DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	23 October 2023
DATE OF PANEL DECISION	20 October 2023
DATE OF PANEL MEETING	10 October 2023
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown
APOLOGIES	Mark Carlon
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 26 September 2023.

MATTER DETERMINED

PPSSTH-146 – Wollongong - DA-2022/169 at 36 Flinders Street, Wollongong – Demolition of existing structures and construction of a double tower nine storey shop top housing development comprising basement parking, 114 residential units and 158 parking spaces (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.

At the determination briefing, the Panel sought clarification of several issues including:

- The applicable car parking rate for the development and subsequent compliance;
- The nature of commercial tenancies proposed for the ground floor including parking;
- The functionality of the proposed stormwater spreader in addressing external stormwater crossing the site;
- The dedication of land adjoining Flinders Street to Council for public domain works including upgraded and extended footpaths and street trees;
- The need to specify the hours during which rock breaking, rock hammering, sheet piling, pile driving and similar activities could be carried out; and
- A number of administrative changes to the recommended draft conditions to ensure accuracy and certainty.

The Panel was satisfied that these issues had either been addressed or could be addressed through the recommended conditions. The Panel was satisfied that the draft conditions, with the identified amendments, were appropriate and justified in the context of the proposed land uses.

Clause 4.6 departure from 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. 4.3 (building height) is unreasonable or unnecessary in the circumstances; and
b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel was satisfied that:

a) the applicant's written request adequately addressed 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. 4.3 (building height) of the LEP and the objectives for development in the E3 Productivity Support zone; and
c) the concurrence of the Secretary had 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*. In doing so, the Panel was satisfied that:

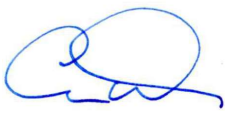
- The proposal was consistent with the existing and the desired future character of the area and would deliver employment opportunities and much needed housing for the region;
- The built form outcomes would not result in any unacceptable external or internal amenity outcomes;
- The key stormwater issue affecting the site (external stormwater flows) had been resolved through an acceptable engineering outcome;
- The Clause 4.6 request was justified;
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken; and
- Consequently, the development was deemed to be in the public interest.

The decision was unanimous.

REASONS FOR THE DECISION
The Panel determined to uphold the Clause 4.6 request to contravene the building height development standard; and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS
The Development Application was approved subject to the conditions in the Council Assessment Report as amended by the Panel which are attached as Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS
In coming to its decision, the Panel notes that one (1) written submission was made during public exhibition and no issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 David Brown

SCHEDULE 1		
1	**PANEL REF – LGA – DA NO.**	PPSSTH-146 – Wollongong - DA-2022/169
2	**PROPOSED DEVELOPMENT**	Demolition of existing structures and construction of a double tower nine storey shop top housing development comprising basement parking, 114 residential units and 158 parking spaces.
3	**STREET ADDRESS**	36 Flinders Street, Wollongong
4	**APPLICANT/OWNER**	Georges Jreije / Blaq Projects Pty Ltd
5	**TYPE OF REGIONAL DEVELOPMENT**	General development over $30 million

6	**RELEVANT MANDATORY CONSIDERATIONS**	• Environmental planning instruments:
		  ○ State Environmental Planning Policy Planning Systems 2021
		  ○ State Environmental Planning Policy No. Resilience and Hazards 2021
		  ○ State Environmental Planning Policy Transport and Infrastructure 2021
		  ○ State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
		  ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
		  ○ Wollongong Local Environmental Plan 2009
		• Draft environmental planning instruments: Nil
		• Development control plans:
		  ○ Wollongong City-Wide Development Contributions Plan 2022
		  ○ Wollongong Community Participation Plan 2019
		  ○ Wollongong Development Control Plan 2009
		• Planning agreements: Nil
		• Relevant provisions of the *Environmental Planning and Assessment Regulation 2021*
		• 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 *Environmental Planning and Assessment Act 1979* or regulations
		• The public interest, including the principles of ecologically sustainable development

7	**MATERIAL CONSIDERED BY THE PANEL**	• Council Assessment Report: 26 September 2023 • Clause 4.6 request seeking to contravene the development standard in relation to Height of Buildings. • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 0

8	**MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL**	• Briefing: 12 April 2022
		  ○ Panel members: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, David Brown, Michael Mantei
		  ○ Council assessment staff: Vanessa Davis
		  ○ Other: Verity Rollason (DPE)
		
		• Briefing: 1 June 2022
		  ○ Panel members: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, David Brown, Michael Mantei
		  ○ Council assessment staff: Brad Harris, Pier Panozzo, Mark Adamson, Vanessa Davis
		  ○ Other: Sung Pak (DPE)

		• Site Inspection: 1 June 2022
		  ○ Panel members: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, David Brown, Michael Mantei
		  ○ Council assessment staff: Brad Harris, Pier Panozzo, Mark Adamson, Vanessa Davis
		  ○ Other: Sung Pak (DPE)
		
		• Final briefing to discuss council's recommendation**:** 10 October 2023
		  ○ Panel members: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown
		  ○ Council assessment staff: Pier Panozzo, Mark Adamson, Vanessa Davis, Amanda Kostovski
		  ○ Applicant representatives: Georges Jreije (Urban Link), Mark Beauman (Urban Link), Jared Beneru (Blaq), Luke Rollinson (MMJ), Goran Ugrinovski,
		  ○ Other: Tracey Gillett (DPE), Timothy Mahoney (DPE)

9	**COUNCIL RECOMMENDATION**	Approval
10	**DRAFT CONDITIONS**	Attached to the Council Assessment Report

Attachment 7- Draft Conditions of Consent DA-2022/169

Consent has been granted subject to the following conditions:

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

Plan No	Revision No	Plan Title	Drawn By	Dated
DA-0004	L	SITE PLAN	Urban Link	8/6/23
DA-0101	T	GROUND	Urban Link	19/9/23
DA-0102	R	LEVEL 01	Urban Link	7/9/23
DA-0103	R	LEVEL 02 - 06	Urban Link	7/9/23
DA-0104	R	LEVEL 07	Urban Link	7/9/23
DA-0105	R	LEVEL 08	Urban Link	7/9/23
DA-0106	R	ROOF	Urban Link	7/9/23
DA-0107	T	BASEMENT 01	Urban Link	19/9/23
DA-0108	R	BASEMENT 02	Urban Link	7/9/23
DA-0201	U	NORTH & SOUTH ELEVATION	Urban Link	11/10/23
DA-0202	U	EAST & WEST ELEVATION	Urban Link	11/10/23
DA-0203	T	FLINDERS ST. ELEVATION (STREETSCAPE)	Urban Link	19/9/23
DA-0301	L	SECTON AA & BB	Urban Link	8//6/23
DA- 302	P	SECTON CC & DD	Urban Link	30/8/23
DA-0351	L	SECTON DETAIL 01	Urban Link	8/6/23
DA-0352	L	SECTON DETAIL 02	Urban Link	8/6/23
DA-0353	L	SECTON DETAIL 03	Urban Link	8/6/23
DA-0901	U	FINISHES SCHEDULE	Urban Link	11/10/23
DA-1460	Q	ADAPTABLE & LIVABLE UNITS	Urban Link	4/9/23

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. **Transport for NSW Requirements**
Requirements imposed by Transport for NSW dated 13 October 2022 as attached shall form part of this Notice of Determination.

3. Dedication of Road Reservation Land

In accordance with Clause 5.1 of Wollongong LEP 2009, the portion of the land along Flinders Street (SP2 zoned portion of Lot 2 DP 1262241) is to be dedicated to Council to form part of the Flinders Street Road Reserve. Arrangements are to be made with regard to the transfer of this land to Council.

4. Geotechnical

a. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by a 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 a geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

e. An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks.

f. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.

g. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.

h. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.

i. 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.

j. The structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

k. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

5. 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 $454,580.00 (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

6. 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.

7. 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.

8. 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. This must be carried out prior to the issue of the Occupation Certificate.

9. 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. The following design amendments are required:

- Natural ventilation does not appear to have been provided to all lobby areas above ground. The fixed glazing to all common lobbies and corridors is to be replaced with operable windows to ensure natural ventilation can be achieved. Plans are to be amended to reflect this design change.
- The roof includes a small area for PV solar panels. The extent and number of solar panels should be increased to service as much of the building as possible (e.g. All common areas, corridors, lobbies, basement parking, outdoor spaces etc). Plans are to be amended to show an increase in the provision of PV solar panels.

10. Stormwater Quality Management

a. The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%

b. It is strata management responsibility to maintain the stormwater filtration system.

11. 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.

12. Tree Retention/Removal

This consent permits the removal of trees numbered as indicated on the Landscape Plan, Site Image, issue F. No other trees shall be removed without prior written approval of Council.

Before the Issue of a Construction Certificate

13. Construction Noise and Vibration Management Assessment Report

Prior to the issue of the Construction Certificate, the Proponent shall undertake a noise and vibration assessment to identify all sensitive receivers where the construction noise and vibration levels exceed the ICNG construction noise goals for that receiver. The parameters for predicting noise impacts is to be clearly identified for noise impacts to be predicted adequately. Reference should be given to Table 2 - Noise at residences using quantitative assessment of ICNG 2009 as allowable noise limits and appropriate noise and attenuation methods. Prior to issue of Construction Certificate, the Principal Certifier shall obtain written confirmation from Council that the above report is satisfactory.

14. Car Parking and Access

The development shall make provision for the following:

<u>Residential</u>

- 118 residential car parking spaces (including 12 car parking spaces capable of adaption for people with disabilities)
- 23 residential visitor car parking spaces
- 9 motorcycle parking spaces

- A minimum of 38 secure (Security Class B) residential bicycle spaces
- A minimum of 10 residential visitor bicycle spaces (Security Class B)

Commercial

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

This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

15. 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.

16. 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 line marking 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. Bicycle End-of-Trip Facilities for Commercial Users
The development must provide shower and change facilities with personal lockers for commercial bicycle users in accordance with the minimum requirements of Table 1 of Chapter E3 of the DCP. This requirement shall be reflected on the Construction Certificate plans.

23. 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.

24. Supplementary Detail Site Investigation

Following demolition of site structures and prior to commencing engineering construction work, the developer must prepare a supplementary detailed site investigation, including sampling of the parts of the site where existing buildings were present that were not accessible as part of the Detailed Site Investigation prepared by Aargus Consulting and Site Auditor advice (Interim Advice 2 dated 30 September 2022.

Should the further investigations identify contamination, then a Stage II (additional detail site assessment report) is required to be prepared and submitted to Council for consideration and written approval, which assesses the nature and volumes of soil contamination and identifies areas of environmental concern (AEC). Based on the Stage-II assessment report a stage III (remediation action plan - RAP) is required to be prepared and submitted to Council for consideration and written approval. The Stage II and III reports must be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites, published by NSW Office of Environment & Heritage. August 2011.

Further after site remediation a Validation Report (Stage IV) is required stating that site suitable for proposed used.

To address the SEPP Resilience & Hazard 2021 contaminated land consultant to provide for a clear statement in their reports either in their executive summary or conclusion that the consent authority may be satisfied that the required considerations of Cl 4.6 of SEPP are satisfied.

25. Unexpected Finding Protocol

As a matter of due diligence and given the current non-accessible areas precluding visual and physical access to the entire site, implementation of an unexpected find protocol (UFP) as part of a construction environment management plan (CEMP) is required for any future earthworks or development.

Precautions should be included in the plan, including:

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

26. Site Remediation Works

Site Assessment Remediation Action Plan:

- The developer is required to undertake the site remediation work as per the Remediation Action Plan (RAP) prepared by Aargus Env Consulting dated 17th December 2021.

27. Site Validation Report

A site contamination validation report is required to be submitted prior to the issue of construction certificate or commencement of work. This validation report shall verify that:

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

28. Site Audit Statement (SAS) and Site Auditor's Report (SAR)

A site audit statement and site auditor's report is required to be submitted from an accredited independent auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

The site auditor's report shall verify that:

a. the site is not affected by soil and/or groundwater contamination, above the NSW EPA threshold limit criteria; and

b. the site is suitable for the proposed development.

These two documents (SAS and SAR) are to be issued by the Auditor direct to Council. No third-party submissions will be accepted prior to the commencement of construction work and a copy of SAS must be submitted to Council.

29. Construction Environmental Management Plan

- Submit a construction environmental management to Principal Certifier, the plan shall 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.

- Submit an excavated soil material disposal plan to Principal Certifier, with the batching, sampling and analysis procedures as per the DECCW (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to council.

30. Crime Prevention Through Environmental Design (CPTED) - Landscaping

In order to reduce the opportunities for "hiding places" the proposed landscaping must:

a. Use shrubs/plants which are no higher than one (1) metre.
b. The type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.

This requirement shall be reflected on the Construction Certificate plans.

31. Final Landscape Plan Requirements

A final Landscape Plan is required to be submitted to the Principal Certifier is required, prior to the issue of the Construction Certificate. The final Landscape Plan shall address the following requirements:

a. planting of indigenous plant species native to the Illawarra Region such as: Syzygium smithii (syn Acmena smithii) Lilly pilly, Archontophoenix cunninghamiana Bangalow palm, Backhousia myrtifolia Grey myrtle, Elaeocarpus reticulatus Blueberry ash, Glochidion ferdinandii Cheese tree, Livistona australis Cabbage palm tree, Syzygium paniculatum Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
b. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
c. 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 proposed trees.
d. Planters should be added between the various large private open space terrace spaces on Level 1 to increase visual privacy between units. A planter on either side of the dividing privacy fence/screen would soften the visual impact of the POS party wall and screen while providing additional privacy between the POS spaces. This should also be considered for the parts of POS areas of Units A104, A105, B106, and B107 which sit adjacent to the COS entries and walkways. This may require some minor configuration to adjacent glazing.
e. A narrow planter along the eastern edge of all street frontage POS spaces on Level 1 should also be considered to increase visual privacy and acoustics from the busy street.
f. The lower-level planter provided between the raised pool area and Unit B101 bedrooms and living area should be moved away from the external wall of unit B101 to provide a narrow walkway of approx. 900mm to ensure the planter is fully accessible for maintenance access.
g. Ensure natural turf is provided and not substituted with artificial turf.
h. Fixed perimeter bench seating has been provided along perimeter planter beds at the eastern end of the Level 1 COS space. The TOW heights noted on the plans indicate the potential for climbability which would then require additional balustrades and screening on top of the planter which is not supported.
i. The location of a quiet "rest space" on the eastern side of the Level 1 COS podium along the street frontage is not supported. This area will be quite noisy from the traffic of the busy road and may not be appropriate for a quiet rest area. The shape and configuration of the planters leading to this space also limits the usability of the COS area creating excessive circulation paths. It is recommended to change the use of this space to a recreation area which may be more appropriate to the noisier location. Plans are to be amended to reflect this design change.

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

32. Certification for Landscape and Drainage

Certification from a suitably qualified and experienced landscape designer and drainage consultant is required t be submitted to the Principal Certifier prior to the issue of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

33. Landscape Maintenance Plan

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

34. Tree Protection and Management

The existing trees are to be retained upon the subject property 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.

35. Street Trees City Centre

The developer must address the street frontage by installing street tree planting. The number and species for this development is eight (8) *Brachychiton acerifolius* 200 litre container size in accordance with AS 2303:2018: Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Before You Dig Australia must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be adequately mulched, plants installed, and tree guard/staking/tree grille/edging installed to the satisfaction of Wollongong City Council.

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

36. 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 with 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 Wollongong City Council.

A separate 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.

37. Present Plans to Sydney Water

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

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

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

38. Utilities and Services

Before the issue of the relevant construction certificate, the developer 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.

39. 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.

40. 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.

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

A Site Management, Pedestrian and Traffic Management Plan is required to be submitted 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.

42. 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.

43. 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* 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.

44. 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.

45. External Finishes - External Areas

Pedestrian access ways, entry paths, arcades and lobbies must be constructed with durable materials commensurate with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours.

46. Placement of Air Conditioning Units

Air conditioning systems are not to be located where they are visible from the public streets abutting the site. Some air conditioning (AC) units have been located in areas which are not well screened and are fully visible from the adjacent internal space. For example, in Units A105, A202, A203, A206, A207, B201, B105, and B106. Some units (eg Unit A201-A701) have not shown the location of the AC unit. This is to be rectified and shown on plans to ensure all AC units are well screened from internal spaces, street frontages, and from neighbouring properties. Plans are to be amended to ensure compliance. Plans submitted to the Principal Certifying Authority prior to issue of the Construction Certificate are to identify any external components of air conditioning systems to ensure they meet the requirements of this condition.

47. 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.

48. 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.

49. Adaptable units

Before the issue of a relevant Construction Certificate, the developer 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*.

50. Construction Site Management Plan

Before the issue of a Construction Certificate, the developer 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:

- location and materials for protective fencing and hoardings to the perimeter of the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- 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
- 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)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

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

51. Endeavour Energy Requirements

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

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

52. Evidence of Cancellation of Existing Right of Carriageway

Evidence that the cancellation of the existing Right of Carriageway 5.09 Wide (AE816911) (DP1148605) denoted as "*(A)*" on DP1262241, and that this easement no longer exists, must be provided to the Principal Certifier prior to the issue of any Construction Certificate.

53. Flows from Adjoining Properties

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and surface levels (including top of retaining wall levels) on and/or immediately adjacent to the site boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

54. Pump System

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

55. Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels 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.

56. 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 developer for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2020/001. If temporary anchors are proposed within the road reserve an application must be submitted to and approved by Wollongong City Council prior to the issue of any construction certificate. The application must be made via Council's website www.wollongong.nsw.gov.au through the "Frontage Works" application, and must be supported by:

a. A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2020/001.
b. A dilapidation survey of the existing Council infrastructure within the zone of influence of the proposed excavation including CCTV of all stormwater pits and pipes and a photographic record of the road pavement, footpath area and associated civil assets.
c. A dial before you dig confirming all service providers in the road.
d. A letter from Sydney Water, Telstra, Endeavour, Jemena, and any other service providers with services in the road, providing written support of the proposed temporary anchors which references the relevant structural plans which they support.
e. A detailed structural design of the proposed temporary anchors prepared by a Charted Civil Engineer (Structural) that referenced the relevant geotechnical investigation and includes cross sections every 5m within the road frontage that shows the depth and clearance of the temporary anchors to all services, road pavements, stormwater pits and pipes and related assets based on surveyed levels.

57. Excavation and Retaining Structures Adjacent to Public Roads

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

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

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

58. Flood Proofing

Portions of the building where the habitable ground floor level is below the flood planning level (being the highest adjacent 1% AEP flood level plus a freeboard of 300mm as determined by a suitably qualified and practicing engineer) must be flood proofed. The term 'flood proofed' is intended to mean any combination of measures necessary to ensure that flood water will not physically enter the premises in the event of a flood either via doors, walls, windows, openings, or any other means. In satisfying this requirement, consideration shall be given to the structural soundness and flood compatibility of the existing/proposed building structures including walls, doors, etc. Flood proofing is required to be designed by a suitably qualified civil (structural) engineer. The flood proofing must not rely on human intervention out of operating hours or other tenancies. The flood proofing shall be designed by a suitably qualified civil engineer and the above requirements must be reflected on the Construction Certificate plans and documentation.

59. Protection of Basement from Ingress of Floodwater

The basement car park shall be protected from inundation during a 1 % AEP flood, ensuring all vehicular and pedestrian access, doors, ventilation points, and openings are a minimum of 0.2 metres above the highest adjacent 1% AEP flood level as determined by a suitably qualified and practicing engineer. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

60. Level Spreader Design

All captured stormwater from the proposed development shall be piped to a suitable level spreader system. The design and details for the level spreader must satisfy each of the following requirements:

a. Located with a minimum setback of 3 metres from northern and southern property boundaries, 1 metre from vehicular pavements, and 5 metres from existing buildings (including any building on the adjoining land).

b. A reduced setback from proposed buildings within the site is only permitted where the footings of the building are designed to ensure they will not be impacted by the adjacent transpiration disposal system and where the following requires are satisfied:

   i. The footings to the proposed building are designed by a suitably qualified, experienced, and practicing Civil or Structural Engineer; and

   ii. The design of the footing's accounts for the in-situ ground conditions and impacts of the operation of the proposed level-spreader determined by a suitably qualified, experienced, and practicing Geotechnical Engineer inclusive of any further advice or recommendations.

c. Oriented parallel to the contours of the land to ensure the any overflow will be dispersed in a way that replicates natural overland flow.

d. Constructed from concrete and either pre-fabricated or cast in-situ and founded on a stable engineered bedding to ensure no movement of the level spreader over the life of the development.

e. Designed by a suitably qualified, experienced, and practicing Civil Engineer in accordance with Chapter E14 of the Wollongong DCP 2009 and Council's Domestic Stormwater Drainage Systems factsheet.

f. Designed to account for the in-situ ground conditions and permeability of the subject site as determined by a suitably qualified, experienced, and practicing Geotechnical Engineer inclusive of any further advice or recommendations.

g. Designed to include suitable measures to ensure residual water left in the level spreader system (following rainfall events) will be drained away and not cause prolonged/permanent backwater ponding in the system.

h. Designed to include provision for maintenance of the measures per the previous point above to ensure these measures will remain effective throughout the design life of the development.

i. Must include a Level Spreader Disposal System Maintenance Schedule. This maintenance schedule must include all maintenance tasks, each regular and reactive, necessary to ensure the design function and capacity of the level spreader will be preserved throughout the life of the development. This maintenance schedule must be developed by a suitably qualified and practicing engineer and must include the maintenance measures per the previous two points above.

Evidence that these requirements have been satisfied must be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate and all details shall be reflected on the Construction Certificate Plans.

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

Engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre in height are to be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced

civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

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

62. Pier and Beam Footings Adjacent to any Drainage Easement

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural Engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

63. 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 plan/s lodged for development approval, prepared by ATB Consulting Engineers, including but not limited to:
    i. Ground Floor Concept Stormwater Plan, Reference No. 21154_SW4, issue G, dated 12/09/2023.
    ii. Basement 1 Concept Stormwater Plan, Reference No. 21154_SW3, issue G, dated 12/09/2023.
    iii. Basement 2 Concept Stormwater Plan, Reference No. 21154_SW2, issue G, dated 12/09/2023.
b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to the proposed level spreader disposal stormwater 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.
e. The detailed drainage design shall include appropriate measures to facilitate access to and maintenance of those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed.

64. 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 the highest adjacent 1% AEP flood level plus a freeboard of 300mm as determined by a suitably qualified and practicing engineer.

b. The building or structure must be built from flood compatible materials up to and including either (i) or (ii) as listed below, whichever is greater:

   i. the highest adjacent 1% AEP flood level in the western watercourse as determined by a suitably qualified and practicing engineer plus a freeboard of 650mm; or

   ii. the highest adjacent level 1% AEP flood level from overland flow flooding conveyed from Flinders Street as determined by a suitably qualified and practicing engineer plus a freeboard of 300mm.

   Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, 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 DCP2009.

c. The proposed building and structures shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including either (i) or (ii) as listed below, whichever is greater:

   i. the highest adjacent PMF flood level in the western watercourse as determined by a suitably qualified and practicing engineer plus a freeboard of 650mm; or

   ii. the highest adjacent PMF flood level from overland flow flooding conveyed from Flinders Street as determined by a suitably qualified and practicing engineer plus a freeboard of 300mm.

65. Site Filling

Filling on the site being within the floodplain shall be restricted to within the proposed building footprint and ramped areas immediately adjacent to the garage only. No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Construction Certificate plans.

66. 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.

67. Scour Protection

All stormwater outlets and surface flow paths (including the emergency overflow path from the WSUD treatment chamber and surface flow path from level spreader) must be treated with appropriate scour/erosion protection measures designed in accordance with good engineering practice based on calculated 1 in 100 year ARI flow velocities. All scour protection measures shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. The final details of the proposed scour protection measures shall be reflected on the Construction Certificate plans.

68. Detailed Civil Engineering Design - Flinders Street

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council land as well as those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed extending downstream to pit JP3 (as denoted on the plan by ATB Consulting Engineers entitled "*Basement 1 Concept Stormwater Plan"*, Reference No. 21154_SW3, issue G, dated 12/09/2023). The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing Civil Engineer in accordance with the relevant Council engineering standards and the following requirements:

a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.

b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.

c. Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve as well as those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed extending downstream to pit JP3 (as denoted on the plan by ATB Consulting Engineers entitled "Basement 1 Concept Stormwater Plan", Reference No. 21154_SW3, issue G, dated 12/09/2023), including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.

d. The engineering details must demonstrate that the surface flow conveyance capacity of the roadway (including the kerb and gutter) is not reduced as a result of the works.
e. Where any adjustments to public utilities are proposed the developer shall submit documentary evidence that they have the consent of the owner of the public utility authority.
f. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
g. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified Engineer to the expected traffic loadings and type.

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

Before the Commencement of Building Work

69. Hazardous Material Survey
At least one (1) week prior to demolition, the developer 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.

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

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

71. Consultation with SafeWork NSW - Prior to Asbestos Removal
A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

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. Demolition Notification to Surrounding Residents

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

80. 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.

81. 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:

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

82. Certification of Structural Adequacy - Building Walls/Structure

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the Principal Certifier is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works. The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300mm below pipe invert level or founded on sound rock. The submission of certification from the Structural Engineer to the Principal Certifier is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

83. Road Occupancy Licence (ROL) from Transport for NSW (TfNSW)

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

The developer shall apply for a ROL from the TfNSW Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow two (2) weeks prior to commencement of work to process the ROL.

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

84. Adjustment to Public Utility Service

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

While Building Work is Being Carried Out

85. 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.

86. 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.

87. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

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

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009.

a) levels recommended by a registered Geotechnical/Structural Engineer with regards to structural damage buildings;
b) German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
c) For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human. Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
d) Overpressure and vibration from blasting are to be assessed against the levels in the Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZEC 1990). Human comfort vibration from construction works, including continuous, intermittent or impulsive vibration from construction, but excluding blasting, is to be assessed in accordance with section 2.5 'Short-term works' in Assessing Vibration – a technical guideline (DEC 2006).

Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9:00am to 12:00pm, Monday to Friday;

(b) 2:00pm to 5:00pm Monday to Friday; and

(c) 9:00am to 1:00pm Saturday.

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

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

Any 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*.

88. 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 Adams Designing the future date May 2019.

89. Environmental Wind Control
The recommendations of the Pedestrian Wind Environmental Statement (Windtech dated 1 December 2021) are to be implemented.

90. 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 JN Engineering dated 25 November 2019.

91. Implementation of all the recommendation (Façades Glazing) of acoustic report
The developer is required to implement building acoustic treatment as recommended in Section 5.0 of acoustic report prepared by Harwood Acoustic dated 19 December 2019. comply with the with the NSW SEPP Infrastructure 2007 – Development Near Rail Corridors & Busy Roads –Interim Guidelines.

LAeq levels are not 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.

92. Mechanical Plants and Exhaust Ventilation system
Mechanical Exhaust
Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS4674-2004, AS1668.2-1991 and the grease filters to comply with AS1530.1.

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.

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.

93. 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.

94. Copy of Consent in the Possession of Person carrying out Tree Removal
The developer must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

95. 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.

96. 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.

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

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

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

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

99. Implementation of BASIX commitments
While building work is being carried out, the developer 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.

100. Responsibility for changes to public infrastructure
While building work is being carried out, the developer 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).

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

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

102. 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.

103. Implementation of the site management plans
While vegetation removal, demolition and/or building work is being carried out, the developer must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The developer must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

104. 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.

105. Construction noise
While building work is being carried out and where no noise and vibration management plan is approved under this consent, the developer 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.

106. Flows from Adjoining Properties
Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and surface levels (including top of retaining wall levels) on and/or immediately adjacent to the site boundary shall be no higher than the existing upslope adjacent ground levels.

107. 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). Where a timber/steel frame supports the floor, the survey shall be undertaken after the piers have been installed and prior to the laying of the bearers/joists and installation of the wall frames for each respective ground floor level of the building.

All levels shall relate to Australian Height Datum.

108. Piping of Stormwater to Existing Stormwater Drainage System
Stormwater for the land must be piped to the proposed level spreader disposal stormwater system.

109. 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.

110. Fences
Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

111. Prohibition of any Encroachment into Drainage Easement
No part of the structure, including footings, eaves and gutter overhang shall encroach into the existing Easement for Drainage of Water 1.5m wide (DP1148605) and/or existing Easement to Drain Water 1.5m Wide (AE816911), as denoted "(B)" and "*(D)*" respectively on DP1262241.

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

113. Shoring and adequacy of adjoining property
If the development involves 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.

Before the Issue of an Occupation Certificate

114. Acoustic Compliance Report
The developer shall submit a noise compliance report 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 2021 – 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.

115. 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.

116. 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.

117. 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.

118. Repair of Infrastructure

a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or

b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

119. 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.

120. Dedication of Road Reserve Land

The portion of the land along Flinders Street (SP2 zoned portion of Lot 2 DP 1262241) is to be dedicated to Council to form part of the Flinders Street Road Reserve. Appropriate arrangements shall be made with Council's prior to the issue of the Occupation Certificate.

121. Site Emergency Response Flood Plan

A Site Emergency Response Flood Plan (SERFP) shall be prepared by an appropriate consulting engineer. This SERFP shall be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

122. Easement for Drainage for Drainage System from Flinders Street

The developer must create an easement for drainage under the Conveyancing Act 1919 of minimum 3.05m in width and over those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed.

This easement must be to the benefit of Wollongong City Council and include terms that ensure the following outcomes:

a. Wollongong City Council has a right to drain water though via the drainage infrastructure within the easement.

b. Wollongong City Council is not responsible for the maintenance, repairs, or replacement of the drainage infrastructure within the easement, but has the right to do so if it chooses.

c. Wollongong City Council and/or any other person(s) authorised by Wollongong City Council has the right to gain access via any part of the site reasonably necessary to undertake maintenance of the drainage infrastructure within the easement.

d. Where access to parts of the easement is via any locked doors, gates, or similar, the lot owner(s) shall provide Council with unrestricted access including provision of any keys, security codes, or similar.

e. The name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.

Evidence that the instrument showing the easement has been registered with Land Registry Services must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

123. Restriction on Use for Drainage System from Flinders Street

The developer must create a restriction on use under the Conveyancing Act 1919 over those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to those parts of the stormwater system through which stormwater from Council's roadway will be conveyed within the lot(s) burdened without the prior consent in writing of Wollongong City Council.

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

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

124. Positive Covenant for Maintenance Level Spreader

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved Level Spreader Disposal System Maintenance Schedule (DA-2023/169).

The instrument, showing the positive covenant must name of the authority having the power to release, vary or modify the restriction referred to as Wollongong City Council.

Evidence that the positive covenant reflects the above requirements and has been registered with Land Registry Services must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

125. Positive Covenant for Maintenance of Drainage Line

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance (including repairs and/or replacement) of those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed. Reason, to preserve the integrity and design function of the drainage system for the life of the development.

The instrument, showing the positive covenant must name of the authority having the power to release, vary or modify the restriction referred to as Wollongong City Council.

Evidence that the positive covenant reflects the above requirements and has been registered with Land Registry Services must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

126. Completion Report for Excavation Adjacent to a Public Road Excavation

A report be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, with Chartered accreditation with the Institute of Engineers Australia and experienced in structural design that:

a. Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2020/001.
b. Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2020/001.
c. Provides a post construction dilapidation survey.

The report must be provided to and approved by Wollongong City Council prior to the issue of any final occupation certificate associated with the building.

127. Drainage

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

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

128. Retaining Wall Certification

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.

129. Structural Soundness Certification

A report from a suitably qualified and experienced structural engineer must be submitted to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the proposed building and structures can withstand the forces of floodwater, debris and buoyancy up to and including either (i) or (ii) as listed below, whichever is greater:

a. the highest adjacent PMF flood level in the western watercourse as determined by a suitably qualified and practicing engineer plus a freeboard of 650mm; or
b. the highest adjacent PMF flood level from overland flow flooding conveyed from Flinders Street as determined by a suitably qualified and practicing engineer plus a freeboard of 300mm.

130. Works As Executed Plans – Works within Council Land and New Drainage Easement

A WAE plan for approved works in Council land, the road reserve, and those parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed must be submitted to and approved by Council's Development Engineering Manager, prior to the release of any Occupation Certificate. The WAE plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The WAE dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The WAE plans must include:

- Final locations and levels for all works associated with the development within Council land.
- Final locations and levels for all parts of the stormwater system within the development site though which stormwater from Council's roadway will be conveyed.
- The plan(s) must include, but not be limited to, the requirements stated in Chapter E14 of the Wollongong DCP 2009.

131. CCTV of Stormwater Pipes Conveying Water from a Public Road

All constructed stormwater pipes through which stormwater from Council's roadway will be conveyed (including within the road reserve and within the subject site) must be inspected by CCTV. A copy of the CCTV inspection must be submitted to and approved by Council's Development Engineering Manager prior to the issue of any Occupation Certificate. Below standard work must either be replaced or repaired to Council's satisfaction prior to the issuing of any Occupation Certificate.

132. Completion of Engineering Works

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

133. Level Spreader Certification

A certificate from a suitably qualified and experienced civil engineer is to be submitted 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 that the level spreader stormwater disposal system has been constructed in accordance with the Construction Certificate plans approved by the Principal Certifier.

134. Flood Affectation Certification

A report from a suitably qualified and experienced civil (hydrology) engineer is required to be submitted to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to certify that the 'as-constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater runoff.

135. Mirrors in basement

Due to minimal circulation, convex mirrors for security and safety to avoid areas of low visibility and possible concealment within the basement are to be used for the storage units provided under the ramp on Basement 02.

Occupation and Ongoing Use

136. 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.

137. 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.

138. Clothes Drying on Balconies/Terrace Areas Prohibited

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

139. 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.

140. Location of Mechanical Ventilation

During occupation and ongoing use of the building, the developer 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.

141. Restricted Hours of operation

The hours of operation for the ground floor commercial premises shall be restricted to 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm on a Sunday or a public holiday. Any alteration to the approved hours of operation will require separate Council approval.