

DATE OF DETERMINATION	21 December 2022
DATE OF PANEL DECISION	21 December 2022
DATE OF PANEL MEETING	14 December 2022
PANEL MEMBERS	Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei,
APOLOGIES	Cr David Brown
DECLARATIONS OF INTEREST	None <i>(must include reason for declaration and whether the member participated or not)</i>

Public meeting held by videoconference on 14 December 2022, opened at 1pm and closed at 2.10pm.
Papers circulated electronically on 2 December 2022.

MATTER DETERMINED

PPSSTH-141 – Wollongong – DA-2022/14 – 24 - 30 Kenny Street Wollongong - Demolition of existing building /structures and construction of an 18-storey mixed-use development including hotel (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The development involves the demolition of existing buildings/structures and the construction of an 18-storey mixed-use development comprising a 56-room hotel (3 Star), a ground floor café, and 75 residential apartments above two (2) levels of basement parking with ancillary landscaping.

The development was presented to Wollongong Council's Design Review Panel (DRP) on 3 separate occasions. The Panel had the benefit of detailed briefings including a public briefing on 13 December 2022, where concerned residents and the applicant had the opportunity to present to the Panel. The Panel also viewed the site to understand its context , in particular:

- its relationship with the apartment buildings immediately to the west of the site at 27 and 31 Atchinson Street;
- its relationship with the site immediately to the north of the site at No.22 Kerry; and
- the flooding constraints of the site and the drainage channel at the rear of the site.

During the public meeting, several key issues were raised by the community relating to noise management, view loss, solar access, increased vehicular and pedestrian traffic, and construction impacts including impacts on the existing childcare centre immediately to the northwest of the site.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Wollongong Local Environmental Plan 2009 (LEP), that has demonstrated that:

- a) compliance with cl. 8.6 (Building Separation) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 8.6 (Building Separation) of the LEP and the objectives for development in the B3 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building separation and approve the application for the reasons outlined in the Council Assessment Report, notably, that there would be an absence of environmental harm resulting directly from the departure to building separation, and that the development would be consistent with the objectives of the B3 Commercial Core zoning.

The Panel acknowledged that there would be both view loss and solar access impacts to and from the apartment buildings to the west, particularly to and from 27 Atchinson Street. However, the Panel was satisfied that the bulk, scale, and height of the proposal were anticipated in the controls applicable to the site and that measures had been incorporated into the design of the proposed development to minimise these impacts as far as practicable. It was further acknowledged that a key factor contributing to the view loss and solar access impacts to the Atchinson Street apartments was the design of those apartments, in particular the minimal setbacks of that building to the eastern boundary.

The Panel considered that potential noise impact from the hotel accommodation use is capable of being appropriately managed by compliance with a plan of management. The plan of management submitted with the application requires a minor amendment to address access to the after-hours complaint system by occupiers of adjoining apartments. The Panel also notes that the approved use is for hotel accommodation only and not a licenced premises.

In summary, the Panel was satisfied that:

- The proposal is consistent with the objectives of WLEP and applicable State Environmental Planning Policies;
- All statutory pre-conditions to the granting of consent had been satisfied;
- The bulk, scale, and height of the proposed development is consistent with the controls applying to the site and the desired future character of the locality anticipated by those controls;
- Although not an isolated site, the proposed development had due regard to the potential redevelopment of No.22 Kenny Street;
- Flooding has been addressed both in design and through the conditions of consent;
- The proposal is consistent with the guidance provided within the Apartment Design Guideline (ADG);
- The proposal is consistent with the design excellence provisions in the WLEP;
- Potential noise from the hotel accommodation is acceptable given the proposed plan of management as amended
- Parking provision is compliant for both commercial and residential uses and the traffic generated by the development is not expected to adversely impact the efficiency of the local or regional road network; and
- Subject to several minor amendments to the conditions of consent, the Panel concluded that the development was in the public interest and should be approved.

CONDITIONS

The Development Application was approved subject to the draft recommended conditions in the Council Assessment Report with several amendments to improve the performance of the development and provide

clarity around administrative arrangements (Schedule 2 – Amended Conditions of Consent). These were as follows:





- Condition 6 relating to compliance with the Disability Discrimination Act, 1922 was deleted and retained as a note and replaced with a new condition that limits the use of the hotel to hotel and motel accommodation only;
- Condition 9 was amended to specify that the condition applies to street trees only;
- Condition 11 relating to Stormwater Quality Management was a duplicate requirement and was subsequently deleted and replaced with a new Condition 11 requiring the consent holder to seek approval from WaterNSW for basement dewatering prior to any work commencing;
- Condition 21 relating to the Construction Environmental Management Plan (CEMP) was strengthened to require noise and vibration impacts on the childcare facility at 31-33 Atchinson Street to be specifically addressed in the CEMP including the requirement for monitoring;
- Condition 32 relating to Landscaping was amended to include requirements to address the ongoing maintenance of the lower western planter bed below the Level 1 podium and to include a review of suitable species over time;
- Condition 42 was amended to clarify what water flows are to be the subject of waterproofing;
- Former condition 56 relating to the need to prepare an Asbestos Hazard Management Strategy was deleted as it was a duplicate;
- Condition 64 has been included which requires the Plan of Management to be updated to limit swipe card access to all communal areas between 6 pm and 8 am 7 days a week and to identify an appropriate and effective complaint and response mechanism for residents and the public alike;
- Condition 105 has been amended to make it clear what construction work can be undertaken and when;
- Condition 147 was updated to ensure the relevant Plan of Management is referenced.
- Conditions 165, 166, and 167 were added to ensure flood proofing work was suitably certified, there is a restriction on use of the flood proofing, and there was a requirement to create a positive covenant in relation to the maintenance of flood infrastructure;
- Condition 168 was added ensure the creation of a positive covenant relating to the ongoing maintenance and management of landscaping; and
- Several amendments to notification requirements to ensure consistent timing of notification.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Overshadowing
- Height, bulk, and scale
- Amenity impacts from hotel (privacy and noise)
- Vehicular and pedestrian traffic generation
- Inaccuracy of plans
- Impacts associated with the Intensification of the area in general

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the conditions of consent as imposed and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Tim Fletcher	 Michael Mantei

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-141 – Wollongong – DA-2022/14
2	PROPOSED DEVELOPMENT	Demolition of existing building /structures and construction of an 18 storey mixed use development including hotel
3	STREET ADDRESS	24-30 Kenny Street, Wollongong 2500
4	APPLICANT/OWNER	Applicant: Robert Gizzi – TFR Pty Ltd Owner: Pineship Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability: BASIX) 2004 State Environmental Planning Policy (Planning Systems) 2021 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 Planning agreements: Nil Wollongong City-Wide Development Contributions Plan Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2020</i> Coastal zone management plan: Nil 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: 2 December 2022 Clause 4.6 variation to building separation Written submissions during public exhibition: 31 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Keith McIntosh, Stephen Clark, Richard Young Council assessment officer – Rebecca Welsh On behalf of the applicant – Robert Gizzi (DWA), Nathan Tyerman (DWA), Luke Rollinson (MMJ), Goran Ugrinovski (ATB), Nick Metcalf (Site Image), Sonny Embelton (Gyde), Moussa Zaioor (ANA Civil) Total number of unique submissions received by way of objection: 31
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Applicant and Council Briefing: 21 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Tim Fletcher, David Brown <u>Council assessment staff</u>: Rebecca Welsh, Pierre Panozzo, Mark Adamson, Janelle Johnston <u>Applicant representatives</u>: Robert Gizzi (DWA), Luke Rollinson (MMJ), Sonny Embleton (Gyde), Jared Beneru (proponent) Clair Kratochvil (Landscape Architect), Goran Ugrinovski (Traffic/drainage flooding Engineer) <u>DPE</u>: Amanda Moylan Site inspection: 21 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Tim Fletcher, David Brown <u>Council assessment staff</u>: Rebecca Welsh, Pierre Panozzo, Mark Adamson, Janelle Johnston <u>Applicant representatives</u>: Robert Gizzi (DWA), Luke Rollinson (MMJ), Sonny Embleton (Gyde), Jared Beneru (proponent) Clair Kratochvil (Landscape Architect), Goran Ugrinovski (Traffic/drainage flooding Engineer) <u>DPE</u>: Amanda Moylan Council Briefing: 26 October 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei, David Brown <u>Council assessment staff</u>: Rebecca Welsh, Pierre Panozzo, Mark Adamson <u>DPE</u>: Amanda Moylan

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 14 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Tim Fletcher, Renata Brooks, Michael Mantei ○ <u>Council assessment staff</u>: Rebecca Welsh, Pierre Panozzo, Mark Adamson, Andrew Heaven ○ <u>DPE</u>: Amanda Moylan ○
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2 – Amended conditions of consent

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Dated
010	BB	Demolition Plan	DWA	28/11/22
012	BB	Site Plan	DWA	28/11/22
013	BB	Basement 2 Plan	DWA	28/11/22
014	BB	Basement 1 Plan	DWA	28/11/22
015	BB	Ground Floor Plan	DWA	28/11/22
016	BB	Level 1 Plan	DWA	28/11/22
017	BB	Level 2 Plan	DWA	28/11/22
018	BB	Level 3 Plan	DWA	28/11/22
019	BB	Level 4 Plan	DWA	28/11/22
020	BB	Level 5 Plan	DWA	28/11/22
021	BB	Level 6-13 Plan (Typical)	DWA	28/11/22
022	BB	Level 14 Plan	DWA	28/11/22
023	BB	Level 15 Plan	DWA	28/11/22
024	BB	Level 16 Plan	DWA	28/11/22
025	BB	Level 17 Plan	DWA	28/11/22
026	BB	Roof Plan	DWA	28/11/22
028	BB	Unit Key Plan	DWA	28/11/22
029	BB	Storage Schedule	DWA	28/11/22
040	BB	Elevation - East	DWA	28/11/22
041	BB	Elevation - South	DWA	28/11/22
042	BB	Elevation - West	DWA	28/11/22
043	BB	Elevation - North	DWA	28/11/22
050	BB	Section A	DWA	28/11/22

051	BB	Section B	DWA	28/11/22
052	BB	Section C	DWA	28/11/22
053	BB	Section D	DWA	28/11/22
054	BB	Site Section E	DWA	28/11/22
055	BB	Detail Sections	DWA	28/11/22
056	BB	Detail Sections	DWA	28/11/22
21032-SW2	B	Plan: Basement 2 Concept Stormwater Layout	ATB Consulting Engineers	06/07/22
21032-SW3	B	Plan: Basement 1 Concept Stormwater Layout	ATB Consulting Engineers	06/07/22
21032-SW4	C	Plan: Ground Floor Concept Stormwater Layout	ATB Consulting Engineers	06/07/22
21032-SW5	B	Plan: Level 1 Concept Stormwater Layout	ATB Consulting Engineers	06/07/22

Document Title	Reference/Version No	Prepared By	Dated
Plan of Management	21.60 Revision A	MMJ Wollongong	November 2022
Aboriginal Impact Assessment Report	Ref D4711	Allied Tree Consultancy	December 2021
Acoustic Report	Ref 2021-411	Acoustic Noise and Vibration Solutions P/L	8 November 2021
Statement of Compliance Access for People with a Disability	221083	Accessible Building Solutions	5 November 2021
Detailed Site Investigation	ES8198/2	Anya Solutions	1 July 2021
Geotechnical Investigation Report	GS8198-1A	Aargus	16 June 2021
BCA Compliance Statement	-	Building Code Assistance	24 November 2022
Wind Impact and Wind Tunneling Emulation	Ref 2021-411 Rev 1	ANA Civil P/L	25 November 2022
Detailed Flood Study	Ref: 22056 Report 001 Rev 1	Rienco	16 June 2022

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. Compliance with the Building Code of Australia (BCA)

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

3. 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.

4. 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.

5. 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.

6. Hotel use

This consent approves the use as a hotel which is limited to hotel and motel accommodation as defined under Wollongong Local Environmental Plan 2009.

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. Geotechnical Requirements

- 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 Aargus in their geotechnical report dated 16 June 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 Level 1 geotechnical supervision as defined in Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Developments.
- 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.
- k. The structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- l. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

9. Street Tree Retention

The developer shall retain the existing street tree.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development Sites.

All recommendations in the Aboricultural Impact Assessment by Allied Tree Consultancy dated October 2021 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering.

No trees shall be removed without prior written approval of Council.

10. 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.

11. WaterNSW approval

The development consent holder must apply to WaterNSW for approval under the Water Management Act 2000 in relation to basement dewatering. The relevant approval must be obtained after development consent has been issued and before the commencement of any work or activity.

Before the Issue of a Construction Certificate

12. Design Amendments

Before the issue of a Construction Certificate, the certifier must ensure the approved Construction Certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council

- a. The design details of the flood screening to the north, west and southern boundaries as described in Condition 47 entitled Flood Openings, Roller Shutter, and Flood Wall. Information demonstrating how access for regular maintenance is achieved must be included in the design;
- b. One of the two communal rooms on Level 1 is to be converted to toilet facilities and change rooms for users of the hotel pool and gym area;
- c. Details demonstrating that all screens to hotel rooms are independently operable to ensure sustainable levels of natural light are available;
- d. A privacy screen or solid wall at a minimum height of 1.5m is required along the western edge of the pool perimeter on Level 4 to restrict sight lines to and from this area;
- e. The five (5) hotel rooms on Level 1 located between the pool and outdoor gym must have fencing along the western edge of the terrace areas to restrict access into the turfed area (i.e. no guest access is permitted within the 12m setback distance). The turfed area is to be incorporated into the soft landscaping and/or deep soil planting areas adjacent to these rooms.

13. Plan Details

Before the issue of a Construction Certificate, the certifier must ensure the approved Construction Certificate plans incorporate the following details:

- a. The detailed Section Plan Dwg 055BB must be updated as part of the Construction Certificate documentation to clearly identify the boundaries, setbacks and permitted encroachments as shown on the elevation plans;
- b. The drafting error that results in entry doors opening directly into the bathroom north-eastern corner units on Levels 14 and 15 must be corrected;
- c. All adaptable and liveable units must be clearly identified on the floor plans;
- d. The basement plans must indicate the proposed future opening in the northern walls at both levels to enable vehicle access to a possible future basement at 22 Kenny Street as indicated on Drawing no. 080BB 'Adjacent development Analysis (Comm)'.

14. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$612,340.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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

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

15. Payment of Building and Construction Industry Long Service Levy

Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

16. Design and Construction of Food Premises

The construction and fit out must comply with *AS 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Details demonstrating this requirement must accompany the Construction Certificate.

17. Amended Detailed Site Investigation (DSI)

Prior of Construction Certificate a copy of Amended the Detailed Site Investigation (DSI) report must be submitted to Council's satisfaction with soils samples and test as recommended in DSI prepared by Aargus Consulting dated 1 July 2021.

18. Site Remediation Work

Site remediation work must be undertaken as per the recommendations of amended DSI.

19. Site Validation Report

- a. A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Construction Certificate. The Validation Report shall verify that:
 - i. the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
 - ii. the site is suitable for the proposed development.
- b. The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:
 - i. the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
 - ii. the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

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

20. Stormwater Quality Management

- a. The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%; and
- b. It is hotel/strata management responsibility to maintain the stormwater filtration system.

21. Construction Environmental Management Plan (CEMP)

A CEMP must be submitted to the Principal Certifier. The plan must address as minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.

Noise and vibration impacts on the childcare facility at 31-33 Atchison Street must be specifically addressed as part of the CEMP, including mitigation measures and monitoring of noise limits.

A copy of the CEMP must be forwarded to Council prior to issue of a Construction Certificate.

22. Car Parking and Access

The development shall make provision for the following:

a. Residential

- i. 68 residential car parking spaces (including 8 car parking spaces capable of adaption for people with disabilities).
- ii. 15 residential visitor car parking spaces.
- iii. 5 residential motorcycle parking spaces.
- iv. A minimum of 26 secure (Security Class B) residential bicycle spaces.
- v. A minimum of 7 residential visitor bicycle spaces (Security Class C).

b. Commercial

- i. 4 commercial car parking spaces (including 1 car parking space for people with disabilities).
- ii. 1 commercial motorcycle parking space.
- iii. A minimum of 1 secure (Security Class B) commercial staff bicycle spaces.

c. Hotel

- i. 28 hotel guest car parking spaces (including 2 car parking spaces for people with disabilities).
- ii. 3 hotel staff car parking spaces.
- iii. 2 hotel motorcycle parking spaces.
- iv. A minimum of 1 secure (Security Class B) hotel staff bicycle spaces.

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.

23. Parking Dimensions

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

24. 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.

25. Bicycle Parking Facilities

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

26. Disabled Person Parking Space Dimensions

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

27. Designated Loading/Unloading Facility

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

28. Vehicular Flow Signage

The provision of 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.

29. Change in Driveway Paving

A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement 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.

30. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plans (Drawings SS21-4805 – 000-F, 101-G, 102-G, 103-F, 104-F, 105-G, 106-E and 107-D dated 23/11/22, 500-F107 dated 4/7/22, 501-B and 502-B dated 10/11/22 and 601-B dated 23/11/22) for the approval by the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall also address the following requirements:

- a. Confirmation that any tree/plant species proposed at podium levels will not extend over the boundaries of the site since they will be difficult to maintain;
- b. Detail of the proposed species along the western edge of the pool that will achieve a suitable landscaped screen to reduce lines of sight between the pool area and adjoining properties. The species must have regard to the growing conditions in this location;
- c. The area directly to the west of the central Level 1 hotel rooms shown as 'turf' is to be landscaped area with no guest access beyond the terrace areas of these rooms;
- d. A privacy screen or solid wall at a minimum height of 1.5m is required along the western edge of the pool perimeter on Level 4 to restrict sight lines to and from this area;
- e. 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;
- f. 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;
- g. any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- h. Details demonstrating high quality materials, finishes and treatment for all areas on Level 4 podium that are within the undercroft area; and
- i. Additional detail identifying further passive or active recreational opportunities in the southern side of the Level 4 communal open space area that responds to the limited sunlight.

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

31. 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.

32. 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. The plan must include the following:

- a. clearly outline how the lower western landscape planter bed below the Level 1 podium will be accessed and maintained to ensure the success of the landscape planting in this location; and
- b. include a review of suitable species over time.

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

33. Tree Protection and Management

The existing street tree in front of the site is to be retained and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.

34. 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.

35. Street Trees City Centre

The developer must address the street frontage by installing street tree planting. The number and species for this development three Waterhousia 'Green Avenue' 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. 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.

Tree pits must be adequately mulched, plants installed, and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Open Space.

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

36. 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.

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

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

- a. A plan of the wall showing location and proximity to property boundaries;

- b. An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. Details of fencing or handrails to be erected on top of the wall;
- d. Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. The assumed loading used by the engineer for the wall design.
- 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.

38. Sizing of Drainage

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 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.

39. Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept stormwater plans lodged for development approval, prepared by ATB Consulting Engineers (Project No. 21032), including the following drawings:

Drawing No	Description	Revision	Date
SW2	BASEMENT 2 CONCEPT STORMWATER LAYOUT	B	06/07/2022
SW3	BASEMENT 1 CONCEPT STORMWATER LAYOUT	B	06/07/2022
SW4	GROUND FLOOR CONCEPT STORMWATER LAYOUT	C	29/07/2022
SW5	LEVEL 1 CONCEPT STORMWATER LAYOUT	B	06/07/2022

- 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.

40. 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 9.95 metres AHD.
- 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.

41. 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.

42. Basement Waterproofing

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

43. 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.

44. Excavation and Retaining Structures Adjacent to Public Roads

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the Principal Certifier 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.
- 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.

45. 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.

46. Flood Proofing

The Construction Certificate plans shall include flood proofing of the development ground floor level up to the 1 % AEP + 0.5 metres. For the purposes of this consent, the term 'flood proofing' means a combination of measures incorporated in the design and construction of the development that will ensure floodwater cannot physically enter the building in the event of a flood, either via floors, walls, windows, doors, access/ventilation points, or via any other means. The flood proofing shall include all flood doors shown on the plan lodged for development approval titled 'PLAN: GROUND FLOOR CONCEPT STORMWATER LAYOUT' by ATB Consulting Engineers (Project No. 21032, Dwg No. SW4, Revision C dated 29/07/2022). Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of the Construction Certificate.

47. Flood Openings, Roller Shutter, and Flood Wall

The Construction Certificate plans for the development shall include details of the following elements shown on the plan lodged for development approval titled 'PLAN: GROUND FLOOR CONCEPT

STORMWATER LAYOUT' by ATB Consulting Engineers (Project No. 21032, Dwg No. SW4, Revision C dated 29/07/2022):

- a. Flood conveyance openings as on the northern, western and southern boundaries must be dealt with by automated aluminium framed sliding gates linked to building management systems with sliding gates to incorporate sensor triggering, a visual and audio safety unit, and a UPS or manual backup for power outage. Also spring wheels to allow an easy sliding operation. The gates are to be built of aluminium member, 90sq SHS on perimeter with horizontal slats, 25x90 @125.

The detailed design and construction of the sliding gates and sensor triggering shall ensure automatic opening of the gates during floods such that (during floods) 500mm clear zones will be provided in areas hatched blue and annotated '500mm CLEAR ZONE ABOVE SLAB LEVEL TO ALLOW FOR OVERLAND FLOWS FROM ADJOINING PROPERTIES' on the plan entitled 'PLAN: GROUND FLOOR CONCEPT STORMWATER LAYOUT' by ATB Consulting Engineers (Project No. 21032, Dwg No. SW4, Revision C dated 29/07/2022).

- b. Flood compatible roller shutter as annotated 'ROLLER SHUTTER, HORIZONTAL ALUMINUM SLATS @ 150mm CENTERS AND WITH MIN. 150mm GAP BETWEEN BOTTOM RAIL AND FINISHED SLAB LEVEL' and shown in 'ROLLER SHUTTER SAMPLE' and
- c. Concrete flood wall along the northern boundary shown red and annotated 'T.O.W RL 10.30 MIN'.

Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of the Construction Certificate.

48. Sydney Water 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 Certifier prior to issue of the Construction Certificate.

49. Utilities and Services

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

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

50. 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.

51. Security Roller Shutters for Basement Car Parking Areas

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

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

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

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

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

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

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

53. 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.

54. Acoustic Report

The recommendations of the acoustic report by Acoustic Noise & Vibration P/L dated November 2021 must be reflected on the Construction Certificate plans and documentation.

55. 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 [General Property Addressing Request](https://www.wollongong.nsw.gov.au/book-and-apply/online-services) through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

56. 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.

57. External Finishes - Building

The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours except where amended by conditions of this consent. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

58. Integration of Rooftop Structures in Approved Building Envelope

All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.

59. Mechanical Ventilation of the Car Park

The car park shall be mechanically ventilated, to be ducted to the roof. Details demonstrating compliance shall be provided with the Construction Certificate.

60. External Lighting

Any lighting of external areas within the development such as the communal open space areas, driveways and car parking entries, shall be designed and located in a manner to prevent light spill and/or glare impacts on neighbouring properties. Light placement and design shall be indicated on the Construction Certificate drawings.

61. Adaptable Units

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

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

62. Construction Site Management Plan

Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- a. location and materials for protective fencing and hoardings to the perimeter of the site.
- b. provisions for public safety.
- c. pedestrian and vehicular site access points and construction activity zones.
- d. details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- e. protective measures for on-site tree preservation (including in accordance with AS 4970:2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable).
- f. details of any bulk earthworks to be carried out.
- g. location of site storage areas and sheds.
- h. equipment used to carry out all works.
- i. a garbage container with a tight-fitting lid.
- j. dust, noise and vibration control measures.
- k. location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

63. Waste Management Plan

Before the issue of a Construction Certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- a. Council's Waste Management Development Control Plan.

OR

- b. details the following:
 - i. the contact details of the person(s) removing the waste
 - ii. an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - iii. the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

64. Updated Plan of Management

An updated Plan of Management (PoM) must be submitted for Council's written approval prior to issue of a Construction Certificate. The updated PoM must include the following matters:

- a. Limiting swipe card access to all communal areas between the hours of 6pm and 8am seven (7) days a week for all hotel guests; and
- b. Identifying the method that members of the public and residents within the building can contact the Hotel operator outside the staffed hours that include the capacity to respond immediately to issues where necessary. The contact details must include 24 hour telephone access clearly identified on the Hotel's website, and also include on-premises contact details such as that are visible from the street.

Before the Commencement of Building Work

65. 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.

66. Signs On Site

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

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

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

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

67. 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.

68. 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.

69. 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.

70. 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.

71. Excavated Soil Material Disposal Plan

An excavated soil material disposal plan must be submitted to the Principal Certifier, with the batching, sampling and analysis procedures as per the EPA (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant and submitted prior to any works commencing.

72. Unexpected Finding 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 must be taken into account for any site health and safety plan. Precautions must be included in the plan, including:

- a. workers trained to recognise potential contamination and danger signs eg odours or soil discolouration.
- b. precautions if signs of unexpected contamination or hot spots are found, such as:
 - i. stop work
 - ii. report signs to the site supervisor immediately.

- iii. isolate the area with a physical barrier.
- iv. assume the area is contaminated until an assessment proves otherwise.
- v. assess the area to identify contaminants in the soil or spoil.

73. 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.

74. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures

Prior to the commencement of any demolition, excavation or construction works, the supervising Arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the Arborist's recommendations and relevant conditions of this consent.

75. Certification from Arborist - Adequate Protection of Trees to be Retained

A qualified Arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed Arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

76. 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.

77. Enclosure of the Site

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

78. Demolition Works

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

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

79. 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.

80. Site Management Program - Sediment and Erosion Control Measures

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

81. Sediment Control Measures

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

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

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

83. Geotechnical Requirements during Construction

All works must be carried out in accordance with reports submitted in support of the development application and Construction Certificate application and specific conditions of this consent.

84. Tree Protection

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

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

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

85. Erosion and Sediment Controls in Place

Before the commencement of any site or building work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the Principal Certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

86. Home Building Act Requirements

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

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

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

87. Notice regarding Dilapidation Report

Before the commencement of any site or building work, the Principal Certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than seven (7) before the commencement of any site or building works and provide a copy of the report to Council at the same time.

88. 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.

89. Notification to 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.

90. Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works

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.

91. Survey Report - Siting of Development within Property Boundaries

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

92. 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.

93. Works in Road Reserve - Major Works

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

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

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

Restoration must be in accordance with the following requirements:

- j. 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".
- k. 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.

94. 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:

- 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.

While Building Work is Being Carried Out

95. Installation of WSUD Treatment Train

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan prepared by prepared ATB Engineering dated 2 December 2021.

96. Implementation of all the Recommendation (Façades Glazing) of Acoustic Report

Implement building acoustic treatment as recommended in Section 5.0 of acoustic report prepared by Acoustic Noise & Vibration P/L dated November 2021 to comply with the NSW SEPP Transport & Infrastructure 2022 – Development Near Rail Corridors & Busy Roads –Interim Guidelines.

The following LAeq levels are not to be exceeded:

- in any bedroom in the building 35dB(A) at any time between 10pm and 7am.
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time between 10pm and 7am.

97. Outdoor Air Conditioning or Refrigeration Units

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

98. Duct System

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential and commercial spaces to comply with the vibration guidelines.

99. Mechanical Plants and Exhaust Ventilation System

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS 4674:2004, AS 1668.2:1991 and the grease filters to comply with AS 1530.1.

100. Site Management

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

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

101. Spillage of Material

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

102. 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.

103. 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>).

104. 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.

105. Hours of Work

Building work, demolition or vegetation removal must only be carried out between:

- a. 7:00am to 5:00pm on Monday to Saturday.

Building work, demolition or vegetation removal is not permitted to be 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 variation to the hours of work requires Council's approval.

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*.

106. Excess Excavated Material - Disposal

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

107. 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.

108. 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.

109. Survey Report for Floor Levels

A Survey Report must be submitted to the Principal Certifier 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.

110. Piping of Stormwater to Existing Stormwater Drainage System

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

111. 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.

112. 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.

113. 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.

114. Supervision of Engineering Works

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

115. Pipe Connections

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

116. Lighting not to cause Nuisance

The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

117. Building Operations Not to Discharge Pollutants

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

118. Excavation Protection and Notification

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

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and
- c. must, at least five (5) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

119. Safe Excavations and Backfilling

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

120. Guarding of Excavations and Backfilling

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

121. External Plant and Equipment

External plant such as air conditioners, compressors and other machinery likely to emit noise shall be located so adjoining areas are not adversely affected.

122. Implementation of BASIX Commitments

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

123. Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerbs and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

124. Swimming Pool Barriers

The swimming pool shall be provided with child-resistant barriers, prior to the placement of water in the pool, in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standards AS 1926. The barrier shall be installed to the satisfaction of the Principal Certifier.

125. Warning Notice

A warning notice complying with Clauses 10 and 11 of the Swimming Pools Regulation 2008 is to be displayed in a prominent position in the immediate vicinity of the swimming pool as required by Section 17 of the Swimming Pools Act 1992, prior to the filling of the pool with water.

126. Procedure for Critical Stage Inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

127. Construction Noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB9A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

128. Surveys by a Registered Surveyor

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Principal Certifier:

- a. All footings/foundations.
- b. At other stages of construction - any marks that are required by the Principal Certifier.

129. Tree Protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970:2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

130. Waste Management

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

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

- a. The contract details of the person(s) who removed the waste.
- b. The waste carrier vehicle registration.
- c. The date and time of waste collection.
- d. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
- e. The address of the disposal location(s) where the waste was taken.
- f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste.

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

131. Waste Inventory Report

A Waste Inventory Report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- a. The description of material (including identified hazardous material);
- b. an estimate of the quantity by volume and weight;
- c. the transporter and registration details of the relevant vehicle;
- d. the intended destination of the material;
- e. a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

132. Trucks to be Covered

Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

Before the Issue of an Occupation Certificate

133. Acoustic Compliance Report

Prior to issue of Occupation Certificate developer shall submit a noise compliance report for the residential units prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to the building compliance with the NSW SEPP Transport & Infrastructure 2022 – Development Near Rail Corridors & Busy Roads –Interim Guidelines. A copy of the acoustic compliance report must be submitted to Principal Certifier and forward a copy to Council.

134. 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.

135. Completion of Landscape and Tree Works

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

136. Arborist Verification – Street Tree Installation

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

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

137. 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.

138. Drainage and Flooding Works-As-Executed (WAE)

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all flood openings, flood proofing/doors, flood compatible roller shutter, flood wall, stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all flood openings, flood wall, 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.

139. Repair of Infrastructure

Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the Council is not satisfied, the applicant is responsible for any payments required for rectification works.

140. BASIX

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

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

141. Lot Consolidation

Lots 1 and 2 in DP 543836 must be consolidated into a single parcel of land. The Occupation Certificate must not be issued until documentary evidence that the consolidated lot has been registered with NSW Land Registry Services.

142. Right of Carriageway

A right of way shall be established to provide vehicular access from the subject site known as 24-30 Kenny Street (consolidated Lots 1 and 2 in DP 543836) to 22 Kenny Street (Lot A DP 154564 and Lots 2 and 3 in DP 555229) through the basement level/s. This is required to provide vehicular access to 22 Kenny Street to facilitate future redevelopment options. Evidence of the creation of this right of carriageway is to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

143. Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the Principal Certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the Occupation Certificate, the certifier must require written confirmation from the relevant authority that the relevant services have been completed.

144. Post-Construction Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Principal Certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

145. Preservation of Survey Marks

Before the issue of an Occupation Certificate, a registered surveyor must submit documentation to the Principal Certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

146. Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier.

Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the Principal Certifier's satisfaction.

Occupation and Ongoing Use

147. Plan of Management (PoM)

The hotel must operate in accordance with the amended Plan of Management endorsed by Council, and as amended in accordance with the process outlined under Part 5.25 of the PoM.

148. Noise Complaints

Should noise complaints be received as a result of operation of the hotel, Council may request the manager/operator of the business to submit an acoustic report prepared by a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC). The report must assess the noise and recommend a suitable attenuation plan to meet the NSW EPA Noise Criteria.

A copy of the acoustic report with the consultant's recommendation must be sent to Council prior to undertaking of the recommended attenuation work to meet the noise criteria.

149. On-site Waste Collection Only

All waste collection is to be undertaken from within the site. On-street collection of waste is not permitted at any time.

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

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

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

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

151. Clothes Drying on Balconies/Terrace Areas Prohibited

The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

152. Storage of Waste Bins and Waste

All waste and bins associated with the development shall be stored within the waste storage rooms at all times. No waste shall be allowed to accumulate or shall be stored on or adjacent to the street frontage of the site at any time.

153. Strata Plan Requirements

Should a Strata Plan be prepared for this development in the future, the following matters must be addressed:

- a. Garbage and recycling rooms must be contained within the common area;
- b. Motorbike and bicycle storage areas and visitor car parking must be contained within the common area; and
- c. Appropriate allocation of carparking and storage areas to the dwellings.

154. Residential Storage

Each residential unit shall be allocated storage within the residential storage area provided within the building. The residential storage area shall be appropriately secured and fitted with CCTV surveillance. This requirement shall be reflected on the Construction Certificate plans.

The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

155. Backwash of Swimming Pool Water

The discharge of water from the pool should only be carried out after chlorine levels in the water have been depleted. Swimming pool water should not be discharged to a watercourse.

156. Swimming Pool Filtration Motor

The operation of the swimming pool filtration motor shall be restricted to the following hours of operation:

Monday to Friday - 7:00 am to 8:00 pm.

Saturdays, Sundays and Public Holidays - 8:00 am to 8:00 pm.

The equivalent continuous noise level (LAeq (15min)) of the swimming pool filtration motor shall not exceed 5 dB(A) above the background noise level (LA90 (15 min)) at the most affected point(s) along any boundary of the property.

157. Swimming Pool - Discharging Water

Discharge and/or overflow pipes from the swimming pool and filtration unit must be connected to the sewer where available. All backwash water from the filtration unit is to be similarly disposed.

The pool excavations are not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

158. Location of Mechanical Ventilation

During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA at the boundary adjacent to any habitable room of an adjoining residential premises.

159. Restricted Use of Hotel Communal Areas

The use of all communal areas of the Hotel by guests is restricted to 8am to 6pm on any day. Any alteration to the approved hours of operation will require separate Council approval.

160. Restricted Delivery Hours

Deliveries and servicing shall be limited to 6am-9pm Monday to Saturday and 7am to 7pm on Sundays and public holidays. Any alteration to the approved delivery hours will require the separate approval of Council.

Reason: The ground floor does not have solid walls to all boundaries therefore limited hours are imposed to protect the amenity of residents within the site and on adjoining properties.

161. Storage of Goods and Materials

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

162. Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition at all times.

163. Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

164. Registration

The food and drink premises must be registered with Wollongong City Council in accordance with the Food Act prior to commencing use of the development.

165. Flood Proofing Certification

The submission of a certificate from a suitably qualified practising civil engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the flood proofing and associated works has been constructed in accordance with the approved Construction Certificate plans.

166. Restriction on use – Flood proofing

The applicant shall create a restriction on use under the Conveyancing Act 1919 over the flood proofing for commercial premises and driveways as identified on the construction certificate plans. The following terms shall 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 flood proofing systems on the lot(s) that will compromise the integrity, performance, and intent of those systems. The expression flood proofing shall include all flood proofing measures installed onsite and associated infrastructure including but not limited to flood gates, flood proof doors, flood louvres etc. 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, shall be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

167. Flood Proofing – 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 for all approved flood gates, flood proofing, openings, shutters and flood wall to ensure safe management of flooding for the life of the

development. The instrument, showing the positive covenant shall be submitted to the Principal Certifying Authority for endorsement prior to the issue of the Occupation Certificate.

168. Positive Covenant (Section 88F of the Conveyancing Act 1919)

Prior to the issue of the 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 and management of the landscaping for the Hotel's communal areas. The covenant is to require the ongoing maintenance of the landscaping in accordance with the final landscape plans.

The instrument, showing the positive covenant must be submitted to Council's satisfaction prior to the issue of the relevant Occupation Certificate.

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.