111 Retaining Wall Certification

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

112 Positive Covenant - On-Site Detention Maintenance Schedule

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

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

113 On-Site Detention - Structural Certification

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

114 Drainage Works-As-Executed (WAE)

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full WAE plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

115 Heritage – Completion of Conservation Works

The applicant is to undertake and complete all conservation works as detailed in the endorsed Schedule of Conservation Works to the written satisfaction of Council's Heritage Staff, prior to the release of the occupation certificate.

116 Heritage – Schedule of Ongoing Maintenance Works

The applicant is to prepare a costed Schedule of Ongoing Maintenance works detailing ongoing inspection and routine maintenance activities to the heritage item following implementation of the endorsed conservation works. The schedule is to be provided to Council's Heritage Staff for written approval prior to the release of the occupation certificate.

117 Heritage – Positive Covenant (Section 88F of the Conveyancing Act 1919)

Prior to the issue of any Occupation Certificate, an 88F Instrument creating a positive covenant under the Conveyancing Act 1919 is to be created requiring the property owner(s) to undertake the ongoing maintenance of and management of the heritage assets at the site, in accordance with:

- The endorsed Schedule of Conservation Works
- The endorsed Ongoing Schedule of Maintenance Works

The covenant is to require the ongoing maintenance of the items as outlined in the above reports and any other relevant Heritage document approved by Wollongong City Council, in perpetuity.

The instrument, showing the positive covenant must be submitted to Council's Heritage Staff for endorsement prior to the issue of any Occupation Certificate and the use of the development.

117 Heritage Interpretation Works

Prior to the release of occupation certificate, the applicant is to complete any works that are recommended and detailed in the endorsed Heritage Interpretation Plan to the written satisfaction of Council's Heritage Staff.

118 Heritage – Heritage Documents Local Studies Library

A bound hard copy and digital copy of all heritage documents related to this development application should be provided to Council's Heritage Staff for inclusion in the local studies library. The documents should be included as one document with an index page. Document required include but are not limited to:

- Heritage Impact Statement
- Archaeological Research Design;
- Final Excavation Report;
- Photographic Recording; and
- Heritage Interpretation Plan

The documents are to be provided to Council's Heritage Staff prior to the release of the occupation certificate.

119 Lot Consolidation and Creation of Rights of Access

The existing lots being Lot 1 DP 127333, Lot B DP 153923 shall be consolidated.

Ongoing/Use of Site

120 Restricted Hours of Operation

Separate consent must be obtained for use of the ground floor commercial tenancies.

121 Restricted Delivery Hours

The delivery of service trucks shall be limited to 6.30 am to 9.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

122 Implementation of Schedule of Maintenance Works

The landowner shall revisit and update where necessary the endorsed Schedule of Maintenance Works, no less than every five (5) years.

Reasons

The reasons for the imposition of the conditions are:

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

Notes

1. In accordance with clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 this notice of consent has no endorsement date. Once the Council is satisfied that the matters specified in condition number (i) have been complied with a notice will be issued giving the date from which this consent will operate.
2. The consent will lapse unless Council is satisfied in relation to the matters identified in the deferred commencement condition within the time period stipulated. Where the consent becomes operational, it must be commenced within five (5) years from the date referred to in (1) above.
3. Section 8.7 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date this notice was uploaded to the NSW Planning Portal.
4. The holder of a Development Consent that is being acted upon must also hold a current Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
5. Where the **consent** is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
6. A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint

may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.

7. In this consent the developer means the applicant for Development Consent and any person or corporation who carries out the development pursuant to that consent.
8. Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website www.wires.org.au for more information.
9. Before undertaking renovation or demolition work, or removing materials from site during development works refer to Council's website for further information regarding the responsible disposal of waste during demolition and building works.
10. Persons benefiting from this Development Consent are advised that between the 17-25 September 2022 Wollongong will host the UCI Road World Championships. This is one of the biggest annual cycling events in the world and will generate international visitation and focus. The event will require temporary road closures which will limit access to construction sites, residences and businesses at times. The event may also generate noise, odour, traffic and have longer hours of operation.

When planning any construction or business/residential activity, we suggest you keep this period in mind to minimise disruptions that may impact on you. Further detail on routes and anticipated road impacts will be available from 2022.

11. Prolonged Rainfall Events

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

This letter is authorised by:

Brad Harris

Development Project Officer

Wollongong City Council

Telephone (02) 4227 7111