

## SUPPLEMENTARY REPORT DA-2022/938 (PPSSTH-178)

### 1. Background

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Development Application DA-2022/938 was reported to the Southern Regional Planning Panel (SRPP) on the 30 April 2024. The panel deferred the matter pending the submission of a supplementary report by Council. This supplementary report provides an assessment to assist in the further consideration of the matters outlined in the panels notice of deferral dated 22 April 2024. and should be read in conjunction with Council's Assessing Officers report as presented to Panel on the 30 April 2024

### 2. PANEL CONSIDERATION AND DECISION:

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Extract of panel deferral:

#### REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter pending the submission by Council of a supplementary assessment report and revised recommended conditions of consent which address:

- The provision and consideration of a parking layout design plan/s that demonstrate that the basement layout can accommodate the swept paths of a B99 vehicle passing a B85 vehicle on all two-way circulation aisles in accordance with AS2890.1. This is to be demonstrated using swept path software which observes the required 300mm clearances specified in AS2890.1; and
- The need to ensure that should consent for this application be issued, consent is not being granted for any retrospective work approved and undertaken under DA-2021/10/70 (i.e. excavation for four levels of parking); and
- Any subsequent necessary changes to the recommended conditions of consent.

### 3. ACTIONS FOLLOWING MEETING

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*Amended plans to address the Panels first bullet point.*

Amended plans were lodged in the portal on 30 April 2024. The basement design has been amended provide adequate circulation isles.

The proposal requires 377 cars (comprising 93 residential parking spaces, 19 residential visitor spaces and 265 commercial parking spaces).

The previous commercial parking numbers totalled 271 spaces (this included 6 surplus car parking spaces). The new commercial parking provision totals 262 spaces. A Green Travel Plan is proposed to cater for the shortfall in car parking spaces. The shortfall in commercial parking spaces has been addressed via a Green Travel Plan (refer to condition 118).

The applicant provided the following response:

1. The architectural drawings have been amended to comply with 2 way circulation isles.
2. Total GFA changed from 15,954sqm to 15,870sqm which is a direct result of the removal of 6 additional parking spaces of 84sqm total. (Note: the initial DA was over in parking numbers)
3. The loss of parking spaces allows for two-way traffic throughout the ramp circulation.
4. Updated parking layout plans (DA-100 to DA-106) and traffic report is provided.
5. The updated architectural drawings have been uploaded to the portal along with the update traffic report which includes the requested swept paths.

The submitted Traffic impact assessment outlines changes to the proposed car parking numbers:

*The proposed development makes provision for a total of 374 cars, comprising 93 residential parking spaces, 19 residential visitor parking spaces, and 262 commercial/retail parking spaces, plus a dedicated car wash bay, thereby resulting in a theoretical shortfall of 3 commercial/retail parking spaces under the DCP. The shortfall in parking spaces will be addressed via a Green Travel Plan to be completed 6 months before occupation. The proposed development also makes provision for 120 bicycles and 18 motorcycles within the multi-level parking areas, thereby also satisfying the Council's DCP bicycle/motorcycle parking requirements.*

A review of the submitted information has been undertaken by Council's Traffic Engineer and a satisfactory referral has been provided with the following changes to conditions:

Amended previous Condition 54 (parking numbers) to reflect changes to the plans. Condition is renumbered to Condition 55.

Former Condition 51 requires details of construction traffic management (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). Refer to condition 52 as this condition has been renumbered.

New Condition 63 - Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve) added to the draft consent.

New Condition 118- Green Travel Plan.

*Ensure that any consent is not granted for retrospective works to address the Panels second bullet point.*

The applicant has clarified that they have a Construction Certificate in place for both DA-2020/535 and DA-2021/1070 which involve the following approvals:

4-8 Parkinson Street, Wollongong

DA-2020/535- Demolition of existing structures and construction of an eleven (11) storey mixed use development comprising basement parking, ground floor business premises, 54 residential units and 69 parking spaces was approved on 19/08/2021 by the Southern Regional Planning Panel.

4-8 Parkinson Street, 379-383 Crown Street, Wollongong

DA-2021/1070 - Commercial - demolition of existing structure and construction of a two (2) storey building and four (4) levels of basement parking, was approved on 28/03/2022.

DA-2021/1070/A - Commercial - demolition of existing structure and construction of a two (2) storey building and four (4) levels of basement parking Modification A - provision of plant room for basement levels approved on 20/08/2022.

Both consents have been acted upon. The exclusions outlined in the proposed condition reflect the works as described in both construction certificates.

Proposed condition

6. Works approved under this application.

This consent does not authorise the bulk excavation, shoring, piling and capping works undertaken in association with Construction Certificate No. C1A052A2 (DA-2020/535) and Construction Certificate No. C2A042A1 (DA-2021/1070/A). The works carried out pursuant to these Certificates are excluded from this approval.

Reason

To satisfy the requirements of legislation.

*Recommended changes to the conditions of consent to address the Panels third bullet point.*

Conditions have been amended as discussed in this report.

*Other matters discussed at the meeting:*

**Amendment of condition 4 relating to further site investigations required for the childcare centre**

The panel requested that condition 4 be updated to provide more detail with regard to the reporting requirements under this SEPP in order to specify the types of reports which may be required. The condition is amended as below:

4. Further Site Investigations required.

Further site investigations are required to be undertaken at 377 Crown Street as specified in the letter from Aargus dated 10 November 2023. Due to the operation and location of the preschool and associated buildings and sealed surfaces on this site, investigations are required take place following demolition of the buildings and sealed surfaces within 377 Crown Street. Additional site sampling as specified in the above letter from Aargus is to include:

- Four test pit locations across the property located at 377 Crown Street.
- Laboratory analysis and results from sample analysis – findings and comparison to regulatory guidelines.
- Field and laboratory Quality Assurance/Quality Control (QA/QC).
- Report of findings to be submitted to Council.
- A suitability statement for the proposed commercial development.

Construction work on 377 Crown Street shall not commence until Council reviews the findings of these investigations. Based on the results of the investigations, Council may request additional site investigations and reporting to be undertaken in accordance with SEPP Resilience and Hazards 2021 in order for the site to be deemed suitable for proposed development. These investigations include Detailed Site Investigations, Remedial Action Plan, Validation Reporting, Site Auditing and monitoring.

Reason:

To satisfy the requirements of the legislation.

### **Updated FSR calculations**

#### Clause 4.4A Floor space ratio – Wollongong city centre

Total site area of 5080m<sup>2</sup>

Gross floor area (commercial): 15870m<sup>2</sup>

Gross floor area (residential): 8912m<sup>2</sup>

Gross floor area total: 24,782m<sup>2</sup>

Maximum floor space ratio: 5.1:1

Floor space ratio proposed: 4.89:1

#### Calculation of maximum FSR permitted:

(4) The maximum floor space ratio for a building on land within a business zone under this Plan, that is to be used for a mixture of residential purposes and other purposes, is—

$$(NRFSR \times NR/100) + (RFSR \times R/100):1$$

where—

*NR* is the percentage of the floor space of the building used for purposes other than residential purposes. (15,870 m<sup>2</sup>/24,782m<sup>2</sup> = 64%)

*NRFSR* is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes. **(6)**

*R* is the percentage of the floor space of the building used for residential purposes. (8,912m<sup>2</sup>/24,782m<sup>2</sup> = 36%)

*RFSR* is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes. **(3.5)**

residential purposes, in relation to the use of a building, means using the building for the purposes of residential accommodation or serviced apartments or a combination of such uses.

$$\text{Max FSR} = (6 \times 64/100) + (3.5 \times 36/100) = 3.84 + 1.26 = \mathbf{5.1:1} \text{ (equates to 25,928.3m}^2\text{)}$$

$$\text{FSR proposed: } 24,782\text{m}^2/5080\text{m}^2 = 4.88:1$$

### **Discussion regarding the bus shelter**

As part of the previous consent, the applicant requested the temporary relocation of the bus shelter during the construction period as the bus shelter was located directly in front of the development site. Agreement was reached between Council's Traffic Unit Division and TfNSW for the relocation of the bus shelter to be located further west of Crown Street. A condition relating to the upgrade of the bus shelter is proposed by TfNSW and attached to this consent (refer to letter from TfNSW dated 15 March

2024, attachment to the consent). A condition relating to the upgrade of the bus shelter is recommended as follows:

Proposed amended condition:

123. Bus Shelter

Prior to the issue of the Occupation Certificate, the developer is required to complete the upgrade of the Crown Street bus shelter adjacent to the development, in consultation with Wollongong City Council's Strategic Traffic Unit and Transport for NSW requirements (refer to attached letter dated 15 March 2024). This is to be undertaken at the full expense of the developer.

Reasons

For the upkeep of public transport services.

**Removal of deferred commencement condition, update condition 1 to reflect the new plans, update development description for amended parking numbers.**

The development description and plans have been updated and deferred commencement condition has been removed. The notes at the end of the consent have also been updated due to the removal of the deferred commencement condition.

**Other amended conditions**

The following conditions have been updated:

Acoustic Conditions: There appears to be an error in previous condition 20, the correct report is Acoustic Noise & Vibration Solution P/L dated 10 May 2022. Condition 21 has been updated accordingly. This report has also been added to Condition 1 list of approved plans.

Repair of Infrastructure: Questions were raised during the meeting regarding the repair infrastructure, namely the damage to the Parkinson Street Road which has already occurred. The following condition has placed on the draft consent. This condition has been renumbered to Condition 116 and remains on the revised consent and satisfies Council's requirements for repairs to any damages that occur as a result of the works undertaken.

Condition 119 relates to street tree establishment, an additional condition is proposed for landscaping maintenance, new condition 124 is proposed as follows:

124 Landscaping to be maintained

The landscaping, completed in accordance with the final approved landscape plan, shall be maintained in perpetuity for the life of the development.

Reason:

To comply with Council's Development Control Plan.

#### **4. CONCLUSION**

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This supplementary report and the amendments to the plans and conditions are considered to satisfactorily address the reasons for deferral by the Panel and the application is recommended for approval subject to the draft conditions at Attachment 1.

#### **ATTACHMENTS**

Attachment 1 Draft Conditions of Consent

Attachment 2 Revised Architectural Plans

## ATTACHMENT 1 - DRAFT CONDITIONS OF CONSENT

DA-2022/938- 4-8 Parkinson Street and 377-383 Crown Street, Wollongong

Lot 4 DP 10704, Lot 5 DP 10704, Lot 6 DP 10704, Lot 7 DP 10704, Lot 81 DP 10704, Lot 82 DP 10704, Lot 83 DP 10704

### 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-0000	H	SITE PLAN	Urban Link	23/06/23
DA-0005	H	SITE & DATA PART 1	Urban Link	23/06/23
DA-0101	M	BASEMENT 02	Urban Link	30/04/24
DA-0102	M	BASEMENT 01	Urban Link	30/04/24
DA-0103	M	LEVEL 01	Urban Link	30/04/24
DA-0104	M	LEVEL 02	Urban Link	30/04/24
DA-0105	M	LEVEL 03	Urban Link	30/04/24
DA-0106	M	LEVEL 04	Urban Link	30/04/24
DA-0107	L	LEVEL 05	Urban Link	15/12/23
DA-0108	L	LEVEL 06	Urban Link	15/12/23
DA-0109	L	LEVEL 07	Urban Link	15/12/23
DA-0110	L	LEVEL 08	Urban Link	15/12/23
DA-0111	L	LEVEL 09	Urban Link	15/12/23
DA-0112	L	LEVEL 10	Urban Link	15/12/23
DA-0113	L	LEVEL 11	Urban Link	15/12/23
DA-0114	L	LEVEL 12	Urban Link	15/12/23
DA-0115	L	LEVEL 13	Urban Link	15/12/23
DA-0116	L	LEVEL 14	Urban Link	15/12/23
DA-0117	L	LEVEL 15	Urban Link	15/12/23
DA-0118	L	LEVEL 16-20	Urban Link	15/12/23

DA-0119	L	LEVEL 21	Urban Link	15/12/23
DA-0120	L	ROOF	Urban Link	15/12/23
DA-0201	L	NORTH ELEVATION	Urban Link	15/12/23
DA-0202	L	SOUTH ELEVATION	Urban Link	15/12/23
DA-0203	L	EAST ELEVATION	Urban Link	15/12/23
DA-0204	L	WEST ELEVATION	Urban Link	15/12/23
DA-0205	L	CROWN ST. STREETSCAPE	Urban Link	15/12/23
DA-0301	H	SECTION A	Urban Link	23/06/23
DA-0302	H	SECTION B	Urban Link	23/06/23
DA-0303	H	SECTION C	Urban Link	23/06/23
DA-0304	H	SECTION D	Urban Link	23/06/23
DA-0305	H	SECTION E	Urban Link	23/06/23
DA-0306	L	SECTION F & G	Urban Link	15/12/23
DA-0351	H	DETAIL SECTION 01	Urban Link	23/06/23
DA-0352	H	DETAIL SECTION 02 (SHEET 1)	Urban Link	23/06/23
DA-0353	H	DETAIL SECTION 02 (SHEET 2) & 03	Urban Link	23/06/23
DA-0354	H	DETAIL SECTION 04 (SHEET 1)	Urban Link	23/06/23
DA-0355	H	DETAIL SECTION 04 (SHEET 2)	Urban Link	23/06/23
DA-0356	H	DETAIL SECTION 04 (SHEET 3)	Urban Link	23/06/23
DA-901	H	CGI 01 - MAIN	Urban Link	23/06/23
DA-902	H	CGI 02 – CROWN STREETSCAPE	Urban Link	23/06/23
DA-903	H	STREETSCAPE	Urban Link	23/06/23
DA-904	J	LEVEL 05 CROWN ST ENTRANCES	Urban Link	18/07/23
DA-905	J	LEVEL 05 EAT STREET	Urban Link	18/07/23

DA-906	J	LEVEL 05 CENTRAL PIAZZA	Urban Link	18/07/23
DA-907	L	LEVEL 01-06 POTENTIAL TENANCY	Urban Link	15/12/23
DA-910	F	FINISHES SCHEDULE	Urban Link	26/05/22
2022-162		ACOUSTIC REPORT – TRAFFIC AND ENVIRONMENTAL NOISE ASSESSMENT	Acoustic Noise & Vibration Solution P/L	10/5/2022

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

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

## General Conditions

### 2. Transport for NSW Requirements

Requirements imposed by Transport for NSW letter dated 15 March 2024 as attached shall form part of this Notice of Determination.

Reason:

To comply with Transport for NSW Requirements

### 3. Geotechnical

- a. All work is to be in accordance with the geotechnical recommendations contained in the report dated 22 January 2020 by Morrow Geotechnics Pty Ltd.
- b. A supplementary geotechnical report is required which:
  1. Assesses the existing pavement condition including photos of Crown Street across the full frontage of the proposed development;
  2. Assesses the potential impact of the proposed development on the short and long term impact on the performance of the pavement of Crown Street;
  3. Identifies appropriate measures to manage any potential impacts from the proposed development; and
  4. Makes recommendations for the design of any temporary or permanent structures, drainage treatments, slope management or excavations required to manage the potential impact to Crown Street from the development.
- c. No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- d. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- e. All recommendations of Morrow Geotechnics Pty Ltd in their geotechnical report dated 22 January 2020 are to be accommodated in the earthworks plan.

- f. The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the Stage 1 works.
- g. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- h. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- a. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- j. Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner(s).
- k. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision.
- l. At the completion of site preparation earthworks including retaining wall construction, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
- m. Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- n. 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.

Reason:

To comply with legislation

**4. Further Site Investigations required.**

Further site investigations are required to be undertaken at 377 Crown Street as specified in the letter from Aargus dated 10 November 2023. Due to the operation and location of the preschool and associated buildings and sealed surfaces on this site, investigations are required to take place following demolition of the buildings and sealed surfaces within 377 Crown Street. Additional site sampling as specified in the above letter from Aargus is to include:

- Four test pit locations across the property located at 377 Crown Street.
- Laboratory analysis and results from sample analysis – findings and comparison to
- regulatory guidelines.
- Field and laboratory Quality Assurance/Quality Control (QA/QC).
- Report of findings to be submitted to Council.
- A suitability statement for the proposed commercial development.

Construction work on 377 Crown Street shall not commence until Council reviews the findings of these investigations. Based on the results of the investigations, Council may request additional site investigations to be undertaken in accordance with SEPP Resilience and Hazards 2021 in order for the site to be deemed suitable for the proposed development. These investigations may include Detailed Site Investigations, Remedial Action Plan, Validation Reporting, Site Auditing and monitoring.

Reason:

To satisfy the requirements of the legislation.

**5. Design Amendments**

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

- A minimum 2700mm head-height clearance is to be maintained to Retail and Commercial spaces.

Reason:

To ensure adequate head height clearance is provided to accommodate future retail or commercial fitouts unencumbered by building services.

- Material Type PF3 on Drawing DA-910-F and Elevation drawings is to be Face Brick, similar in colour to Austral Brick "Bowral 76 Bowral Blue."

Reason:

Dark-coloured panelised systems are generally difficult to maintain and increases ongoing management costs; to ensure a suitable quality of finish is achieved over time (e.g. to avoid panel fading); to provide greater material surface variation with upper tower levels.

- Material Type PF1 and PF2 on Drawing DA-910-F is to be prefinished through-coloured fibre-cement boards, equal or similar to Equitone Natura.

Reason:

To reduce maintenance burden on future occupants; to minimise environmental demand from applied painted surfaces; to minimise WHS concerns such as for repainting activities.

- Each side of the vehicle entrance ramp to Parkinson Street shall be clad in material type BWK1 face brickwork, extending to Grid 4.

Reason:

To provide a high-quality material visible from the street and neighbouring properties

- Two showers are to be included to each of Level 07, Level 08 and Level 09, in lieu of providing separated commercial End of Trip facilities.

Reason:

To ensure adequate amenity is provided to commercial occupants, and to promote the use of bicycles for commuting.

- Horizontal plenum ducts to allow natural ventilation must be provided to Units L11.8, L12.8 and L13.7 and as detailed on Drawing DA-0302-H and Windtech Natural Ventilation statement dated 23.6.2023.

Reason:

To ensure minimum natural ventilation requirements are achieved for the development

## 6. Works approved under this application

This consent does not authorise the bulk excavation, shoring, piling and capping works undertaken in association with Construction Certificate No. C1A052A2 (DA-2020/535) and Construction Certificate No. C2A042A1 (DA-2021/1070/A). The works carried out pursuant to these Certificates are excluded from this approval.

Reason

To satisfy the requirements of legislation

## 7. Stormwater Quality Management

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

Reason:

To satisfy the requirements of the legislation.

## 8. Separate Development Applications for Café and Restaurants

Separate development applications must be lodged by tenants or operators of café and restaurants.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

#### **9. 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, it is recommended to implement unexpected find protocol (UFP) as part of construction environment management plan (CEMP) for any future proposal or earth works 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
- assess the area to identify contaminants in the soil or spoil

Reason:

To satisfy the requirements of the legislation.

#### **10. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared including UFP 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 phase. 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.

Reason:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

#### **11. 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.

Reason:

To satisfy the requirements of the legislation.

#### **12. Tree Retention/Removal**

This consent permits the removal of existing trees as indicated on the Landscape Plan by Site Image Issue D. No other trees shall be removed without prior written approval of Council.

Reason:

To protect the amenity of the environment and the neighbourhood.

#### **13. 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.

Reason:

To ensure that access is maintained.

#### **14. 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.

Reason:

To identify the property.

**15. Compliance with the Building Code of Australia (BCA)**

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

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

**16. 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.

Reason:

To ensure all parties are aware separate consent required.

**17. 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.

Reason:

To satisfy the requirements of the legislation.

**18. 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.

Reason:

To satisfy the requirements of the legislation.

**19. 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.

Reason:

To satisfy the requirements of the legislation.

## **20. 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 \$1,752,529.32 (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](http://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](http://www.wollongong.nsw.gov.au).

### Reason:

To ensure the development contributes to the provision of local infrastructure, through the payment of development contributions.

## **Before the Issue of a Construction Certificate**

### **21. Amend Plans to comply with Acoustic Recommendations**

Prior to issue of Construction Certificate, plans are to be amended to reflect the recommendations of the acoustic report prepared by Acoustic Noise & Vibration Solution P/L dated 10 May 2022 to comply with SEPP Transport & Infrastructure 2021 CI 2.119 noise criteria. A copy of these plans is to be submitted to Principal Certifier.

### Reason:

To protect neighbourhood amenity

### **22. 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:

- a. Landscape treatment which allows visibility from the road way and other public areas;
- b. landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,
- c. provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- d. 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 300mm x 300mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the Construction Certificate plans.

### Reason:

To comply with Council's Development Control Plan.

### **23. Final Landscape Plan Requirements**

The submission of a final Landscape Plan 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. Street trees and footpaths to be detailed in accordance with the Wollongong City Centre Public Domain Technical Manual.

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

Reason:

To comply with Council's Development Control Plan.

**24. Certification for Landscape and Drainage**

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

Reason:

To ensure development does not impact services.

**25. 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.

Reason:

To comply with Council's Development Control Plan.

**26. Footpath Paving City Centre**

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

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

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

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

The footpath and driveway entry on the Council property must be installed to the satisfaction of Wollongong City Council.

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

Reason:

To comply with Council Policy.

**27. Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development are six (6) *Zelkova serrata* 'Village Green' on the Princes Highway Frontage and three (3) *Waterhousia floribunda* on the Parkinson Street frontage 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.

Reason:

To comply with Council's Development Control Plan.

**28. 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.

Reason:

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

**29. Designated Overland Flow Paths**

Details of each overland flows path/s located on the site to accept upslope overland flows and convey flows from the upper level landscaped area shall be provided with the detailed drainage design. Each overland flow path shall be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site stormwater detention facility. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse stormwater impacts upon the subject land and adjoining properties. Full Manning's calculations shall be provided on the capacity of each overland flow path. The overland flow paths must be design to ensure debris potential is reduced to ensure debris isn't directed into the driveway area. These requirements shall be reflected on the Construction Certificate plans (both drainage and Architectural plans) and supporting documentation.

Reason:

In accordance with DCP requirements.

**30. Parkinson and Crown Street– Detailed Civil Engineering Design and Drainage Works within Council Road Reserve Construction Certificate**

A detailed design for the proposed footpath and drainage works within Council's road reserve and/or Council Land, including pit and pipeline connecting the stormwater drainage system to Council's existing underground drainage system in Parkinson Street, shall be prepared by a suitably qualified civil engineer in accordance with the relevant Council engineering standards. The details must be submitted to and approved by Council's Development Engineering Manager. The design plans shall be generally in accordance with the Stormwater Concept Design Level 1 Plans:

- Stormwater Concept Design Level 1 Plan, Sheet 1 of 3, Job no. 20220020, Drawing no. SW201, Revision A, by SGC Consulting, dated 31/07/2023.
- Stormwater Concept Design Level 1 Plan, Sheet 2 of 3, Job no. 20220020, Drawing no. SW202, Revision A, by SGC Consulting, dated 31/07/2023.
- Stormwater Concept Design, Level 1 Plan, Sheet 3 of 3 Job no. 20220020, Drawing no. SW203, Revision A, by SGC Consulting, dated 31/07/2023 and shall include the following:
  - 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 and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.

- b. Engineering details of the proposed pits and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- c. All new drainage pits shall be in accordance with the current version of Wollongong City Council's Engineering Standard Drawings. The proposed pit in Council's road reserve must not conflict with any existing or proposed vehicular accessway.
- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate

Reason:

To ensure compliance with Council Technical Specifications.

**31. 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.

Reason:

To ensure compliance with Council Technical Specifications.

**32. 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. 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.

Reason:

To ensure compliance with Council Technical Specifications.

**33. Excavation and Retaining Structures adjacent to public roads**

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

- a. A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- b. A dilapidation survey of the existing Council infrastructure
- c. Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

Reason:

To ensure compliance with Council Technical Specifications.

**34. 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 2012/001

Reason:

To ensure compliance with Council Technical Specifications.

**35. Water/Wastewater Entering Road Reserve**

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

Reason:

To ensure compliance with Council Technical Specifications.

**36. Depth and Location of Services**

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

Reason:

To ensure development does not impact services.

**37. Details of Proposed Pit and Pipeline**

Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

Reason:

To ensure development does not impact services.

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

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

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

Reason:

To comply with Council's Development Control Plan.

**39. Stormwater Drainage Design**

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with
  - Stormwater Concept Design Basement Plan, Job no. 20220020, Drawing no. SW200, Sheet 1 of 2 Revision A, by SGC Consulting, dated 31/07/2023.
  - Stormwater Concept Design Basement Plan, Job no. 20220020, Drawing no. SW201, Sheet 2 of 2 Revision A, by SGC Consulting, dated 31/07/2023.
  - Stormwater Concept Design Level 1 Plan, Sheet 1 of 3, Job no. 20220020, Drawing no. SW202 Revision A, by SGC Consulting, dated 31/07/2023.
  - Stormwater Concept Design Level 1 Plan, Sheet 2 of 3, Job no. 20220020, Drawing no. SW203, Revision A, by SGC Consulting, dated 31/07/2023.
  - Stormwater Concept Design, Level 1 Plan, Sheet 3 of 3 Job no. 20220020, Drawing no. SW204, Revision A, by SGC Consulting, dated 31/07/2023.
  - Stormwater Concept Design Roof Plan, Job no. 20220020, Drawing no. SW205, Revision A, by SGC Consulting, dated 31/07/2023.
  - Stormwater Concept Details Job no. 20220020, Drawing no. SW300 to SW302, Revision A, by SGC Consulting, dated 31/07/2023.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% 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.

Reason:

To comply with Council's Development Control Plan.

**40. Redundant 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.

Reason:

To comply with Council's Development Control Plan.

**41. On-Site Stormwater Detention (OSD) Design**

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

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- 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 600/900mm x 600/900mm 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/Subdivision 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-2022/938.
  - 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.

Reason:

To comply with Council's Development Control Plan.

**42. Flows from Adjoining Properties**

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. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

Reason:

To comply with Council's Development Control Plan.

**43. Protection of Buildings from Ingress of Stormwater Runoff**

Detailed design of the development shall ensure that there will be no ingress of surface stormwater runoff into the proposed buildings. All building entrances shall be provided with a suitable freeboard above the adjacent local blocked pipe situation 100 year ARI water surface level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

**44. Flows from Adjoining Properties**

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.

Reason:

To comply with Council's Development Control Plan.

**45. 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.

Reason:

To comply with Council Policy.

**46. 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.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**47. 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.

Reason:

To comply with Council's Development Control Plan.

**48. 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.

Reason:

To protect neighbourhood amenity.

**49. Placement of Air Conditioning Units**

Air conditioning systems are not to be located where they are visible from the public streets abutting the site. 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.

Reason:

To protect neighbourhood amenity.

**50. 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.

Reason:

To ensure relevant utility and service providers' requirements are provided to the certifier.

**51. 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*.

Reason:

To ensure adaptable units are designed in accordance with the Australian Standard.

**52. 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.

Reason:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

**53. Erosion and Sediment Control Plan**

Before the issue of a Construction Certificate, the developer is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The developer must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

#### **54. Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap In, available through [www.sydneywater.com.au](http://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](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

#### **55. Car Parking and Access**

The development shall make provision for the following:

Residential

- 93 residential car parking spaces (including 10 car parking spaces capable of adaption for people with disabilities)
- 19 residential visitor car parking spaces
- 7 residential motorcycle parking spaces
- A minimum of 31 secure (Security Class B) residential bicycle spaces
- A minimum of 8 residential visitor bicycle spaces (Security Class C)

Commercial/Retail

- 262 commercial/retail car parking spaces (including 4 car parking spaces for people with disabilities)
- 7 commercial/retail motorcycle parking spaces
- A minimum of 50 secure (Security Class B) employee bicycle spaces
- A minimum of 14 commercial/retail visitor bicycle spaces (Security Class C)

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

#### **56. 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.

Reason:

To ensure compliance with Australian Standards.

#### **57. 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.

Reason:

To satisfy the requirements of Australian Standards.

#### **58. 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.

Reason:

To ensure compliance with Australian Standards.

**59. 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.

Reason:

To comply with Council's Development Control Plan.

**60. Vehicular Flow Signage**

Suitable barriers, line-marking and painted signage delineating vehicular flow movements must be provided within the car parking areas. These details shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

**61. 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.

Reason:

To ensure compliance with Australian Standards.

**62. Electricity Substation 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.

Reason:

To satisfy the requirements of the legislation.

**Before the Commencement of Building Work**

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

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

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

- a. Proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;

- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

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

#### **64. 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.

##### Reason:

To satisfy the requirements of the legislation.

#### **65. 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.

##### Reason:

To satisfy the requirements of the legislation.

#### **66. 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.

##### Reason

To protect neighbourhood amenity

#### **67. 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.

Reason:

To satisfy the requirements of the legislation.

**68. 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.

Reason:

To satisfy the requirements of the legislation.

**69. 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.

Reason:

To satisfy the requirements of the legislation.

**70. 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.

Reason:

To ensure structural integrity.

**71. 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.

Reason:

To ensure safety.

**72. Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction

period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

Reason:

To ensure services are not impacted.

**73. Erosion and sediment controls in place**

Before the commencement of any site or building work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

**74. Notice Regarding Dilapidation Report**

Before the commencement of any site or building work, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted 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 satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) at the same time.

Reason:

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

**75. 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, 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:

1. Digging or disruption to footpath/road reserve surface;
2. Loading or unloading machinery/equipment/deliveries;
3. Installation of a fence or hoarding;
4. Stand mobile crane/plant/concrete pump/materials/waste storage containers;
5. Pumping stormwater from the site to Council's stormwater drains;
6. Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
7. Construction of new vehicular crossings or footpaths;
8. Removal of street trees;
9. Carrying out demolition works.

Restoration must be in accordance with the following requirements:

1. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
2. 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.

Reason:

To satisfy the requirements of the legislation.

## **While Building Work is Being Carried Out**

### **76. 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

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.

Prior to the commencement of any site works, the Proponent shall undertake a vibration assessment to identify all sensitive receivers where vibration limits exceed

1. levels recommended by a registered Geotechnical/Structural Engineer with regards to structural damage buildings;
2. German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
3. 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.

Reason:

To protect the amenity of the surrounding area.

### **77. Rock Breaking, Rock Hammering, Rock Sawing, Blasting, Sheet Piling, Pile Driving**

The operation of high noise emission appliances, plant and/or machinery such as rock breaking, rock hammering, rock sawing, blasting, sheet piling, pile driving 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.

Any request to vary these hours shall be submitted to Council in writing prior to works being undertaken and shall detail:

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

Note: Blasting for excavation works is only permitted where it has been identified within a submitted and approved Demolition Construction Noise and Vibration Management Plan and must be undertaken observing all the requirements of SafeWork NSW.

Reason:

To protect the amenity of the surrounding area.

**78. Implement Environmental Wind Control Measures**

The recommendations of the WINDTECH Consulting dated May 2022 are to be implemented to minimise adverse wind effect on outdoor residential areas and pedestrian comfort.

Reason

To protect the amenity of residents and the public

**79. Installation of WSUD treatment train**

The developer shall install the WSUD infrastructure (water quality improvement devices) as specified in the stormwater quality management plan prepared by SGC Consulting Engineering – Stormwater filtration chamber on Level 1 basement carpark (Dwg No. SW202, dated 31-7-23).

Reason

To satisfy the requirements of the legislation.

**80. Implementation of all the recommendation (Façades Glazing) of acoustic report**

Implement building acoustic treatment as recommended in Section 4.0 of acoustic report prepared by Acoustic Noise & Vibration Solution P/L dated 10 May 2022 to comply with the with the NSW SEPP Transp & Infrastructure 2021 – Development Near Rail Corridors & Busy Roads –Interim Guidelines.

L<sub>Aeq</sub> 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.

Reason

To protect the amenity of residents

**81. 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.

Reason:

To protect the amenity of the surrounding area.

**82. 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.

Reason:

To comply with legislation.

**83. 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.

Reason:

To comply with legislation

**84. 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.

Reason:

To protect neighbourhood amenity.

**85. Asbestos - Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

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

Reason:

To satisfy the requirements of the legislation.

**86. 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).

Reason:

To satisfy the requirements of the legislation.

**87. Asbestos Waste Collection, Transportation and Disposal**

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

Reason:

To comply with legislation

**88. Unexpected Archaeological Finds**

Should an unexpected find be identified during ground disturbing works, work should cease and the area be cordoned off to prevent any further disturbance. The developer should engage an archaeologist to assess the condition and significance of the find. Should the find be determined to be of heritage significance (local or State), the Heritage Council should be notified under s.146 of the NSW *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

Works are not to recommence until advised in writing by Heritage NSW or Council's Heritage Staff.

Reason:

To satisfy the requirements of the legislation.

**89. 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.

Reason:

To comply with Council's Development Control Plan.

**90. 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.

Reason:

To comply with Council's Development Control Plan.

**91. 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.

Reason:

To comply with Council's Development Control Plan.

**92. 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.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**93. 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.

Reason:

To require approval to proceed with building work following each critical stage inspection.

**94. 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.

Reason:

To ensure site management measures are implemented during the carrying out of site work.

**95. 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.

Reason:

To satisfy the requirements of the legislation.

**96. Responsibility for changes to public infrastructure**

While building work is being carried out, the a 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).

Reason:

To ensure payment of approved changes to public infrastructure.

**97. Shoring and adequacy of adjoining property**

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or

rail corridor), the person having the benefit of the development consent must, at the person's own expense -

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

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

Reason:

To satisfy the requirements of the legislation.

#### **98. Waste management**

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

Upon disposal of waste, the developer is to compile and provide records of the disposal to the principal certifier, detailing the following:

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

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

Reason:

To require records to be provided, during site work, documenting the lawful disposal of waste.

#### **99. Access to easement**

Construction work shall not restrict the use of the existing right of way easement for Lot 8 DP 10704, 385 Crown Street, Wollongong to gain access to their rear parking area.

Reason:

To protect neighbouring property vehicular access to car parking area during construction work.

#### **100. Notification of Excavation Works or Use of High Noise Emission Appliances/Plant**

The immediately adjoining neighbours of the site must be given a minimum of 48 hours notice in writing that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence. Contact details of the site supervisor are also to be provided.

Reason

To ensure protection of the environment and neighbourhood amenity. To mitigate adverse amenity impacts in the locality

### **Before the Issue of an Occupation Certificate**

#### **101. 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 Infrastructure 2007 – 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.

Reason:

To protect the amenity of residents

**102. Heritage Documents Local Studies Library**

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

- a. Heritage Impact Statement 4-8 Parkinson Street (GLA Architects 2020)
- b. Heritage Impact Statement 378-383 Crown Street (GLA Architects 2022)

Reason:

To ensure heritage considerations are met.

**103. 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.

Reason:

To comply with the Australian Standards.

**104. Drainage**

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

Reason:

To comply with Council's Development Control Plan.

**105. 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.

Reason:

To comply with Council's Development Control Plan.

**106. 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.

Reason:

To comply with the relevant Standards.

**107. 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-2022/938).

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.

Reason:

To comply with Council's Development Control Plan.

**108. 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.

Reason:

To comply with Council's Development Control Plan.

**109. Works-as-Executed Plans – Works within Council Land**

The submission of a Works-As-Executed (WAE) plan for works within Council land must be submitted to Council's Development Engineering Manager for assessment, prior to the release of the occupation Certificate. The Works-As-Executed 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 Works-As-Executed (WAE) plans must include:

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

Reason:

To comply with the relevant standards.

**110. 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.

Reason:

To comply with the relevant standards.

**111. 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 Council's 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 Council's satisfaction prior to the issuing of the Occupation Certificate.

Reason:

To comply with the relevant standards.

#### **112. Completion report for excavation adjacent to a Public Road of an Occupation Certificate**

Prior to the issuing of the Occupation certificate, a report must be provided to Wollongong City Council and Principal Certifying Authority, 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

Reason:

To comply with the relevant standards.

#### **113. Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, five (5) 400 litre container mature plant stock shall be placed in appropriate locations within the property boundary of the site. The suggested species are *Waterhousea floribunda*.

Reason:

To comply with Council's Development Control Plan.

#### **114. 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.

Reason:

To satisfy the requirements of the legislation.

#### **115. 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.

Reason:

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

#### **116. 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.

Reason:

To ensure any damage to public infrastructure is rectified.

#### **117. Creation of Right of Carriageway**

A right of way shall be established to provide access from the development site to the adjoining property at 375 Crown Street (SP 57145) through the basement level. This is required to provide vehicular access to SP 57145 to facilitate future redevelopment. Evidence of the creation of this right of carriageway is to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason:

For the orderly development of land.

#### **Occupation and Ongoing Use**

#### **118. Green Travel Plan**

A Green Travel Plan is to be developed by the applicant **6 months post-occupation** of the development, starting with the nomination of a Travel Plan Coordinator who will coordinate and conduct baseline travel surveys. The purpose of the Plan is to reduce private vehicular travel and parking demand from customers and staff, and to encourage the use of sustainable travel modes such as walking, cycling or public transport. This Plan is to be provided to the satisfaction of Wollongong City Council's Development Engineering Team and include the development of 'measurable targets and actions' which are to be monitored through the use of customer and staff surveys.

Reason:

To encourage the use of sustainable travel modes.

#### **119. 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.

Reason:

To comply with Council's Development Control Plan.

#### **120. Timing of Commercial Servicing and Deliveries**

All commercial servicing and deliveries are to be undertaken outside of normal retail trading hours to ensure that service and delivery vehicles reversing within car parking areas do not impact on the safety of the general public.

Reason:

To ensure site safety.

#### **121. On-site Waste Collection**

All waste collection must be carried out from within the site. Waste collection from the street is not permitted at any time.

Reason:

To manage waste collection within the curtilage of the site.

#### **122. Safety and Security**

Security gates and shutters in locations shown on Drawing DA-0107-L are to be installed to control access to Level 5 after retail trading hours and operated and maintained in perpetuity.

Reason:

Level 5 is hidden from Crown Street and is a significant CPTED concern when retail shops are closed, encouraging anti-social behaviour or rough sleeping.

### 123. Bus Shelter

The developer is required to complete the upgrade of the Crown Street bus stop adjacent to the development, in consultation with Wollongong City Council's Strategic Traffic Unit.

#### Reasons

For the upkeep of public transport services

### 124. Landscaping to be maintained

The landscaping, completed in accordance with the final approved landscape plan, shall be maintained in perpetuity for the life of the development.

#### Reason:

To comply with Council's Development Control Plan.

## Reasons

The reasons for the imposition of the conditions are:

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

## General Advisory Notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the 'Conditions of development consent: advisory notes' to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Development Consent Advisory Notes

1. Where the **consent** is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
2. A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.
3. In this consent the developer means the applicant for Development Consent and any person or corporation who carries out the development pursuant to that consent.

4. Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website [www.wires.org.au](http://www.wires.org.au) for more information.
5. Before undertaking renovation or demolition work or removing materials from site during development works refer to Council's website for further information regarding the responsible disposal of waste during demolition and building works.

6. **Wollongong City Centre**

The Wollongong City Centre plays a key role in accommodation, cultural, sporting and business uses.

A key to the revitalisation of these centres is to build on these aspects through greater activation and investment beyond 5pm through an evening economy. You should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.

This letter is authorised by:

**Vanessa Davis**

Senior Development Project Officer

Wollongong City Council

Telephone (02) 4227 7111



15 March 2024

TfNSW reference: STH24/00146/001  
Your reference: DA2022/938

Wollongong City Council  
By Email: [vdavis@wollongong.nsw.gov.au](mailto:vdavis@wollongong.nsw.gov.au)  
CC: [council@wollongong.nsw.gov.au](mailto:council@wollongong.nsw.gov.au)

Attention: Vanessa Davis

**DA2022/938 – Construction of 21 storey mixed used development, 91 residential spaces, 6 levels of basement parking – LOTS: 81 – 83 DP: 10704 (No.4-8 Parkinson Street) and LOTS: 3 – 7 DP: 10704 (NO.377 – 383) Crown Street, WOLLONGONG**

Dear Vanessa

Transport for NSW (TfNSW) is responding to the DA2022/938 referred on 22 February 2024.

TfNSW has reviewed the information and has no objections to the proposed development provided the conditions in Attachment 1 are included in the development consent.

TfNSW notes that in determining the application under Part 4 of the Environmental Planning & Assessment Act 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Liliana Hutchinson, Development Services Case Officer, on 9595 5038 or email [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au).

Yours faithfully



**Liliana Hutchinson**  
Development Services Case Officer, Development Services

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**DA2022/938 – Construction of 21 storey mixed used development, 91 residential spaces, 6 levels of basement parking – LOTS: 81 – 83 DP: 10704 (No.4-8 Parkinson Street) and LOTS: 3 – 7 DP: 10704 (NO.377 – 383) Crown Street, WOLLONGONG**

### Context

TfNSW notes for this DA:

- The key state road is Crown Street which adjoins the to the development via the northern boundary.
- Council is seeking advice from TfNSW to assist in its assessment under sections 2.119 and 2.122 of the SEPP (Transport and Infrastructure) 2021.
- The development proposes excavation for 6 levels of basement car parking and 21 storeys of commercial, retail, and residential spaces as generally shown in **Attachment 2**. The proposed development combines the previously approved DAs on the respective sites and includes adjacent site located at 377 Crown Street (Lot:6 DP:10704).
- Is inclusive of a LEP exception to the development standard pertaining to Building separation within Zone E2 Commercial Centre or Zone MUI Mixed Use of Wollongong Local Environment Plan 2009.
- That the following previous approvals have been obtained for this site.
  - DA2020/535: 11-storey mixed use development, with basement parking, commercial premises and 54 residential units (**Attachment 3**).
  - DA2021/1070: 4 basement parking levels and 2 storeys of commercial development (**Attachment 4**).
- That a Traffic Report written by Varga Traffic Planning on 5 February 2024 was submitted to support this submission.
- The most recent response issued by TfNSW was on 7 August 2023 requesting more information.

### Comments

TfNSW notes the following areas that should be considered to achieve better outcomes for the road network.

- To reduce the amount of traffic generation occurring because of this development, Council should assess the required number of parking spots proposed for this development against Chapter E3 section 7.4 of the Wollongong DCP.
- Council should consider the impact of traffic on the local road network from this development and the neighbouring developments on Crown Street. Measures may be required to assist traffic flow on local roads such as Darling Street, Osborne Street, and Parkinson St.

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**DA2022/938 – Construction of 21 storey mixed used development, 91 residential spaces, 6 levels of basement parking – LOTS: 81 – 83 DP: 10704 (No.4-8 Parkinson Street) and LOTS: 3 – 7 DP: 10704 (NO.377 – 383) Crown Street, WOLLONGONG**

### Conditions

**Prior to the issuing of the Construction Certificate, the developer must:**

1. Demonstrate to the satisfaction of TfNSW that the excavation for this development will comply with the TfNSW Technical Direction – Excavation adjacent to TfNSW Infrastructure (GTD2020/001 2 July 2020 – as amended from time to time) as generally shown in **Attachment 2** and will not impact upon the adjacent Crown Street road reserve. Amend the geotechnical documentation to demonstrate:
  - a. The level of geotechnical investigation specified in the GTD, along the alignment of proposed retaining systems along Crown St. This may require increased number of boreholes along Crown Street.
  - b. Confirmation of bulk excavation depth and demonstrate on a cross section plan;
  - c. Details of the method of ground support, inclusive of calculations;
  - d. Stability analyses of temporary and permanent batters adjacent to Crown St;
  - e. Details of how groundwater inflows will be managed in the design;
  - f. Design calculations for the proposed retaining wall system;
  - g. Predictions of ground movement along Crown St;
  - h. Details of proposed instrumentation and monitoring plan to ensure the predicted ground movements are not exceeded.

The developer must submit their updated Geotechnical documents to TfNSW (via email to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au)) for approval prior to the issue of the Construction Certificate.

2. Apply for Section 138 consent under the Roads Act, 1993 from Council for all works on Crown Street.

**Notes:**

- *Provided Council is satisfied the design for the works is acceptable (taking relevant standards and guidelines into consideration), TfNSW would issue its concurrence under Section 138 of the Road Act, 1993.*

3. Demonstrate to the satisfaction of Council the post - development stormwater discharge from the subject site, if going into the Crown Street drainage system, does not exceed the pre-development application discharge.

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**Prior to commencing works within the road reserve, the developer must:**

1. Obtain Section 138 consent from Council under the Roads Act, 1993 for all works on Crown Street.
2. Apply for an obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road.

**Notes:**

- For information on the ROL process and to lodge an ROL application, please visit <https://www.tns.com/opline3/pages/security/onlineLogin.jsf>
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10-business day period is dependent upon TfNSW receiving an accurate and compliant TMP.

**Prior to the issuing of the Occupation Certificate, the developer must:**

1. Reinstate the bus shelter on Crown Street (east of Osborne Street) to the satisfaction of Council and generally in accordance with (Attachment 5).
2. Provide a copy of the work-as-executed drawings to TfNSW on completion of construction. This should include any structural elements that are left in the TfNSW easements.

**Note:**

- Documentation to be sent to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au)

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Level 4, 90 Crown St (PO Box 477 2520) Wollongong NSW 2500  
193-195 Morgan Street (PO Box 484) Wagga Wagga NSW 2650

ABN 18 804 238 602  
[transport.nsw.gov.au](http://transport.nsw.gov.au)

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