

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

Papers circulated electronically on 13 September 2023.

MATTER DETERMINED

PPSSTH-150 – Wollongong - DA-2022/395 at 411-417 Crown Street WOLLONGONG – Demolition of two (2) residential dwellings and construction of a seven (7) storey health services facility with four (4) basement parking levels (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1. The Panel also sought and considered additional information from Council in the form of a Supplementary Assessment Report which included responses to the following:

- An expanded response to Council's Design Review Panel (DRP) comments (how the outstanding matters in the DRP report were addressed and how this satisfies the design excellence requirements in the LEP);
- Further details regarding overshadowing impacts on the adjacent RFB to the south (including pre and post development impacts);
- Further details to clarify why Council is of the view that the deferred condition regarding the easement can be satisfied;
- Further discussion and explanation of the operation of the use, particularly during sensitive hours, and appropriate conditions to manage any impacts (POM to manage where deliveries will be made, management of lighting, car parking, delivery hours, hours of use etc.);
- Review of the car parking allocation and expanded discussion on potential management measures to be included in the recommended conditions; and
- An updated condition set.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council's Assessment and Supplementary Assessment Reports. The Panel was satisfied that:

- The prerequisites for the grant of consent had been met including the demonstration of design excellence having regard to the relevant provisions of Wollongong LEP;

- The overshadowing impacts associated with the proposal had been further detailed and were considered acceptable having regard to the proposal's setbacks, the nature of the residential flat building to the south and its ongoing solar access;
- Council's Supplementary Assessment Report had adequately addressed the concerns of the Panel;
- The development was generally compliant with applicable environmental planning instruments and would not result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended; and
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.

Given the above, the Panel was satisfied that the development was in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council's Assessment and Supplementary Assessment Reports with the following amendments.

- **Administrative Amendments**
Various administrative amendments were made throughout the document to ensure certainty in implementation without changing the intent of the relevant conditions.
- **Deferred Matters**
The deferred commencement condition was amended to provide greater clarity regarding the operation of the consent, and to increase the time allowed to satisfy the deferred commencement requirement to 36 months (from 12 months).
- **Condition 3 – Earthworks Plan Development**
Additional provisions were incorporated to clarify that the requirements of the Plan must be satisfied prior to the commencement of works.
- **Condition 4 – Earthworks Plan Modifications**
The condition was amended to specify how variations are to be managed through the condition.
- **Condition 5 - Ground Disturbance**
The condition was amended to clarify how the disturbance of ground outside of site boundary in association with the construction of the drainage easement is to occur.
- **Conditions 8 – Excavation Support and 9 – Hard Bedrock**
The condition was deleted and incorporated into Condition 20 – Construction Management Plan
- **Condition 18 – Comply with Geotechnical Report**
The condition was expanded to clarify the intention of the geotechnical report and to clarify how the condition is to be satisfied prior to the issue of a Construction Certificate.
- **Condition 20 – Construction Environmental Management Plan**
The condition was amended to more appropriately incorporate the requirements of conditions 8 and 9 (deleted) relating to excavation support and hard bedrock.
- **Condition 21 – Remediation Action Plan**
The condition was amended to require the works to be undertaken in accordance with the endorsed Remediation Action Plan (RAP).
- **Condition 22 – Site Validation Report**
The condition was amended to clarify the purpose of the Site Validation Report and to specify additional matters to be addressed in the Report.
- **Condition 27 – Certification for Landscape and Drainage**
The condition was amended to make it clear that Certification for Landscaping and Drainage is mandatory.
- **Condition 55 – Dust Suppression Matters**
The condition was amended to make it clear that the provision of dust suppression measures to the Principal Certifier is mandatory prior to the issue of a Construction Certificate.
- **Condition 58 – Structural Engineering Details**
The condition was amended to make it clear that the submission of structural engineering details to the Principal Certifier was mandatory prior to the issue of a Construction Certificate.
- **Condition 70 – Excavation and Retaining Structures adjacent to Public Roads**

The condition was amended to clarify the use of both temporary and permanent ground anchors within the road reserve and to specify the content required for any application for temporary anchors in the road reserve.

- **Condition 77 – Dilapidation Report**
The condition was deleted given it was duplicated.
- **Condition 82 – Restricted Hours of Construction Works**
The condition was amended to specify the hours during which construction work can occur and the process for varying these hours.
- **Condition 108 – Completion Report for Excavation adjacent to a Public Road**
The condition was amended to specify that the report must be provided to and approved by Wollongong City Council prior to the issue of any final occupation certificate for the development.
- **New Condition 108B – Green Travel Plan**
A new condition was incorporated requiring the implementation of the Green Travel Plan prepared by Varga Traffic Planning Pty Ltd (Ref 2017 dated Nov 2022).
- **New Condition 108C – Car Parking Allocation**
A new condition was incorporated requiring the Applicant to prepare a parking allocation strategy to ensure an equitable distribution of parking for staff, patients and visitors associated with future tenants of the facility. The parking allocation strategy must be prepared to the satisfaction of Council prior to the issue of an Occupancy Certificate.
- **New Condition 108D – Protection of Amenity**
To help mitigate residual amenity impacts on adjacent residential properties resulting from the use of the development, a new condition was incorporated requiring the Applicant to prepare and submit a Plan Of Management (POM) to the Principal Certifier prior to the issue of an Occupation Certificate. The POM must include details relating to external lighting, hours of deliveries, hours of use of outdoor dining area, and CCTV monitoring to prevent unauthorised access to basement car parking areas.
- **New Condition 111A – Noise Control General**
A new condition has been incorporated to ensure the use of the premise does not cause nuisance or any offensive noise as defined in the Protection of the Environment Operations Act 1997 at any affected receiver.
- **New Condition 111B – Noise Control – Plant and Machinery**
A new condition has been incorporated to ensure noise associated with the operation of any plant, machinery, or other equipment at the site does not adversely impact on the amenity of the area.
- **New Condition 111C – Loading and Unloading**
A new condition has been incorporated to ensure loading and unloading activities do not inconvenience the public or adversely affect the amenity of the locality.
- **New condition 111D – Unobstructed Driveways and Parking Areas**
A new condition has been incorporated requiring that all driveways and parking areas always remain unobstructed.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from a member of the public who sought to address the panel regarding the impact of stormwater and stormwater works on his property. The Panel notes that the issues of concern in submissions included:

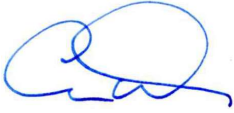




- Architectural merit
- Floor space ratio
- Lack of operational detail
- Car parking demand
- Landscaping
- Setbacks
- Traffic generation
- Overshadowing
- Privacy
- Height
- Geotechnical impacts
- Views/Property Values

- Noise
- Stormwater Drainage (proposed impacts)

In considering the assessment, the Panel requested further information from Councils assessment planner regarding an expanded response to DRP comments, overshadowing impacts, operation of the use, car parking allocation, the adequacy of the recommended deferred commencement conditions, and the recommended draft conditions of consent in general.

The Panel was satisfied that concerns raised by the community had been adequately addressed in both Council's Assessment Report, the 3D Solar Analysis provided to the Panel following the final determination briefing, and the further information provided by Councils assessment planner in the Supplementary Assessment Report.

The Panel was also satisfied that the concerns raised by the community member regarding stormwater impacts and his land had been satisfactorily addressed. The Panel was satisfied that the works could be physically undertaken on the land, and that the deferred commencement condition provided adequate time for the creation and registration of an applicable easement.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-150 – Wollongong - DA-2022/395
2	PROPOSED DEVELOPMENT	Demolition of two (2) residential dwellings and construction of a seven (7) storey health services facility with four (4) basement parking levels
3	STREET ADDRESS	411-417 Crown Street WOLLONGONG
4	APPLICANT/OWNER	Coveston Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP (Planning Systems) 2021 ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Transport and Infrastructure) 2021 ○ Wollongong Local Environmental Plan (WLEP) 2009 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 (WDCP 2009) ○ Wollongong City-Wide Development Contributions Plan (2021) • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 13 September 2023 • Addendum assessment report dated 27 September 2023 • 3D Solar Analysis dated 22 September 2023 • Updated Draft Conditions of consent • Written submissions during public exhibition: 10 • Total number of unique submissions received by way of objection: 9
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 1 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei, David Brown ○ <u>Council assessment staff</u>: Brad Harris, Pier Panozzo, Mark Adamson, Vanessa David ○ <u>Other</u>: Sung Pak (DPE) • Site inspection: 1 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei, David Brown ○ <u>Council assessment staff</u>: Brad Harris, Pier Panozzo, Mark Adamson, Vanessa David ○ <u>Other</u>: Sung Pak (DPE) • Final briefing to discuss council's recommendation: 20 September 2023

		<ul style="list-style-type: none">○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown, Mark Carlon○ <u>Council assessment staff</u>: Brad Harris, Pier Panozzo, Andrew Heaven, Janelle Johnston○ <u>Applicant representatives</u>: Kathy Davies (AVA Architects), Sophie Perry (Planning Ingenuity), Fay Vranas, Nick Vranas○ <u>Other</u>: Amanda Moylan (DPE), Tim Mahoney (DPE), Tracey Gillett (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended Draft Conditions

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

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

The development application described below has been determined:

Description	Demolition of two (2) residential dwellings and construction of a seven (7) storey health services facility with four (4) basement parking levels
Location	Lot 8 DP 8682, Lot B DP 355814, Lot C DP 355814, Lot 7 DP 8682 411-417 Crown Street Wollongong

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

This development application has been determined by granting deferred commencement consent. The Development Consent shall not operate until Council has been satisfied as to the matters contained in the deferred commencement conditions as follows:

- A.** The developer must demonstrate that a minimum one (1) metre wide Easement to Drain Water has been registered over Lot 34 within DP 8682 in favour of the development site (Lots 7 and 8 within DP 8682 and Lot B and C within DP 355814).
- B.** The developer must satisfy Council, within 36 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- C.** If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

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

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Dated
DA0003	9	Site Plan	Anthony Vavayis + Associates	10.07.23
DA0005	7	Demolition Plan	Anthony Vavayis + Associates	10.07.23
DA1001	7	Basement 4	Anthony Vavayis + Associates	10.07.23
DA1002	7	Basement 3	Anthony Vavayis + Associates	10.07.23
DA1003	7	Basement 2	Anthony Vavayis + Associates	10.07.23
DA1004	8	Basement 1	Anthony Vavayis + Associates	10.07.23
DA1005	12	Ground Floor Plan	Anthony Vavayis + Associates	10.07.23
DA1006	7	Level 1	Anthony Vavayis + Associates	10.07.23

DA1007	7	Level 2	Anthony Vavayis + Associates	10.07.23
DA1008	7	Level 3	Anthony Vavayis + Associates	10.07.23
DA1009	7	Level 4	Anthony Vavayis + Associates	10.07.23
DA1010	8	Level 5	Anthony Vavayis + Associates	10.07.23
DA1011	8	Level 6	Anthony Vavayis + Associates	10.07.23
DA2001	7	Elevations - North and East	Anthony Vavayis + Associates	10.07.23
DA2002	7	Elevations – South and West	Anthony Vavayis + Associates	10.07.23
DA2101	7	Sections 1	Anthony Vavayis + Associates	10.07.23
DA2102	8	Sections 2	Anthony Vavayis + Associates	10.07.23
DA2103	7	Sections 3	Anthony Vavayis + Associates	10.07.23
DA2200	6	Detail Section	Anthony Vavayis + Associates	10.07.23
DA2201	3	Detail Section 2	Anthony Vavayis + Associates	10.07.23
DA2202	3	Detail Section 3	Anthony Vavayis + Associates	10.07.23
L-C100	K	Landscape Composite Render	Site Image	30.06.23
L-101	I	Landscape Plan - Ground Floor & Public Domain	Site Image	30.06.23
L-102	D	Landscape Plan - Level 1 Terrace	Site Image	30.06.23
L-105	B	Landscape Plan - Level 5 Terrace	Site Image	30.06.23
L-201	F	Planting Plan - Ground Floor & Public Domain	Site Image	30.06.23
L-202	A	Planting Plan - Level 1 Terrace	Site Image	30.06.23
L-204	A	Planting Plan - Level 5 Terrace	Site Image	30.06.23
L-500	G	Landscape Specification & Plant Schedule	Site Image	30.06.23
L-501	C	Landscape Details	Site Image	30.06.23
L-502	C	Landscape Details	Site Image	30.06.23
L-700	A	Landscape Sections	Site Image	30.06.23
L-701	A	Landscape Sections	Site Image	30.06.23

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. Stormwater Quality Management

- a. The stormwater treatment system must achieve the pollutants and nutrients removal to the following minimum reductions: Gross Pollutants – 90%, Total Suspended Solids – 80%, Total Phosphorus – 55% and Total Nitrogen – 40%
- b. It is strata management responsibility to maintain the stormwater filtration system.

3. Earthworks Plan Development

Prior to start of earthworks, an earthworks plan is to be developed by an appropriately qualified geotechnical consultant and provided to the principal certifier prior to the commencement of works.

4. Earthworks Plan Modifications

The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works. Any variations to the earthworks plan must be approved by the geotechnical consultant with the variations documented and provided to the principal certifier.

5. Ground Disturbance

No disturbance of ground is to occur beyond site boundaries other than for the construction of the drainage easement required by the deferred commencement condition. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

6. Structural Design Amendments

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

7. Works-as-executed Report

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.

8. Deleted

9. Deleted

10. Retaining Wall Design

Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.

11. Compliance with the Building Code of Australia (BCA)

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

12. 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.

13. Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the developer to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

14. Mailboxes

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150mm in height for each number and letter in the alphabet.

15. Separate Consent Required for Advertising Signage

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

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.

16. 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.

17. 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.

18. Comply with Geotechnical Report

The developer must undertake a geotechnical investigation for the site to determine the appropriate methods of excavation, recommendations for any earth works plan and any structural design for the building. The developer must carry out all recommendations contained in the geotechnical report in order to ensure the structural design will incorporate the site geotechnical constraints to achieve the acceptable risk level as defined by Council's Geotechnical DCP. A copy of the geotechnical report must be provided to the principal certifier prior to the issue of any Construction Certificate.

19. 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 \$298,744.88 (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 shown 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 information will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issued 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.

Before the Issue of a Construction Certificate

20. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared including Unexpected Finds Protocol and implemented **prior to the commencement of demolition works on the site**. The CEMP must address how the proponent will manage any foreseeable environmental risk during the demolition, excavation and construction phases. This includes but is not limited to documenting measures to ensure there is no pollution to waters, and dust and noise are minimised as far as practicable.

The CEMP must also include:

- details of the proposed excavated soil material and its proposed method of disposal together with proposed 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, Copy of the plans shall be forwarded to Council.
- Details of support for all excavations during and after construction particularly to protect existing development on adjoining properties.

- Proposed excavation methods to minimise noise and vibration should hard bedrock be encountered..

21. Remediation Action Plan

Prior to the issue of the Construction Certificate a Remediation Action Plan (RAP) including groundwater investigation as recommended in the Detailed Site Investigation (DSI) must be prepared so that site is suitable for proposed development. The RAP and Site Validation reports must be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites, published by NSW Office of Environment & Heritage. August 2019 and WDCP Chapter-E20. The works shall be undertaken in accordance with the endorsed RAP..

22. Site Validation Report

To ensure the site has been remediated in accordance with the RAP, a Validation Report (Stage IV) shall be submitted to Council **prior to the issue of the Construction Certificate**.

The Validation Report shall verify that:

- the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- the site is suitable for the proposed development.

The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

The Site Validation Report must include in either its executive summary or conclusion a clear statement that the remediation has achieved its stated objectives and is fit for the intended use of the site..

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

23. Crime Prevention Through Environmental Design (CPTED) - Design Measures

The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:

- Landscape treatment which allows visibility from the road way and other public areas;
- landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,
- provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the Construction Certificate plans.

24. Final Landscape Plan Requirements

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

- 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, 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;
- continuation of Level 5 perimeter planting to the south and west edges of the east balcony/roof terrace.
- 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;
- a connected maintenance access path must be provided from communal area to both sections of the raised planters to allow access between the different levels of planters to allow maintenance of these areas for people and equipment.

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

25. Landscape Maintenance Plan

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

26. Tree Protection and Management

Any existing 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.
- b. 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.

27. Certification for Landscape and Drainage

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

28. Footpath Paving City Centre

The developer is responsible for any necessary repairs or upgrades required to the existing footpath paving as a result of the development for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual.

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

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

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

The footpath and driveway entry on the Council property must be installed to the satisfaction of Council's Development Engineering Manager..

The Final Landscape Plan required by Condition 24 ~~is to be submitted to Council for approval prior to the issue of the Construction Certificate showing~~ must show proposed paving, driveway pavement 222 x 112 x 80mm Adbri Masonry colour charcoal, hone finish paving units in a herringbone pattern, footpath design levels, street tree details and location of all services.

29. Street Trees City Centre

The developer must address the street frontage by installing street tree planting. The existing Cupaniopsis anacardioides at the eastern end of the site may be removed and three (3) additional Cupaniopsis anacardioides 200 litre container size in accordance with AS 2303:2018: Tree stock for landscape use shall be planted along the street frontage as shown on the approved concept landscape plan. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

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

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

30. 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.

31. 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.

32. Car Parking and Access

The development shall make provision for a total of 171 car parking spaces (including 4 car parking spaces for people with disabilities), 7 motorcycle parking spaces and a minimum of 8 secure (Security Class B) employee bicycle spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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 Development Engineering Manager. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

38. Bicycle Parking Facilities

Bicycle parking facilities must provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. These facilities must be located within a secure compound with a self-closing door and combinations keypad. This requirement shall be reflected on the Construction Certificate plans.

39. Council Footpath Reserve Works – Driveways and Crossings

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

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

40. Turntable Design

The proposed turntable must be designed to accommodate a medium rigid vehicle as per the specifications in AS2890.1. Details of the turntable location and design must be generally in accordance with the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd, Ref: 20187, dated 9 October 2022. Details of compliance must be demonstrated on the Construction Certificate plans.

41. Access to be Left-in, Left-out Only

The proposed access driveway is for left turning traffic only (No Right turns in or out). To ensure this is adhered to, 'No Right Turn' signs facing eastbound traffic in Crown Street and facing exiting traffic within the site, must be installed in a suitable location within the road reserve and shown on the plans. Details of compliance must be demonstrated on the Construction Certificate plans.

42. The developer must ensure that the proposed access design demonstrates appropriate Safe Intersection Sight Distance (SISD) is available, with the proposed street frontage and landscaping included in the SISD analysis. The SISD will need to be compliant with Austroads Guide to Road Design Part 4A.

43. 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.

44. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Builders and Developers" section of the web site www.sydneywater.com.au then search to "Find a Water Servicing Coordinator". Alternatively, telephone 13 20 92 for assistance.

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

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

45. 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.

46. 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.

47. Disabled Access and Facilities

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

48. Toilet Facilities for Disabled Persons

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

49. Gradient for Disabled Access Ramps

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

50. Crime Prevention through Environmental Design (CPTED) - Public Spaces

The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS 1158:1999 or AS 4360:1999 (only appropriate if the land is in public ownership). This requirement shall be reflected on the Construction Certificate plans.

51. Main Entry Point to Building as per AS 1428.1

The main entry point to the building shall be in accordance with the current relevant Australian Standard AS 1428.1:2001: Design for Access and Mobility, Part 1 General Requirements for Access Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.

52. Gradients of Ramps and Driveways as per AS 2890.1

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS 2890.1: Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

53. 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.

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

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

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

- a. Proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed measures to protect 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 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.

55. Dust Suppression Measures

Details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development must be submitted to the Principal Certifier prior to issue of the Construction Certificate.

56. Payment of S7.12 Levy

Prior to release of any associated Construction Certificate the Certifier must ensure that the S7.12 levy has been paid in full. In this regard the Certifier must submit to Council, with the Construction Certificate documentation, receipts which will specify whether the levy has been paid by cash or bank cheque.

57. 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.

58. Structural Engineering Details

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

- a. Footings;
- b. reinforced concrete slabs;
- c. retaining walls;
- d. structural steelwork;
- e. wall bracing and tie-down requirements;
- f. the structural engineer, in producing a design is to complement the Geotechnical Engineer's Stability Report to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described in Clause 1.3 of 2870 (1996) and any other relevant codes and standards."

59. Fire Safety Schedule

When issuing a Construction Certificate, a Principal Certifier must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

60. 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.

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre must 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. Stormwater Connection to Kerb

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall

be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

63. Sizing of Drainage

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

64. 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, being the following:
 - i. Ground Floor Drainage Plan, Job no. 200452, Drawing no. C06, Revision 4, by Greenview, dated 23/08/2023.
 - ii. Civil Design Drainage Easement Plan, Job no. 200452, Drawing no. C10, Revision 1, by Greenview, dated 23/08/2023.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system and the inter-allotment drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% AEP 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.

65. OSD Design

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

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site demonstrating post development flows to each discharge point (Crown St and the drainage easement) is equal to or less than existing stormwater discharge to each discharge location in the minor (5yr) and major (100yr) storm events.
- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.

- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - ii. Identification number DA-2022/395.
 - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

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. Crown Street – Detailed Civil Engineering Design – Council Land

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

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. 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.
- d. 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.
- e. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified Engineer to the expected traffic loadings and type.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate. The application must be made via Wollongong City Council's Frontage Works Application process with details available on www.wollongong.nsw.gov.au.

68. 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.

69. Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

70. Excavation and Retaining Structures adjacent to Public Roads

Permanent ground anchors are not permitted within the road reserve. 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
- b. A dial before you dig confirming all service providers in the road.
- c. 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.
- d. A detailed structural design of the proposed temporary anchors prepared by a Chartered 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.

71. Ground Anchors

Permanent ground anchors are not permitted within the road reserve. 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 2012/001.

Before the Commencement of Building Work

72. Hazardous including Asbestos 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.

73. 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.

74. Consultation with WorkSafe NSW

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

75. 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.

76. Unexpected Finds Protocol (UFP)

As a matter of due diligence and given the current non-accessible areas precluding visual and physical access to the entire site it is recommended that A UFP form part of the construction environment management plan (CEMP) for the proposed earthworks associated with the development.

The CEMP shall incorporate the following provisions in respect of unexpected finds:

- a. Ensuring workers are trained to recognise potential contamination and danger signs such as odours or soil discolouration:
- b. Specifying precautions to be taken if signs of unexpected contamination or hot spots are found. Such precautions shall include:
 - i. Immediate cessation of work.
 - ii. Immediate reporting of signs to the site supervisor.
 - iii. Isolate of the area with a physical barrier.
 - iv. Assumption that the area is contaminated until an assessment proves otherwise.
 - v. Assessment of the area to identify any contaminants.

77. Deleted

78. Works in Road Reserve - Minor Works

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

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

- a. All restorations are at the cost of the 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.

79. 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.

While Building Work is Being Carried Out

80. Waste Classification of Excavated Soils

Prior to disposal of excavated soils off site, these soils should be classified in accordance with the DECCW (2009) Waste Classification Guidelines and dispose accordingly to approved landfill facility. TCLP analysis is required to be undertaken in accordance with the recommendations of the Detailed Site Investigation prepared by Douglas Partners dated November 2019.

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

82. Restricted Hours of Construction Works

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.

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:

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

Note: The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

83. Dust Suppression Measures

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

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

84. Installation of WSUD Treatment Measures

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan.

85. Material Stockpiles (Site Management)

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material does not spill onto the road pavement and 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. Asbestos Removal, Handling and Disposal

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

88. Asbestos Waste – NSW WorkSafe and EPA

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

89. Asbestos Clearance Certificate

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of renovations (or prior to the Occupation Certificate being issued).

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

Implement building acoustic treatment as recommended in Section 5.4 and Appendix 3 of acoustic report prepared by Acoustic Logic dated 23 July 2022 to comply with the with the WCC DCP 2009 and NSW SEPP I&T 2021– Development Near Rail Corridors & Busy Roads –Interim Guidelines.

91. Mechanical Plants and Exhaust Ventilation System

- a. 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.
- b. 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.

92. Ecologically Sustainable Development

Implement all the recommendations in energy efficient – waste – environment and sustainability report Science Consultants Group dated 17 November 2022. They are:

- Water efficient bathroom and kitchen fittings;
- All common area toilet flushing systems are at least 4 stars;
- All common area taps are at least 4 stars;
- Light efficiency measures in the carparks using time clocks and motion sensors;
- Electricity sub-metering for significant end uses that will consume more than 10,000 kWh/a;
- Water sub-metering for major uses;
- Low levels of volatile organic compounds (VOC) paints and floor coverings and low formaldehyde wood products where possible; and
- Car spaces for small or low emission cars.

93. 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.

94. Provision of Taps/Irrigation System

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

95. Level 1 Supervision

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.

96. Foundation Inspections

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.

97. 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.

Before the Issue of an Occupation Certificate

98. 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.

99. 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.

100. Drainage

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full WAE plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the

stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

101. Restriction on Use - On-Site Detention System (OSD)

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

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

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

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

102. Retaining Wall Certification

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

103. Positive Covenant - On-Site Detention Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule (DA-2022/895 to be referenced).

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

104. On-Site Detention - Structural Certification

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

105. WAE Plans – Works within Council Land

The submission of a WAE plan for works within Council land must be submitted to Councils Development Engineering Manager for assessment, prior to the release of the 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 Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The WAE plans must include:

- a. Final locations and levels for all works associated with the development within Council land.
- b. the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

106. 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.

107. CCTV

All stormwater pipes within road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Councils Development Engineering Manager for assessment and approval prior to the issue of the Occupation Certificate. Below standard work must either be replaced or repaired to Councils satisfaction prior to the issuing of the Occupation Certificate.

108. Completion Report for Excavation adjacent to a Public Road

Prior to the issuing of the Occupation Certificate, a report must be provided to Wollongong City Council and Principal Certifier, prepared by a qualified Civil Engineer, NPER 3 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 2012/001.
- b. Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- 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.

108B. Green Travel Plan

The Green Travel Plan prepared by Varga Traffic Planning Pty Ltd Ref. 20187 dated November 2022 shall be implemented at all times during the life of the development. A person shall be appointed as the Travel Plan Co-ordinator who shall have responsibility for the ongoing monitoring and development of the Green Travel Plan and associated Transport Access Guide.

The Travel Access Guide shall be provided to staff and patients as part of an induction package. Sustainable transport objectives shall be facilitated by:

- encouraging the use of non-car transport modes by patients, employees and visitors to the site.
- considering means available for reducing dependence solely on cars for travel purposes
- encouraging the use of public transport and supporting the efficient and viable operation of public transport services.
- Displaying information, maps and public transport timetables in the building foyer

108C Car Parking Allocation

Prior to Issue of an Occupation Certificate the developer must provide to Council for approval a parking allocation strategy. The purpose of the strategy is to ensure that an equitable distribution of parking is provided for staff, patients and visitors associated with future tenants of the facility.

108D Plan of Management – Protection of Amenity

Prior to issue of an Occupation Certificate the developer must submit to the Principal Certifier a Plan of Management. The Plan of Management must address measures employed to mitigate any amenity impacts on adjacent residential properties and shall include details of:

- External lighting
- Hours of deliveries
- Hours of use of outdoor dining areas
- CCTV monitoring to ensure no unauthorised access to basement car parking areas.

Occupation and Ongoing Use

109. 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.

110. Maintenance of Turntable

The proposed turntable within the site must be maintained in a good state of repair and operational at all times.

111. Waste Servicing Prior to 8:00am Only

All waste servicing is to be carried out prior to 8am to ensure that large vehicles are able to enter and leave the site without causing any significant traffic safety issues.

111A. Noise Control – General

The use of the premise shall not cause nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

111B Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

111C Loading and Unloading

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

111D Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

_____ End of Conditions _____