

## SUPPLEMENTARY REPORT

Panel Reference	PPSSTH-200
DA Number	DA-2022/1126
LGA	Wollongong City
Proposed Development	St George Illawarra Dragons Community and High Performance Centre. Site preparation works, construction of a two storey building, two playing fields, a car parking area and associated landscaping, tree removal and public domain works
Street Address	Innovation Campus 7-9 Squires Way NORTH WOLLONGONG NSW 2500
Applicant/Owner	Applicant: Sophie Kusznirczuk c/- University of Wollongong Owner: University of Wollongong (UoW)
Prior SRPP Meeting	28 May 2024

### 1 BACKGROUND

Development Application DA-2022/1126 was reported to the Southern Regional Planning Panel (SRPP) on the 28 May 2024. The panel deferred the matter pending the submission of a supplementary report by Council. This supplementary report provides an overview the information submitted by the applicant, commentary on the draft conditions and submitted material. It also provides an assessment to assist in the further consideration of the matters outlined in the panels notice of deferral dated 4 June 2024 and should be read in conjunction with Council's Assessing Officers report as presented to Panel on the 28 May 2024

### 2 PANEL CONSIDERATION AND DEFERRAL

Extract of Panel deferral:

- *The Applicant providing clear details on the overall function of the facility and operational parameters (including the use of function space);*
- *The Applicant providing clarification of parking requirements, provision and justification as to why the facility will not have an impact on existing street parking.*
- *The Applicant providing details relating to surveys and methodology underpinning the noise impact assessment, particularly as it relates to the use of the community field (Field 2);*
- *The Applicant providing written justification for its objections to any recommended draft conditions of consent to which they are unable to provide agreement including justification for:*
  - *its proposed exemption from Council contributions.*
  - *deferring the final design of the building and car park as it relates to flooding and stormwater outcomes (including from a statutory perspective).*
- *The Applicant providing comment on the additional draft conditions recommended by the community; and*
- *The Council providing a supplementary assessment report, and if applicable, updated recommended draft conditions of consent.*

The Panel required the information requested of the Applicant be submitted to Council within 7 days from the date of the deferral record. Council is requested to update its assessment and draft conditions where applicable within 2 weeks of the receipt of the Applicant's additional information.

The applicant provided the requested information within 7 days (11 June 2024) of the date of the deferral notice being received.

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### 3 ACTIONS FOLLOWING THE SRPP MEETING

*The Applicant providing clear details on the overall function of the facility and operational parameters (including the use of function space)*

The applicant has provided the following details:

#### **"Field 1 (Elite) and Field 2 (Community)**

- The development of an elite-standard playing field is a core requirement of the CHPC, and is integral to the high-performance, innovation and R&D functions of the proposal.
- Design of the elite-standard playing field is required to meet certain standards in terms of turf quality, impact resistance and drainage that are suitable for and equivalent to competitive playing fields utilised at elite levels to replicate competitive conditions and minimise injury risk to players.
- In order to sustain the physical condition of the elite field at the standard necessary to support elite training, usage of this field is typically limited to no more than 20 hours of use per week. This limitation recognises both the higher standard required to facilitate elite-level training, as well as the different wear-factors imposed by elite-level usage.
- These limitations mean that the elite field is not generally proposed to be used for purposes other than training of the Dragons' professional NRL and NRLW teams.
- The physical and operational relationship between the CHPC building and the training field is critical to achieving high-performance, including allowing direct connections between players and trainers on the field and staff based within the CHPC building, including coaching and administrative staff, health practitioners, educators and researchers. This is the model adopted in elite sporting centres nationally and internationally. For this reason, it is critical that Field 1 (located adjacent to the CHPC building) operates as the elite-standard facility, rather than Field 2 in the north-western corner of the site.
- The provision of a second, community-standard field allows use by a broader range of users who cannot otherwise be accommodated on the elite-standard field.

Neither Field 1 nor Field 2 are intended to be used for large-scale public events, which will continue to occur at more suitable locations for these events such as WIN Stadium, Kogarah Oval and smaller stadia capable of accommodating crowds. This reflects the better capacity of those venues and the need to maintain the CHPC fields for their ongoing training functions.

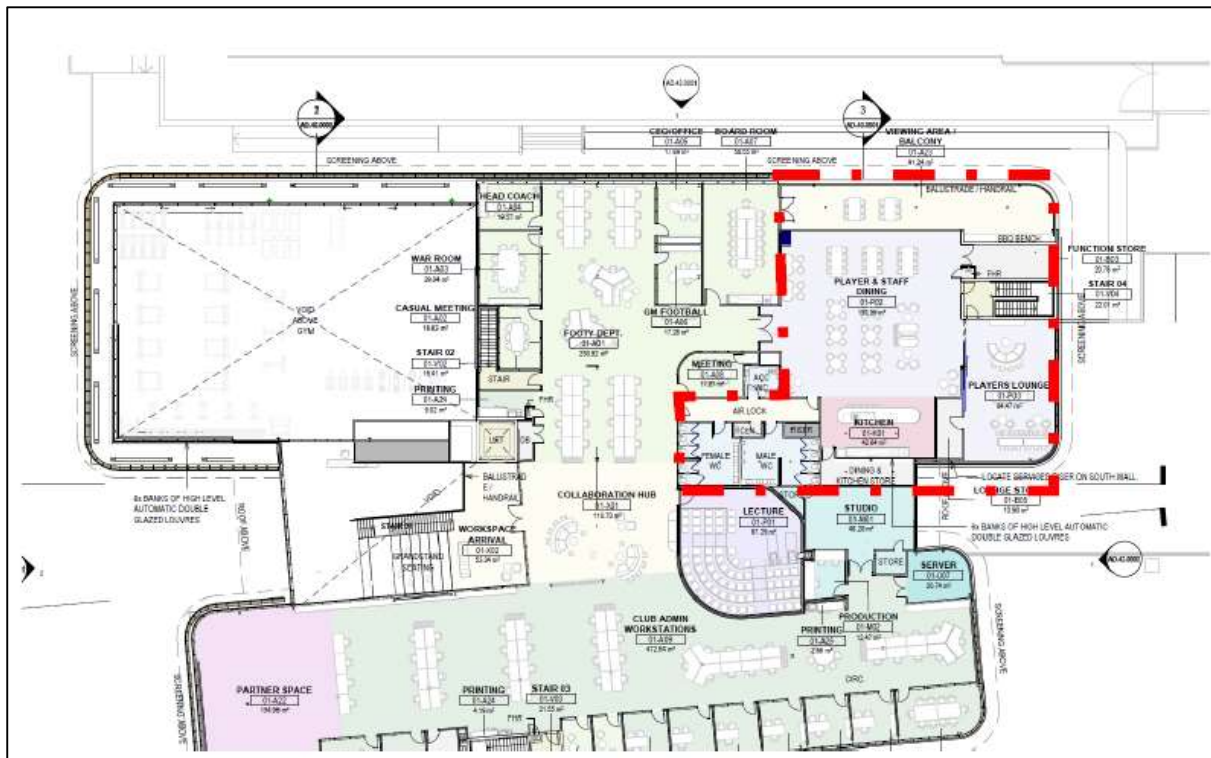
#### **Function Space**

The 'function space' within the CHPC building comprises part of the internal building area on Level 1 identified on the Architectural Drawings as the Player & Staff Dining, Player's Lounge, Kitchen Area and Viewing Area/Balcony. These spaces are required to support the day-to-day use of the CHPC, and require access through operational areas of the CHPC. It is therefore not possible, desirable or proposed to utilise the function area independently from the normal activities of the CHPC.

Function uses would be infrequent and small in nature, comprising only activities in direct connection with the ordinary use of the CHPC, such as Team Inductions, Community Group Tours and/or Partner Dinners. It is not expected that the external balcony area would be utilised after dark outside of an exceptional basis, as these functions will largely be contained to the internal areas of the facility with minimal to no impact on the surrounding areas (and noting that the CHPC building is more than 100m away from the nearest residential receivers).

For most formal and larger functions, the Dragons will continue to utilise dedicated function spaces outside of the site, such as restaurants, dedicated function centres and WIN Stadium/Entertainment Centre."

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**Planner's comment:** the information provided by the applicant does not alter the earlier assessment provided in the report prepared for the 28 May meeting. As noted at that time, the use of the function space beyond the hours outlined in the submitted operational management plan, did not form part of the documentation made available for public notification. Having regard to the proximity to nearby residential development, and the limited nighttime functions suggested by the applicant, it is considered appropriate to permit up to 6 functions per year, no later than 11pm at night, with no use of the balcony areas beyond 10pm. Recommended Condition 156 (dealing with hours of operation) has been accepted by the applicant and adjusted to reflect this.

**The Applicant providing clarification of parking requirements, provision, and justification as to why the facility will not have an impact on existing street parking.**

The applicant has provided the following details:

### "Parking Requirements

Detailed carparking studies have been undertaken to accompany the application, and these documents confirm that there is sufficient carparking available on the Innovation Campus, and proposed to be provided through the development, to satisfy the demands of the further CHPC. All parking needs of the development are accommodated within the subject site, with no reliance on on-street parking.

The Wollongong DCP requires that the Innovation Campus must provide one car space between every 40-80m<sup>2</sup> of GFA, a range that was determined in the DCP prior to the development of public transport to and from the site, which has since been provided and therefore reduces the overall demand for private car parking.

At present the Innovation campus has 62,000m<sup>2</sup> of GFA across the campus and there are 1,033 car parking spaces available across the innovation campus. The current level of service provided on the Innovation Campus is approximately one car parking space per 60m<sup>2</sup> of GFA. If one space per 80m<sup>2</sup> was required to be met, the current carparking arrangements would provide a surplus of 258 of current carparking spaces.

The Traffic Report prepared by Aurecon and submitted as part of the Amended SEE also outlines a benchmarking exercise that was completed against similar facilities to the CHPC, which demonstrates that the adopted provision of parking for the facility is suitable having regard to the actual parking demand generated by comparable facilities.

As per Section 4.15(3A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), if a proposed development complies with a set standard contained within a DCP, the consent authority must not require more onerous standards with respect to that aspect of the development. As the DA is

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compliant with the applicable DCP standards with respect to parking, we respectfully note that this provision of the EP&A Act must guide the Panel's decision-making.

Detailed carparking studies have been undertaken to accompany the application, and these documents confirm that there is sufficient carparking available on the Innovation Campus, and proposed to be provided through the development, to satisfy the demands of the further CHPC without any reliance upon on-street parking.

Notwithstanding the above, we note that the University of Wollongong is currently reviewing options to provide additional student and staff car parking elsewhere within the campus, however, this is not part of nor required as a result of this Development Application."

Planner's comment: Council's parking assessment was detailed in section 2.4.1 and within Attachment 6 of the 28 May report, regarding the parking requirements of Chapters E3 and D14 of the DCP. -

In relation to the proposed car parking provision, a detailed car parking analysis has been undertaken by the applicant's traffic engineer. The development is proposing 60 car parking spaces (including 2 car parking spaces for people with disabilities), 4 motorcycle parking spaces and 20 secure (Security Class B) bicycle spaces within a secure compound and adjacent to end of trip facilities.

The applicant's review of car parking using surveys of similar facilities has been analysed in detail by Council's Traffic Planners and was accepted. On the basis of the analysis, the proposed 60 car parking spaces should be sufficient to service the CHPC.

Irrespective of the survey in the Traffic Impact Assessment, it is noted that Chapter D14 of Wollongong DCP 2009 sets a carparking rate range of 1 per 80sqm (minimum) to 1 per 40sqm (maximum) of GFA for the Innovation Campus. A detailed analysis has been undertaken of the current and proposed GFA across the campus, along with existing and proposed car parking provision as follows:-

### GFA

The combined total GFA of the existing Innovation Campus buildings is 62,000sqm.

The combined GFA of existing campus development and the proposed CHPC is 66,625 sqm.

The proposed GFA of the approved Health and Wellbeing Precinct (H&WP) to be constructed in the southern part of the site (DA-2021/101) is 46,900 sqm.

### Carparking

Existing campus parking totals 1210 car parking spaces.

Following construction of the CHPC, there will be 1163 spaces within the Campus. An additional 398 new car parking spaces are proposed within the HWP.

Based on existing Campus car parking, and that proposed in this application, the car parking **supply rate will be 1 space per 57sqm GFA**. This is within the range required by the DCP. It is noted that the calculations take into account the removal of the existing 110 car spaces within the site,

The car parking analysis has been reviewed by Council's Traffic Engineer who has advised that it is acceptable.

It is noted that the CHPC is well situated with regard to public transport services and an active transport network. Aside from being within close proximity (1km) to North Wollongong and Fairy Meadow train stations, there are two nearby bus stops on Squires Way which are easily accessed from the site via the Campus pathway network. Bus services travel along Squires Way to the immediate east of the site; including the free 'Gong shuttle' which runs every ten minutes between 7am and 6pm, and every 20 minutes 6pm to 10pm, and on weekends and public holidays. This service connects the Campus to the Wollongong CBD, UOW Main Campus, North Wollongong, and the Fairy Meadow train station.

Sufficient car parking will remain available for the business occupying the heritage huts – being an Alumni bookstore and 'Kids Uni' child care facility.

The Applicant providing details relating to surveys and methodology underpinning the noise impact assessment, particularly as it relates to the use of the community field (Field 2);

The applicant has provided the following details:

"A Noise and Vibration Development Assessment report has been prepared by Aurecon and was provided as part of the amended DA package submitted to Council in August 2023. The Report

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assesses the potential noise impacts from the facility to the surrounding community including residential noise sensitive receivers. Separate assessments were provided for operational and training noise emissions, building services noise emissions, the car park noise emissions and the additional traffic noise emissions.

The Noise and Vibration Development Assessment included a survey of the existing ambient noise levels around the project site conducted by Aurecon using unattended measurements taken from within the subject site, which was considered to be representative of typical background noise levels at surrounding residential properties as well as the existing childcare centre within the site. All instruments used were calibrated from a NATA accredited laboratory to comply with Australian Standard AS-1259: Sound Level Meters. Noise measurements were conducted between 29 November and 7 December 2021. All measurements were performed in accordance with the Australian Standard AS1055 2018 'Acoustics – Description and measurement of environmental noise'. Measured noise levels during COVID19 pandemic would have been lower than typical background and ambient noise levels (due to less road traffic and aircraft noise), resulting in potentially conservative operational noise emission criteria.

Assessment of noise emissions from the proposed operations by Aurecon had regard to the relevant industry guidelines, as well as guidance from the Association of Australasian Acoustical Consultants and relevant decisions from the NSW Land and Environment Court in respect of noise from outdoor play and sporting facilities. This assessment included the main potential sources of training noise, comprising human talking/shouting within a sports context and whistle use. The assessment made a number of conservative assumptions, including simultaneous use of both fields with whistles and shouting on both fields. This assessment found that the proposed development would be well within the relevant daytime and evening noise criteria.

Other sources of noise, including the CHPC building, car park and additional traffic noise, were also assessed and found to be within the relevant criteria.

In response to matters raised in public submissions during the Panel meeting, the proposed location of the community field has been determined having regard to a broad range of design considerations, including access, stormwater and flooding, as well as the operational interfaces with the CHPC building and the wider Innovation Campus. The proposed location is considered most suitable as it facilitates the retention of perimeter tree planting, retention of the Nissen and Quonset huts in their present location and allows for suitable management of flood storage and flows through the site. The proposed operations and lighting of the field comply with the applicable acoustic and lighting requirements so as to minimise potential impacts to an acceptable level. Accordingly, as Field 2 would comply with the acoustic and lighting criteria. Having regard to the reasons for the location and operational requirements of Field 1 as set out in the preceding sections, the location and use of Field 2 is considered to be appropriate as proposed.

Further details are set out in the St George Illawarra Dragons Community and High- Performance Training Centre (CHPC) Noise and Vibration Development Assessment prepared by Aurecon dated 11 August 2023 (Rev4)."

**Planner's comment:** the noise impact assessment has been considered by Council's Environmental Assessment Officer and was a robust and valid assessment. The additional information outlined above does not alter any of the earlier assessment of the noise impacts of the development, as detailed in the earlier report to the Panel on 28 May.

The Applicant providing written justification for its objections to any recommended draft conditions of consent to which they are unable to provide agreement including justification for:

- its proposed exemption from Council contributions.
- deferring the final design of the building and car park as it relates to flooding and stormwater outcomes (including from a statutory perspective)

In summary, the Proponent's position in respect of the outstanding draft conditions is as follows:	In summary, the Councils position in respect of the outstanding draft conditions is as follows:
Condition 18 – Development Contributions. Not accepted	Council does not support the deletion

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Condition 21 – No increase in Surface Flow to Squires Way. Accepted.	Noted
Condition 22 – Earthworks Design. Accepted subject to proposed minor amendment to Condition 33	Council does not support the amendment to condition 33, therefore the applicant does not agree to the condition.
Condition 23 – Ensure no increase in Level/ Duration of Water Ponding. Accepted subject to proposed minor amendment	Council supports the amendment
Condition 33 – Accepted subject to proposed minor amendment	Council does not support the amendment
Condition 61 – Accepted	Noted
Condition 63 – Accepted to correct reference to BAL 12.5.	Council supports the amendment
Condition 150 – Accepted	Noted
Condition 156 – Accepted subject to limitation on the use of the function space	Council supports the amendment

The conditions that are not agreed to and agreed to subject to amendments, including the applicant's justification, is detailed below.

### **Condition 18, Contributions**

The applicant has provided the following additional justification:

"Council advised the applicant on 6 June 2024 that the request for a full exemption was not supported, but that a \$13,850 reduction (being a 3.3% reduction from the total contribution) would be supported in recognition of the proposed public access to the Community Field.

Council's position is inconsistent with the exemptions specified in the City-Wide Contributions Plan, which provides that an application made by or on behalf of a tertiary education provider (i.e. the University of Wollongong) is eligible for a 100% exemption for facilities directly required by the main function of the education facility. The main functions of the University of Wollongong are clearly set out in Sections 6(2) of the *University of Wollongong Act 1989*, being

***(a) the provision of facilities for education and research of university standard, having particular regard to the needs of the Illawarra region,***

***(b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,***

***(c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,***

***(d) the participation in public discourse,***

***(e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,***

***(f) the provision of teaching and learning that engage with advanced knowledge and inquiry,***

***(g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.***

### ***(our emphasis added)***

Council cannot simultaneously hold the position that is set out in its Assessment Report, being that the proposed use is consistent with the principal functions of the University of Wollongong for innovation, research and education, whilst also saying in respect of development contributions that the proposed facility is not required by the main function of the University. As we have outlined extensively in the Development Application, the proposed facility will directly achieve the main functions of the University,

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including its main functions with respect to sports, business and health research, education and innovation. This position has been accepted in Council's planning assessment report.

We also note the other key supporting factors outlined in our Exemption Request:

- The provision of public access to Field 2 is a significant community measure which the applicant is happy and willing to facilitate, but which is not required by any planning provisions. The \$13,850 discount offered by Council is negligible having regard to the construction and ongoing operational costs to the proponent in providing this field. It also fails to recognise that Field 2 is being used as community infrastructure at all times, whether through community and sporting programs organised by the Dragons or through general public access to the fields outside of this time. The cost of accommodating these community uses within existing public infrastructure would cost Council and the community significantly more than the discount offered by Council.
- The CHPC project is funded via the NSW Government's Centre of Excellence Fund. The Contributions Plan provides an exemption for an application made by or on behalf of the NSW Government for public infrastructure. Whilst this application is not made directly by or on behalf of the NSW Government, the intent of this exemption is to ensure that public funding provided by the NSW Government is not diverted away from the intended public infrastructure purpose.

Having regard to the above, we continue to request that Condition 18 be deleted by the Panel."

Planner's comment: The applicant's submissions have been considered by Council's Development Contributions Officer, who has provided the following feedback:

The deletion of Condition 18 is not supported. The Wollongong City-Wide Development Contributions Plan is a s7.12 Plan, as such it levies development contributions based on the cost of development. The \$13,850 reduction in development contribution represents the partial exemption of the cost of the Community Field from the total cost of development.

Although both the Innovation Campus and the Main Campus are both owned by the University of Wollongong, they are treated differently by Council and the University as they have different roles:

- The Main Campus is zoned SP2 Infrastructure – Educational Establishment. The Innovation Campus is zoned SP1 Special Activities – Wollongong Innovation Campus. Education establishment is one of the listed permitted uses, along with Business premises, Office Premises, Recreational Facilities, Serviced apartments, Hotel or Motel Accommodation etc.
- Under the previous Wollongong LEP 1990 the Innovation Campus was zoned 3(e) Research and Development Business zone. With the introduction of the Standard LEP Instrument, this zone had to be translated into one of the mandated zones. The SP1 zone was chosen. The zone objectives of the 3(e) zone are similar to clause 7.15 in the Wollongong LEP 2009
- The Innovation Campus has been regarded as a business park / commercial operation rather than as a traditional Education establishment, as indicated by clause 7.15 of WLEP 2009.
- Development that has been undertaken in the Innovation Campus has been conditioned for contributions and those contributions have been paid since the introduction of the Wollongong City-Wide Development Contribution Plan in 2006. The table below indicates that over \$1.3m in Contributions have been paid for developments on the Innovation Campus. In addition, DA-2021/101 for the recently approved Health and Well-Being precinct has a contribution requirement of \$39,092 for the first phase of the development.
- Where s94/s7.12 development contributions have not been levied is when the cost of development has been below the \$100,000 cost of development threshold only."
- Wollongong City-wide Development Contribution Plan 2023 clause 15(k) was introduced in 2016 in response to commercial uses being established at the Main Campus. The clause was not intended to apply to the Innovation Campus.
- Although the DA application form prepared by Ethos Planning indicates that the UoW is the applicant, clearly the development is for the St George Illawarra Rugby League Football Club Pty Limited which the same form indicates is responsible for the payment of the DA fees. The Owners Consent form from the UoW indicates that as the land owner they give consent to St George Illawarra Rugby League Football Club Pty Limited or their agents to lodge the DA. The UoW does not indicate that they are the applicant.



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- On 15/5/24 Ethos Urban lodged a request for the development contributions exemption, 19 months after the lodgement of the DA, as the assessment was nearing completion. The request arose from the applicants review of the conditions prior to being reported to the SRPP rather than part of the original application.
- Council officers have not altered their view provided in the Contribution referral advice; a full exemption is not consistent with the Wollongong City-wide Development Contributions Plan 2023 provisions. If clause 15(k) is used for the basis of the contribution assessment, Council officers only support a partial exemption for the proposed community field.

Previous Development contributions paid at the Innovation Campus:-

DA Number	Consent Date	Building Description	Cost of Construction	s94A/s7.11
DA-1997/694	(Pre 2004)	Existing Development – Science Centre	N/A	
??	Pre 2004	Existing Development – Campus East Student Accommodation	N/A	
DA-2003/1411	10/02/2004	IC Master Plan	N/A	
DA-2004/448/A	21/06/2004	Student Accommodation building	\$ 10,000,000	Pre-s94A
DA-2004/1451	3/11/2004	Science Centre (Stage 2) extension	\$ 500,000	Pre-s94A
DA-2005/891/D	5/05/2008	iC Central Facilities Building and associated landscape works	\$ 20,000,000	Pre-s94A
DA-2006/1577/C	2/05/2008	3 storey Laboratory and Office Building (AIIM)	\$ 19,700,000	\$ 204,067
DA-2007/955/B	12/09/2008	New building to accommodate academic, research and education / training (CTCP)	\$ 12,000,000	\$ 124,305
DA-2008/1231	13/11/2008	Digital Media Centre & Graduate School of Business building (DMC/GSB)	\$ 13,153,000	\$ 131,530
DA-2009/779/A	20/05/2010	4 storey office building (iC Commercial Building 1)	\$ 29,250,000	\$ 296,987
DA-2009/780/A	20/05/2010	Extension of AIIM building	\$ 28,100,000	\$ 285,222
DA-2011/163	24/01/2012	Sustainable Building Research Centre (SBRC)	\$ 14,514,000	\$ 146,543
DA-2013/788	30/08/2013	iC Solar Decathlon Street - Stage 1 – Illawarra Flame	\$ 100,000	-
DA-2014/647	10/10/2014	iAccelerate	\$ 15,532,000	\$ 156,209
DA-2015/1036	3/11/2015	iC Origination and U house	\$ 100,000	-
DA-2016/1392	6/12/2016	Innovation campus signage including banners, new posts with banners and western entry signage	\$ 80,000	-
DA-2017/1344	14/11/2017	Extension to existing mezzanine – Building 200	\$ 49,000	
DA-2017/321	8/06/2017	Installation of shade structures	\$ 180,000	\$ 1,001
<b>Total</b>			<b>\$ 163,258,000</b>	<b>\$ 1,345,864</b>

### Condition 23. Ensure no increase in Level/ Duration of Water Ponding

The applicant has provided the following details:

“Minor wording changes were discussed with Council officers to this condition in order to provide clarity to the future certifier, which are as follows:-

*b. No increase in level or duration of water ponding **external to on** the site (and extending onto properties fronting Elliott's Road) in any storm event, when compared with the corresponding level and duration of water ponding for existing (pre-development) site conditions.*

*c. All parts of the site must be **generally** free draining with a continuous gradient falling towards the existing stormwater outlets along the eastern boundary of the site, such that permanent/residual water ponding does not occur on the site following rainfall events.*

This condition is accepted subject to these minor amendments.”

**Planner's comment:** Council's Stormwater and Flooding Engineers have advised they have no objection to the applicant's suggested amendment.

The condition will now read:-

### 23. Ensure no increase in Level/ Duration of Water Ponding

The detailed design and earthworks levels for the development shall ensure the following outcomes:

- Water storage volume capacity within the site shall be increased (through earthworks and compensatory excavation) to compensate for the proposed fill and increased runoff due to proposed additional site impervious areas.
- No increase in level or duration of water ponding **external to on** the site (and extending onto properties fronting Elliott's Road) in any storm event, when compared with the corresponding level and duration of water ponding for existing (pre-development) site conditions.



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- c. All parts of the site must be **generally** free draining with a continuous gradient falling towards the existing stormwater outlets along the eastern boundary of the site, such that permanent/residual water ponding does not occur on the site following rainfall events.

Evidence that the above outcomes have been satisfied shall be submitted to the Principal Certifier prior to the release of a certification in accordance with Section 6.28 of the EP A Act 1979. This evidence must include:

- detailed pre and post development (tabulated) water ponding volume calculations for the site for a range of potential water ponding elevations commencing at RL 1.60 metres AHD and extending up to RL 4.00 metres AHD, with a minimum elevation increment between tabulated water ponding volumes of 0.2 metres; and
- and surrounding properties (and extending onto properties fronting Elliot's Road) for each of the 63.2%, 50%, 20%, 5%, 2% and 1% AEP events; and
- certification from a suitably qualified civil stating that the detailed design and earthworks levels for the development satisfy criteria (a), (b), and (c) listed in this condition (above)."

### **Condition 33. Flood Level Requirements**

The applicant has provided the following details:

"At the meeting with Council officers it was indicated that it may be possible to amend Condition 33(b) to make minor amendments to this condition that ensure that achieve the outcomes required by Council whilst providing small flexibility in civil engineering design development, that do not alter the fundamental nature of the Development Application as assessed. The proposed rewording of Condition 33(b) is as follows:

*b. The portions of the proposed building and car park south of the building that is in the floodway shall be constructed either at grade i.e. no filling of the floodway, or on piers and open underneath to ensure the unimpeded storage and conveyance of floodwater in the event of a flood as per the 1% post development floodway map.*

The condition is accepted subject to the change outlined above."

Planner's comment: Council's Stormwater and Flooding Engineers have advised they **do not** support the applicant's suggested amendment for the below reason:

"As discussed at the recent meeting, we advised the applicant that the approach which they are seeking to condition (i.e., filling beneath those parts of the building and car park that are outside the floodway) has merit but in order for Council to further consider this proposal, we would require amended plans (incl. earthworks and engineering plans) and flood modelling/study reflecting the amended design. The amendment to the condition in isolation without consideration of this information is not appropriate."

### **Condition 63 - Bushfire**

The applicant has provided the following details:

"It appears that the wording incorporated in this condition is taken from the earlier Rural Fire Service comments of 17 May 2023, which inadvertently refer to BAL 19, whereas the correspondence from the RFS of 20 September 2023 makes clear that the reference at Condition 63(d) should be to BAL 12.5. It is requested that this is corrected."

Planner's comment: Update part d) of the condition with correct reference.

Part d) of the condition will now read:

d) East elevation and all roof construction must comply with section 3 and section 6 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

### **Condition 156 – Hours of operation**

Planners comment: As outlined above it is considered appropriate to permit up to 6 functions per year, no later than 11pm at night, with no use of the balcony areas beyond 10pm.

The condition will now read:-

156. Hours of Operation

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The hours of operation of the Community and High Performance Centre shall be restricted to the following:-

7am – 10pm Monday to Saturday 8am –

5pm Sunday

Function space: Six functions per year may be held in this space with operation to cease no later than 11pm at night, with no use of the balcony areas beyond 10pm.

### Reason:

To ensure protection of the environment and neighbourhood amenity

The applicant providing comment on the additional draft conditions recommended by the community

The applicant has provided the following details:

“We note the changes to the draft conditions proposed in the Panel meeting in a submission by Ms Sara Tomka, our response to which is set out below:-

Condition	Amendment requested	Applicant's response
23	To include the works “and Cowper Street” alongside both references to private properties in Elliot Street adjoining the site. The effect of this change would be to require the development to ensure no increase in the level or duration of water ponding to these sites in prescribed flood events.	The proposed development will not result in any increase in the level or duration of flooding on any private land adjoining the site. As such this requirement is already achieved and able to be complied with. This amendment is accepted.  <u>Planner comment:</u> This amendment is supported.
157	To limit the operation of the Community Field (Field 2) to 8.00pm rather than 8.30pm as proposed and reflected in Council's draft conditions.	It is important to maintain the ability for evening usage of the Field 2 in order to realise the significant community benefits that are intended to be facilitated by the proposed development. Field 2 users will predominately be non-professional sports persons, including youth and amateur groups who in some instances will be using the field after school or work. In order to allow sufficient time for participants and carers to finish work and travel to the site, and to allow sufficient time for a typical period of usage, it is important that the 8.30pm  We note that the proponent has already significantly reduced the proposed hours of use for Field 2 from 11.00pm to 8.30pm in the course of this DA's assessment, in direct response to community submissions, and curtailing the usage of this field to hours that are significantly more restrictive than those that would typically apply to sports fields. This amendment is not accepted.  <u>Planner comment:</u> This amendment is not supported i.e., Council agrees with the applicant that the original condition as reported to the SRPP remain unamended.
158	That the sports lighting of Field 2 be restricted to 5pm on Saturdays, consistent with the permitted hours of use as set out in Condition 157.	It is generally not intended to utilise sports lighting except when the field is in use. As Condition 157 currently precludes the use of Field 2 after 5pm on Saturdays, this amendment is accepted.  <u>Planner comment:</u> It is not considered necessary to add a new condition as condition 157 limits the

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		use of field 2 to 5pm on Saturdays and condition 158 clarifies that the lighting of field 2 shall only be used when this field is in active use (limited by condition 157 to 5pm on Saturdays).
New condition	That a new condition be imposed to require Field 1 to be used for all CHPC activities when available, in preference to Field 2.	As outlined in the preceding sections, it is not possible to accommodate community activities on Field 1, including maintenance and safety, hence the proposal to construct Field 2, This amendment is not accepted.  <u>Planner comment:</u> This amendment is not supported i.e., Council agrees with the applicant that a new condition is not required.
New condition	That a new condition be imposed to require the proposed sports lighting to be relocated from Field 2 to Field 1.	As per response above, this amendment is not accepted.  <u>Planner comment:</u> This amendment is not supported i.e., Council agrees with the applicant that a new condition is not required.

The Council providing a supplementary assessment report, and if applicable, updated recommended draft conditions of consent.

Please see above supplementary report and attached updated recommended conditions of consent. As noted above the remaining conditions not agreed to are 18, 22 and 33, the conditions agreed to subject to amendment are 23 and 63, all other conditions are agreed to.

On 4 June the Secretariat via email requested that Council ensure that the planning issues mentioned in a late submission by Mr Wright be suitably addressed in Councils addendum report.

Issues	Response
1. I had numerous questions but the expert on the flooding said 'they had retention fields to help with flooding' and no-one pulled him up on the statement	As discussed in Councils report to the SRPP of 28 May, the changes to the proposal included an amended earthworks design and finished surface levels, inclusion of compensatory flood storage measures, amended building and car parking areas to open sub-floor, and amended flood/stormwater modelling and impact assessment.
2. In the first DA there was as the Second Community Field was below ground level BUT in the second amended DA the Second Community Field is now built up above ground to ensure it is well drained and protected	As discussed in Councils report to the SRPP of 28 May, the revised proposal is compatible with the flood function and behaviour on the land. The site serves a flood storage function in this location. The submitted flood study, site stormwater management plan and earthworks details, indicate the flood storage volume capacity on the site will be increased, and Probable Maximum Flood (PMF) events, the development will not increase flood affectation elsewhere, and overflows across Squires Way will not increase as a result of the development.
3. The Elite Field is well protected with diversion drains and a banks.	As discussed in Councils report to the SRPP of 28 May, the submitted flood modelling and development plans indicate that the revised proposal will not adversely affect flood behaviour

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	in a way that results in detrimental increases in the potential flood affectation of other development or properties.
4. The Dragons Building and carpark are purely hard runoff areas.	As discussed in Councils report to the SRPP of 28 May, the proposed habitable floor levels of the development are above the flood planning level and the development satisfies the flood planning controls for evacuation and car parking in Chapter E13 of the Wollongong DCP2009. On this basis, it is considered that the proposal incorporates appropriate measures to manage risk to life in the event of a flood.
5. There are is no retention facilities in the amended second DA.	See response to item 1.
6. If they are using the fields as retentions, it will become a health hazard as there is Sewage also flowing into the area.	See response to item 1. Furthermore, as mentioned in the report to the SRPP of 28 May, the proposal will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses in the vicinity of the site. There are numerous consent conditions recommended for imposition to ensure potential impacts are avoided or minimised.
7. I was amazed that the Chair Person didn't realise that Cowper Street is going to be the main egress into the Dragons Facilities.	<p>Cowper Street is but one of many access/egress points to the facility. As outlined in the traffic impact assessment attached to the report to the SRPP of 28 May, vehicle access to the site is via a new two-way entry / exit driveway located off the northern side of the unnamed road towards the south of the Project site. The new driveway will facilitate vehicle access to the new off-street car parking area.</p> <p>Vehicles arriving from residential areas to the north will access the site via Elliott's Road, Cowper Street and Innovation Way. Vehicles arriving from the Wollongong CBD to the south will access the site via Squires Way, Puckey Avenue, and innovation way. Vehicles travelling to the Project site via Princes Highway or Memorial Drive will access the site via Ajax Avenue, Montague Street, Bourke Street, Cowper Street and Innovation Way. Direct pedestrian access is provided via from the off-street car parking area to the front entrance.</p>

## 4. CONCLUSION

This supplementary report and the amendments to the conditions address the reasons for deferral by the Panel. As three conditions are not agreed to the Panel in forming a view must consider Section 4.33 of the Act which states that:

*(1) A consent authority (other than the Minister) must not—*

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

## **SUPPLEMENTARY REPORT**

*(2) If the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application—*

*(a) to the Minister, if the consent authority is not a council, or*

*(b) to the applicable Sydney district or regional planning panel, if the consent authority is a council.*

As noted above the remaining conditions not agreed to are 18, 22 and 33, the conditions agreed to subject to amendment and supported by council are 23, 63 and 156, all other conditions are agreed to and supported by council.

Should the Panel refer the application to the minister it will be subject to the provisions of Section 4.33 (7) and Section 4.34.

## **ATTACHMENT**

Attachment 1 Draft Conditions of Consent as per this report.

## SUPPLEMENTARY REPORT

### Attachment 1 – Draft Conditions

**NOTE: AGREEMENT HAS NOT BEEN REACHED ON TWO CONDITIONS BEING NUMBERS 18 AND 33. THESE TWO CONDITIONS REMAIN IN THEIR ORIGINAL FORM AS REPORTED TO THE PANEL ON 28 MAY 2024, THE REMAINDER OF THE CONDITIONS HAVE BEEN ACCEPTED BY THE APPLICANT AS PER THE ORIGINAL REPORT OR AMENDED AS PER THIS REPORT.**

#### Terms and Reasons for Conditions

Under Section 88(1)(c) of the EP & A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under Section 4.17(11) of the EP & A Act. The terms of the conditions and reasons are set out below.

### GENERAL CONDITIONS

Conditions				
<b>1. Approved Plans and Supporting Documentation</b>				
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
7762-AD-16-0101	9	SITE PLAN PROPOSED	Populous	19/04/2024
7762-AD-20-0000	11	GA PLAN LEVEL 00	Populous	19/04/2024
7762-AD-20-0100	11	GA PLAN LEVEL 01	Populous	19/04/2024
7762-AD-40-0001	7	GA SECTIONS GRID X, GRIDS 03-04 & GRIDS 07-08	Populous	21/02/2024
7762-AD-42-0001	6	GA ELEVATIONS NORTH & SOUTH	Populous	21/02/2024
7762-AD-42-0002	6	GA ELEVATIONS EAST & WEST	Populous	21/02/2024
	3	CIVIL WORKS PLANS	Aurecon	16/02/2023
21-787-0002	L	Landscape master plan	Arcadia	21/02/2024
21-787-1001	L	LANDSCAPE DETAIL PLAN 01	Arcadia	21/02/2024
21-787-1002	L	LANDSCAPE DETAIL PLAN 02	Arcadia	21/02/2024
21-787-1003	L	LANDSCAPE DETAIL PLAN 03	Arcadia	21/02/2024
21-787-1004	L	LANDSCAPE DETAIL PLAN 04	Arcadia	21/02/2024
21-787-1005	L	LANDSCAPE DETAIL PLAN 05	Arcadia	21/02/2024

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21-787-1006	L	LANDSCAPE DETAIL PLAN 06	Arcadia	21/02/2024
21-787-1007	L	LANDSCAPE DETAIL PLAN 07	Arcadia	21/02/2024
21-787-5000	M	LANDSCAPE SECTIONS	Arcadia	21/02/2024
Document Title		Version No	Prepared By	Dated
St George Illawarra Dragons Community & High Performance Centre Preliminary Operational Management Plan		21-014/1/3	Bridge 42	February 2024
<p>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.</p> <p><b>Note:</b> 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.</p> <p><u>Reason:</u></p> <p>To ensure all parties are aware of the approved plans and supporting documentation.</p>				
<b>2. Integrated Development</b>				
<p>The development proposed is integrated development and approval is required from the approval bodies listed below:</p> <p><b>NSW Department of Planning &amp; Environment - Water</b></p> <p>The General Terms of Approval issued by the NSW DPE-Water dated 9 May 2024 Reference No. IDAS-2023-10556 as attached shall form part of this Integrated Development Consent.</p> <p><u>Reason:</u> To comply with the legislation.</p>				
<b>3. Compliance with the Building Code of Australia (BCA)</b>				
<p>Building work must be carried out in accordance with the requirements of the BCA.</p> <p><u>Reason:</u></p> <p>To ensure the development is built in accordance with the Building Code of Australia.</p>				
<b>4. Crown Certificate</b>				
<p>Certification in accordance with Section 6.28 of the Environmental Planning &amp; Assessment Act 1979 must be obtained from Council or a Registered Certifier prior to work commencing.</p> <p>Certification in accordance with Section 6.28 of the EP &amp; A Act 1979 is to certify 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.</p> <p><b>Note:</b> 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.</p> <p><u>Reason:</u></p> <p>To satisfy the requirements of the legislation.</p>				
<b>5. Disability Discrimination Act 1992</b>				
<p>This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.</p> <p>It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.</p>				



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Reason:

To satisfy the requirements of the legislation.

### 6. 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.

For the purposes of clarification, this includes any graphics or supergraphics affixed to or within the built fabric.

Reason:

To ensure advertising signage is approved via an approval pathway and consistent with advertising guidelines and standards; to ensure graphics and supergraphics are appropriate; to ensure advertising signage minimises environmental impacts; aesthetics; impacts of any lighting are adequately assessed.

### 7. 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.

### 8. Certification in accordance with Section 6.28 of the EP & A Act 1979 – Prior to Occupation

Certification in accordance with Section 6.28 of the EP & A Act 1979 must be issued by the Principal Certifier prior to occupation or use of the development. In issuing the relevant certification, 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.

### 9. Design and Construction of Food Premises

The construction and fit out must comply with Australian Standard AS 4674:2004 - Design, Construction and Fit-Out of Food Premises.

Reason:

This is a commercial facility that will serve food and beverages to staff and community users; facility includes a function and dining room.

### 10. Unexpected Finds

The Applicant must ensure that if any unexpected archaeological deposits or relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s.146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason:

Notification of the unexpected discovery of relics is a statutory requirement under s.146 of the Heritage Act 1977.

### 11. Aboriginal Heritage Matters

No Aboriginal objects may be harmed without the prior approval of Heritage NSW.

Reason:

To ensure compliance with the legislation.

### 12. Unexpected Finds of Aboriginal Cultural Heritage

The development site has the potential to have elevated Aboriginal Cultural Values.

## SUPPLEMENTARY REPORT

If any Aboriginal object(s) or potential human remains are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must ensure:

- a) No further harm is undertaken to the object(s).
- b) Immediately cease all work at the particular location.
- c) Secure the area so as to avoid further harm to the Aboriginal object(s).
- d) Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location.
- e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- f) If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.
- g) In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

Wollongong City Council's Heritage Staff should also be notified by calling 4227 7111.

Reason:

To satisfy the requirements of the legislation.

### 13. Site Protection

Significant built and landscape elements within the curtilage of the State Heritage Item are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason:

To ensure significant fabric including vegetation is protected during construction.

### 14. Aboriginal Heritage Due Diligence Assessment Report

The Recommendations of the Aboriginal Heritage Due Diligence Assessment Report dated July 2023 and prepared by NGH Consulting are to be implemented throughout the development and are to be treated as conditions of consent.

Reason:

To minimise the impacts of the development.

### 15. General Geotechnical Conditions

- a) An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- b) All recommendations of Tetra Tech Coffey in their geotechnical report dated 16 February 2022 are to be accommodated in the earthworks plan.
- c) All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- d) Excavated material needs to be classified and taken to a facility licenced to take the waste.
- e) At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing the site preparation and encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the recommendations for the foundation and structural designs for the development.

Reason:

To ensure all works are carried out safely.

### 16. WAE

At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing the site preparations and encountered geotechnical conditions and how the

## SUPPLEMENTARY REPORT

remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the recommendations for the foundation and structural designs for the development.

Reason:

To ensure structural stability.

### 17. Tree Retention/Removal

This consent permits the removal of trees numbered as indicated on Landscape Plan, Arcadia Issue L, dated 21.2.24 and Arborist report prepared by Tree Survey dated 15 August 2023 consisting of tree(s) numbered 7,13, 14,40, 41, 44,45-46, 51, 55-74, 76, 80-82, 84-88, 189- 196, 213- 222, 229, 235, 238,320, 321,323, 325,333, 334, 343, 350, 395, 401-403, 410, 419- 422, 427-473,494, 499, 504-508,510,511. No other trees shall be removed without prior written approval of Council.

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

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

All recommendations in the Arboricultural Impact Assessment by Arborist report prepared by Tree Survey dated 15 August 2023 page nos 41-69 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones.

Reason:

To protect the amenity of the environment and the neighbourhood.

### 18. Development Contributions **NOT AGREED TO BY APPLICANT**

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 \$420,170.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the occupation of the development.

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

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

To request an invoice to pay the contribution go to [Development Contributions | City of Wollongong \(nsw.gov.au\)](#) and submit a contributions enquiry. The following will be required:

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

A copy of the Contributions Plan and accompanying information is available on Council's website [Development Contributions | City of Wollongong \(nsw.gov.au\)](#).

Reason:

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

### 19. Construction Management Plan

All works within the subject site shall be carried out strictly in accordance with the approved final Construction Environmental Management Plan. The final Construction Environmental Management Plan must be submitted to Wollongong City Council for approval prior to the issue of the first certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To minimise the social, economic and physical impacts of the construction works.

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### BEFORE ISSUE OF A CROWN CERTIFICATE

Conditions
<b>20. Construction Environmental Management Plan (CEMP)</b>
<p>Prior to the release of the relevant certification in accordance with Section 6.28 of the EP &amp; A Act 1979 or the commencement of any works at the site, a detailed CEMP prepared by a suitably qualified person and shall be submitted to and approved by Council. The CEMP shall include (but not be limited to) the following details:</p> <ul style="list-style-type: none"><li>a) Details of the construction staging and sequencing of works;</li><li>b) Plan of proposed construction storage area/s;</li><li>c) Details of construction worker parking during the demolition and construction phases;</li><li>d) Details of the type of materials/plant/ equipment to be transported to and stored at the site and how is it to be transported and stored;</li><li>e) Details of the proposed vehicular access points to the site during construction (inclusive of delivery of plant, machinery and goods);</li><li>f) Treatment of barricading/ hoarding for construction/and restricting access;</li><li>g) Address all environmental aspects of the development's demolition and construction phases including soil and water management/erosion and sediment control plan; noise and vibration management plan; dust suppression/ dust management plan; waste management plan and litter control; odour and vapour; dust, plant and machinery noise; surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations and stockpiles; site security, working hours, contact information, incident response and contingency management.</li><li>h) Construction noise mitigation measures;</li><li>i) Monitoring of compliance with the proposed mitigation measure and corrective actions; and</li><li>j) Arrangements for continuity of access to nearby local businesses.</li></ul> <p>A community engagement plan must be prepared and incorporated into the CEMP, including regular updates and contact numbers for complaints and consultation for schedule of works.</p> <p>The relevant certification in accordance with Section 6.28 of the EP &amp; A Act 1979 shall not be released by the Principal Certifier and no works shall commence until such time as Council's written approval has been obtained for the CEMP. The approved CEMP shall be complied with at times.</p> <p><u>Reason:</u></p> <p>To minimise the social, economic and physical impacts of the construction works.</p>
<b>21. No Increase in Surface Flow to Squires Way      <span style="color: red;">AGREED AMENDMENT</span></b>
<p>The detailed design of the development shall ensure no potential for increased surface water discharge rates and/or surface water flows (including stormwater overflows) onto and/or across Squires Way as a result of the development. This requirement shall be certified by a suitably qualified civil engineer. Evidence that this requirement has been satisfied shall be submitted to the Principal Certifier prior to the release of each certification in accordance with Section 6.28 of the EP &amp; A Act 1979.</p> <p><u>Reason:</u></p> <p>To comply with Council's Development Control Plan.</p>
<b>22. Earthworks Design      <span style="color: red;">NOT AGREED TO BY APPLICANT</span></b>
<p>Detailed earthworks plans for all proposed earthworks shall be prepared by a suitably qualified civil engineer. The earthworks design shall be generally in accordance:</p> <ul style="list-style-type: none"><li>a) The 'developed' model scenario (including associated flood model terrain surface) in the report by Aurecon titled '<i>St George Illawarra Dragons Community &amp; High Performance Centre (CHPC) DA Flood Study SGID Flood Study Report</i>' (Reference 520547, Revision 3 dated 23/2/2024); and</li><li>b) The plan by Aurecon titled 'CIVIL WORKS OVERALL BULK EARTHWORKS'</li></ul>

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(Drawing Number 520547-SGID-CI-01120, Revision 3 dated 16/2/2023). The detailed earthworks plans shall be designed to ensure no reduction in the flood volume storage capacity of the site's flood storage areas in all storm events up to an including a Probable Maximum Flood (PMF) event. This requirement shall be certified by a suitably qualified civil engineer. The detailed earthworks plans shall form part of the plans accompanying the certification in accordance with Section 6.28 of the EP & A Act 1979. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of a certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### **23. Ensure No Increase in Level/Duration of Water Ponding** **AGREED AMENDMENT**

The detailed design and earthworks levels for the development shall ensure the following outcomes:

- a) Water storage volume capacity within the site shall be increased (through earthworks and compensatory excavation) to compensate for the proposed fill and increased runoff due to proposed additional site impervious areas.
- b) No increase in level or duration of water ponding external to on the site (and extending onto properties fronting Elliott's Road) in any storm event, when compared with the corresponding level and duration of water ponding for existing (pre-development) site conditions.
- c) All parts of the site must be generally free draining with a continuous gradient falling towards the existing stormwater outlets along the eastern boundary of the site, such that permanent/residual water ponding does not occur on the site following rainfall events.

Evidence that the above outcomes have been satisfied shall be submitted to the Principal Certifier prior to the release of a certification in accordance with Section 6.28 of the EP A Act 1979. This evidence must include:

- Detailed pre and post development (tabulated) water ponding volume calculations for the site for a range of potential water ponding elevations commencing at RL 1.60 metres AHD and extending up to RL 4.00 metres AHD, with a minimum elevation increment between tabulated water ponding volumes of 0.2 metres; and
- Surrounding properties (and extending onto properties fronting Elliotts Road) for each of the 63.2%, 50%, 20%, 5%, 2% and 1% AEP events; and
- Certification from a suitably qualified civil engineer stating that the detailed design and earthworks levels for the development satisfy criteria (a), (b), and (c) listed in this condition (above).

Reason:

To comply with Council's Development Control Plan and minimise impacts resulting from the development.

### **24. 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 plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979 and supporting documentation.

Reason:

To ensure development does not impact services.

### **25. Present Plans to Endeavour Energy**

The submission of 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 relevant certification in accordance with Section 6.28 of the EP A Act 1979.

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

Reason:

To ensure satisfactory arrangements are made for the provision of utilities.

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### 26. Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifier confirming that underground telecommunication services are available for this development is required prior to the issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To ensure satisfactory arrangements are made for the provision of utilities.

### 27. Utility Services

Should a proposed vehicular crossing or roadway be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit, etc), written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifier prior to the issue of the relevant Certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To ensure the protection of utility services.

### 28. Adjustments to Utility Services

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To satisfy the requirements of the legislation.

### 29. 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 the relevant Certification in accordance with Section 6.28 of the EP & A Act 1979.

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.

### 30. Sydney Water Section 73 Compliance Certificate

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

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

The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To satisfy the requirements of the legislation.

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### 31. Utilities and Services

Before the issue of certification in accordance with Section 6.28 of the EP & A Act 1979, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a) A letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) A response from Sydney Water as to whether the plans proposed to accompany the application for a certification in accordance with Section 6.28 of the EP & A Act 1979 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.

### 32. 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 certification in accordance with Section 6.28 of the EP & A Act 1979. 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.

### 33. Flood Level Requirements **NOT SUPPORTED BY COUNCIL**

The following requirements shall be reflected on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979, prior to the release of the relevant certification:

- a) Habitable floor levels must be constructed at a minimum of RL 4.67 metres AHD.
- b) The proposed building and car park south of the building shall be constructed on piers and open underneath to ensure the unimpeded storage and conveyance of floodwater in the event of a flood.
- c) Any portion of the building or structure below RL 4.67 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- d) The proposed building shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard. All other structures constructed as part of this development shall be designed to



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withstand the forces of floodwater, debris and buoyancy up to and including the 1% AEP flood level plus 0.5 metres freeboard.

Reason:

To comply with Council's Development Control Plan.

### 34. 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 certification in accordance with Section 6.28 of the EP & A Act 1979. The detailed drainage design must satisfy the following requirements:

- a) Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept stormwater drainage plan/s lodged for development approval, prepared by Aurecon, Drawing Numbers 520547-SGID-CI-01400 (Revision 3 dated 16/2/2023), 520547-SGID-CI-01401 (Revision 2 dated 16/2/2023), 520547-SGID-CI-01402 (Revision 2 dated 16/2/2023), 520547-SGID-CI-01403 (Revision 2 dated 16/2/2023), and 520547-SGID-CI-01404 (Revision 2 dated 16/2/2023).
- b) Include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing stormwater drainage system with the site.
- 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.

### 35. No Adverse Runoff Impacts on Adjoining Properties

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

Reason:

To protect neighbourhood amenity.

### 36. Scour Protection

All stormwater outlets and surface flow paths (including swales, channels, and other dedicated overland flow paths) must be treated with appropriate scour/erosion protection measures designed in accordance with good engineering practice based on calculated 1 in 100 year ARI flow velocities.

Reason:

To comply with Council's Development Control Plan.

### 37. 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 relevant certification in accordance with Section 6.28 of the EP & A Act 1979. 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.

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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.

Reason:

To ensure compliance with Australian Standards.

### 38. Dust Suppression Measures

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifier prior to issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 39. Acid Sulphate Soils Management Plan

The recommendations of the Acid Sulfate Soils Management Plan (prepared by Tetra Tech Coffey dated 16/09/2022) shall be implemented and completed prior to the commencement of building works.

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

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insurances. Details and locations are to be shown on the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 41. Dilapidation Report

Before the issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979, the developer must ensure a suitably qualified engineer prepares a dilapidation report detailing the structural condition of buildings, structures or works on adjoining land and on 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.

### 42. Erosion and Sediment Control Plan

Before the issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979, 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:

- a) Council's Development Control Plan;
- b) The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book); and
- c) 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 applicant 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.

### 43. Soil and Water Management Plan (SWMP) – Greater than 2500m<sup>2</sup> Disturbance

A SWMP must be prepared by a suitably qualified person in strict accordance with the requirements set out in "Managing Urban Stormwater: Soils and Construction" NSW Dept of Housing, 4th Edition. The plan must be submitted to the Principal Certifier for approval prior to the issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 44. Crime Prevention Through Environmental Design (CPTED) – Design Measures

The development shall incorporate the following design and operational 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 domain areas.
- b) Landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse.
- c) Ensure that exit doors from the building to the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance from the doorway.
- d) Lighting shall be provided to illuminate building entrances, car parks, car park entrances and all footpaths to minimise the risk of crime, improve wayfinding and way-finding and natural surveillance and improve safety.
- e) Way-finding signage shall be installed throughout the site to ensure clear communication of building entries and pedestrian routes, and safe thoroughfare when people are moving through and around the site.

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- f) Measures to minimise the potential for graffiti/ vandalism shall be implemented, particularly on the southern elevation of the building where there is a long extensive blank wall which may attract graffiti. Good graffiti management procedures such be implemented including the rapid removal of graffiti, careful material selection, use of green screening or a mural.
- g) Access controls shall be implemented limiting access to only authorised personnel in various areas of the CHPC to reduce the risk of theft and trespassing.
- h) These requirements shall be reflected on the certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To reduce crime risk and improve security and safety within the development site.

### 45. Crime Prevention Through Environmental Design (CPTED) – Design Measures

The recommendations of the Crime Prevention Through Environmental Design Report prepared by Ethos Urban dated 18/08/2023 (Ref 2210668) shall be implemented. These requirements shall be reflected on the certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To reduce crime risk and improve security and safety within the development site.

### 46. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the Landscape Concept Plan (submitted with this DA) for the approval by the Principal Certifier, prior to the release of the certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 47. Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier is required, prior to the issue of the certification in accordance with Section 6.28 of the EP & A Act 1979. 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 existing and proposed trees; and
- d) Any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

Reason:

To comply with Council's Development Control Plan.

### 48. 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 certification in accordance with Section 6.28 of the EP & A Act 1979, confirming that the landscape plan and the drainage plan are compatible.

Reason:

To ensure development does not impact services.

### 49. Landscape Maintenance Plan

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The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To ensure the successful establishment of site landscaping

### 50. 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 certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 51. Parking Area Levels

Parking area levels shall be designed and constructed giving regard to vehicle stability in terms of depths and velocity during inundation by floodwaters, ensuring that each proposed car parking space is within hydraulic hazard category H1 during a 1 % AEP flood, as shown in Figure 3 of Chapter E13 of the Wollongong DCP2009. Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 52. Car Parking and Access

The development shall make provision for 55 car parking spaces (including 2 car parking spaces for people with disabilities), 5 parking spaces located on Innovation Way, 4 motorcycle parking spaces (located on innovation way) and 20 secure (Security Class B) bicycle spaces (within a secure compound and adjacent to cyclist 'end of trip facilities'). This requirement shall be reflected on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

Reason:

To ensure sufficient car parking is provided within the Innovation Campus.

### 53. Visitor Bicycle Parking

An additional four (4) visitor bicycle parking spaces are to be provided at the Main Entry Forecourt. This requirement shall be reflected on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979. The bicycle parking spaces shall be maintained to the satisfaction of Council at all times.

Reason:

To encourage use of active transport.

### 54. 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 plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

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Reason:

To ensure compliance with Australian Standards.

### 55. 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 plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To satisfy the requirements of Australian Standards.

### 56. Disabled Persons' 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 Crown Certificate plans.

Reason:

To satisfy the requirements of Australian Standards.

### 57. Designated Loading/Unloading Facility

The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 58. Vehicular Flow Signage

The development shall make provision for suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To comply with Council's Development Control Plan.

### 59. Structures Adjacent to Driveways

Any proposed structures adjacent to any driveways 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 relevant plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To ensure compliance with the relevant standards.

### 60. Car and Bike Share

Provision of at least one car share and bike sharing space is to be incorporated into the development. The nominated spaces should be identified on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To encourage sustainable transport use.

### 61. Design in Accordance with Flood Study **ACCEPTED**

The detailed design of the development (incl. earthworks, finished surface levels, landscaping, surface treatment, elevated building and car parking areas, flood levels, flood impacts, and flood storage volumes) shall be generally in accordance with the 'developed' flood model scenario presented in the report by Aurecon titled 'St George Illawarra Dragons Community & High Performance Centre (CHPC) DA Flood Study SGID Flood Study Report' (Reference 520547, Revision 3 dated 23/2/2024). This requirement shall be certified by a suitably qualified civil engineer. Evidence that this requirement has been satisfied shall be submitted to the Principal Certifying Authority prior to the release of a Subdivision Works Certificate.

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Reason:

To comply with Council's Development Control Plan.

### 62. NCC Section J Report

A NCC Volume 1, Section J compliance report shall be prepared to demonstrate compliance with the relevant requirements and submitted to Council for endorsement prior to the issue of the certification in accordance with Section 6.28 of the EP & A Act 1979. All requirements must be shown on the CC Plans.

Reason:

To satisfy the requirements of the legislation.

### 63. NSW Rural Fire Service (RFS) Requirements **AGREED AMENDMENT**

- a) A Bush Fire Emergency Management and Evacuation Plan for the facility must be prepared (or upgraded) and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan shall be submitted prior to occupation.
- b) The storage of any hazardous materials shall be away from the hazard wherever possible.

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- c) From the commencement of building works and in perpetuity, the site must be managed as an inner protection area in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- d) East elevation and all roof construction must comply with section 3 and section 6 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
- e) North, South and West elevation construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

Access - Internal Roads

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- f) Non-perimeter roads must comply with Appendix 3 of Planning for Bush Fire Protection 2019.

Water and Utility Services

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- g) The provision of new water, electricity and gas services must comply with Table 7.4a of Planning for Bush Fire Protection 2019.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- h) Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
  - A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);



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- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Reason:

To minimise bushfire risks.

### 64. Endeavour Energy Requirements

The requirements of Endeavour Energy outlined in its correspondence dated 8/09/2023 and attached to this consent, shall be satisfied, or as agreed with Endeavour Energy.

Reason:

To ensure the requirements of Endeavour Energy are satisfied.

### 65. Level 1 Maximum Capacity

The combined number of persons accommodated in the Function & Dining Room, Players Lounge and Viewing Area/Balcony on Level 1 of the premises shall not exceed the relevant capacity of the NCC.

Install a sign displayed in a prominent position in the building stating the maximum number of persons above.

Reason:

- a) To ensure an adequate level of amenity is provided to users;
- b) To ensure that structural effects are considered and the structure is appropriately designed;
- c) To ensure the room is used for its intended purpose as a Function & Dining Room.

### 66. Accessible Toilets

An additional Accessible WC shall be provided adjacent to the Male and Female Community Toilets & Change/EOT rooms. The design of each accessible toilet is to achieve compliance with AS1428.1.

Reason:

- a) To comply with NCC requirements to provide an Accessible WC with each bank of Male and Female amenities;
- b) To ensure adequate amenity is provided to occupants and visitors.

### 67. Transfer Toilets

There are to be an even number of LH and RH transfer toilets within the development.

Reason:

To enhance accessibility throughout the development.

### 68. End of Trip Facilities

A minimum of four showers and associated secure locker facilities are to be provided and accessible for staff of the facility.

Reason:

To encourage use of active transport.

### 69. Substation

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Any substation required to support the new development must not be visible or accessed from Squires Way.

Reason:

- a) To ensure free-standing substations are consistent with nearby buildings on the Innovation Campus site;
- b) To ensure flood resilience;
- c) To ensure safe access is maintained;
- d) To ensure an unmonitored site access point is not provided with potential CEPTD concerns;
- e) Aesthetics and amenity concerns when viewed from the public domain (and noting that the substation likely needs to be raised on a podium to meet flood level and freeboard requirements).

### 70. Sports Field Lighting

Sports Field Lighting is to be provided to Field 2 (Community Field) only. A complete lighting engineering design for sports field lighting, completed by a competent professional skilled and experienced in lighting engineering, is to be provided to Council's Design and Technical Services team for Approval prior to issue of a certification in accordance with Section 6.28 of the EP & A Act 1979. The design shall meet requirements of AS2560 and AS4282 for Football for Semi-professional Level for a Ball and Physical Training field. The design shall include details of operational control mechanisms to be installed such as remote switching and automatic-timer shut-off to match the time-of-use condition, and shall include an operational management plan for the sports field lighting.

Reason:

- a) To ensure light spill to adjoining residential properties does not exceed reasonable levels;
- b) To ensure adequate average maintained illuminance is provided to users of Field 2 (Community Field);
- c) To ensure the field is lit to a standard suitable for the intended use;
- d) To ensure participant safety;
- e) To ensure sports field lighting systems feature an automatic shutdown mechanism to match the operational period;
- f) To ensure sports field lighting is only operational when the sports field is in active use.

### 71. Material Selection for Pedestrian Access

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. This shall be reflected on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To ensure design excellence is delivered.

### 72. Schedule of Finishing Materials / Finishes

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) shall be submitted for the separate approval of Wollongong City Council, prior to the release of the certification in accordance with Section 6.28 of the EP & A Act 1979. The schedule of finishing materials and colours should compromise a generally monochromatic colour scheme based generally on the use of off-white / light greys / natural / aluminium / stainless steel tones, consistent with the requirements of Chapter D14 of Wollongong Development Control Plan 2009.

Reason:

To ensure the development is compatible with the surrounding environment.

### 73. Glass Reflectivity Index

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the certification in accordance with Section 6.28 of the EP & A Act 1979 together with written evidence that the reflectivity of the glass is 20 per cent or less.

Reason:

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To comply with Council's Development Control Plan.

### 74. Integration of Rooftop Structures in Approved Building Envelope

All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This shall be reflected on the plans accompanying certification in accordance with Section 6.28 of the EP & A Act 1979.

Reason:

To ensure design excellence is delivered.

## BEFORE BUILDING WORK COMMENCES

### Conditions

#### 75. Appointment of Principal Certifier

Prior to commencement of work, the person having the benefit of the Development Consent and certification in accordance with Section 6.28 of the EP & A Act 1979 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.

#### 76. 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.

#### 77. 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.

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Reason:

To satisfy the requirements of the legislation.

### **78. Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**

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

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

- a) Proposed ingress and egress points for vehicles to/from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e) Proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW specification - "traffic control at work sites manual" and the Australian Standard as 1742: "manual of uniform traffic control devices" and accompanying field handbooks (saa hb81);
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a registered certifier in civil engineering; and
- i) Proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

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

Reason:

To satisfy the requirements of the legislation.

### **79. Temporary Road Closure**

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

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

### **80. Works in Road Reserve – Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to

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pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

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

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:

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.

### 81. Hazardous Material Survey

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

- a) The location of hazardous materials throughout the site;
- b) A description of the hazardous material;
- c) The form in which the hazardous material is found, eg ac sheeting, transformers, contaminated soil, roof dust;
- d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f) Identification of the disposal sites to which the hazardous materials will be taken.

Reason:

To minimise risks to the environment and human health.

### 82. 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 issue of the relevant certification in accordance with Section 6.28 of the EP & A Act 1979 and the commencement of any works on the site.

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 certification in accordance with Section 6.28 of the EP & A Act 1979 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 minimise risks to the environment and human health.

### 83. 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.

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<u>Reason:</u> To satisfy the requirements of the legislation.
<b>84. Waste Management</b>
<p>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.</p> <p><u>Reason:</u> To appropriately manage waste generated during construction.</p>
<b>85. Enclosure of the Site</b>
<p>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.</p> <p><u>Reason:</u> To ensure safety.</p>
<b>86. Protection of Public Places</b>
<p>If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient:</p> <ul style="list-style-type: none"><li>a) A hoarding or fence must be erected between the work site and the public place;</li><li>b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;</li><li>c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;</li><li>d) Safe pedestrian access must be maintained at all times;</li><li>e) Any such hoarding, fence or awning is to be removed when the work has been completed.</li></ul> <p><u>Reason:</u> To ensure public assets are not impacted.</p>
<b>87. Hoardings (within any Public Road Reserve)</b>
<p>The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.</p> <p><u>Reason:</u> To satisfy the requirements of the legislation and Australian Standards.</p>
<b>88. Dilapidation Report Prior to Construction</b>
<p>A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the relevant certification in accordance with Section 6.28 of the EP &amp; A Act 1979. The report shall also identify the condition of all Council assets in the vicinity of the proposed works.</p> <p>A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of the relevant certification in accordance with Section 6.28 of the EP &amp; A Act 1979.</p> <p><u>Reason:</u> To identify the condition of existing infrastructure prior to the commencement of works.</p>
<b>89. Notification to SafeWork NSW</b>
<p>The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.</p>

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<p><u>Reason:</u> To ensure safety.</p>
<p><b>90. Demolition Notification to Surrounding Residents</b></p> <p>Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.</p> <p><u>Reason:</u> To advise neighbourhood.</p>
<p><b>91. Demolition Works</b></p> <p>The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.</p> <p>No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.</p> <p><u>Reason:</u> To satisfy the requirements of the legislation and Australian Standards.</p>
<p><b>92. Site Management Program – Sediment and Erosion Control Measures</b></p> <p>A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.</p> <p><u>Reason:</u> To protect neighbourhood amenity and minimise environmental harm.</p>
<p><b>93. All-Weather Access</b></p> <p>An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.</p> <p><u>Reason:</u> To protect neighbourhood amenity and minimise environmental harm.</p>
<p><b>94. Sediment Control Measures</b></p> <p>The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.</p> <p><u>Reason:</u> To protect neighbourhood amenity and minimise environmental harm.</p>
<p><b>95. Inspection of Erosion and Sediment Control Measures</b></p> <p>Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the PCA prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.</p> <p><u>Reason:</u> To ensure Erosion and Sediment Control Measures are properly installed.</p>
<p><b>96. Depth / Location of Services</b></p> <p>The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation.</p> <p><u>Reason:</u></p>



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To ensure services are not impacted.
<b>97. Notification to Council of any Damage to Council's Infrastructure</b>
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 occupation.
<u>Reason:</u> To ensure services are not impacted.
<b>98. Before Tree Removal and Pruning</b>
Before the removal and pruning of the trees approved for removal and pruning under this development consent, the person doing the tree removal and pruning must closely inspect the trees for any roosting or nesting fauna (includes inspecting for dreys), and if fauna are present then the person must contact the NSW Wildlife Information, Rescue and Education Service (WIRES) for advice (phone 1300 094 737) and ensure the advice is followed.
<u>Reason:</u> To protect native fauna from harm.
<b>99. Survey of Trees Prior to Clearing</b>
Prior to the commencement of any clearing works, the extent of clearing as shown on the approved plans must be accurately surveyed and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained. Temporary fencing must remain in place until all works are completed.
<u>Reason:</u> To minimise impacts on vegetation.
<b>100. Tree Protection</b>
Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).
Tree Protection Zones must be established prior to the commencement of any work associated with this approved development.
No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.
<u>Reason:</u> To protect trees to be retained on site.
<b>101. Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures</b>
Prior to the commencement of any demolition, excavation or construction works, the supervising Arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the Arborist's recommendations and relevant conditions of this consent.
<u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.
<b>102. Certification from Arborist – Adequate Protection of Trees to be Retained</b>
A qualified Arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed Arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.
<u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.
<b>103. Structural Engineer's Details</b>

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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 relevant certification in accordance with Section 6.28 of the EP & A Act 1979 and the commencement of any works on the site.

Reason:

To ensure structural integrity

## DURING BUILDING WORK

Conditions	
<b>104. Procedure for Critical Stage Inspections</b>	<p>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 certification in accordance with Section 6.28 of the EP &amp; A Act 1979.</p> <p><u>Reason:</u></p> <p>To require approval to proceed with building work following each critical stage inspection.</p>
<b>105. Hours of Work</b>	<p>The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> <li>• 7:00am to 5:00pm on Monday to Saturday.</li> </ul> <p>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.</p> <p>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.</p> <ol style="list-style-type: none"> <li>Any variation to the hours of work requires Council's approval.</li> <li>Any request to vary the approved hours shall be submitted to the Council in writing detailing: <ol style="list-style-type: none"> <li>The variation in hours required (length of duration);</li> <li>The reason for that variation (scope of works);</li> <li>The type of work and machinery to be used;</li> <li>Method of neighbour notification;</li> <li>Supervisor contact number; and</li> <li>Any proposed measures required to mitigate the impacts of the works</li> </ol> </li> </ol> <p><b>Note:</b> The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.</p> <p><u>Reason:</u></p> <p>To protect the amenity of the surrounding area.</p>
<b>106. Lighting Not to Cause Nuisance</b>	<p>The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.</p> <p><u>Reason:</u></p> <p>To protect neighbourhood amenity.</p>
<b>107. Site Offices, Site Compounds and Temporary Stockpiles</b>	<p>Native vegetation beyond the development area shall be protected from further inappropriate disturbances particularly during the excavation and construction phases. No building materials,</p>

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machinery or other substances shall be stored in these areas to avoid physical damage to the vegetation there.

Reason:

To prevent impacts on native vegetation.

### **108. Protection of Native Vegetation**

Native vegetation beyond the development area shall be protected from further inappropriate disturbances particularly during the excavation and construction phases. No building materials, machinery or other substances shall be stored in these areas to avoid physical damage to the vegetation there.

Reason:

To prevent impacts on native vegetation.

### **109. Building Operations Not to Discharge Pollutants**

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

### **110. Trucks to be Covered**

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

### **111. Provision of Waste Receptacle**

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 re-usable materials.

Reason:

To comply with Council's Development Control Plan.

### **112. Building Site to be Kept Free of Rubbish**

The building site must be kept free of rubbish at all times. All refuse capable of being wind-blown must be kept in a suitable waste container.

Reason:

To comply with Council's Development Control Plan.

### **113. Implementation of the Site Management Plans**

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

The applicant 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.

### **114. 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 minimise the generation of dust.

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<b>115. Site Management</b>
<p>Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:</p> <ul style="list-style-type: none"> <li>a) Does not spill onto the road pavement; and</li> <li>b) Is not placed in drainage lines or watercourses and cannot be washed into these areas.</li> </ul> <p><u>Reason:</u> To minimise sedimentation.</p>
<b>116. Spillage of Material</b>
<p>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.</p> <p><u>Reason:</u> To prevent impacts on the environment.</p>
<b>117. Excavated Material - Disposal</b>
<p>Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.</p> <p><u>Reason:</u> To prevent impacts on the environment.</p>
<b>118. Asbestos – Removal, Handling and Disposal Measures / Requirements Asbestos Removal by a Licenced Asbestos Removalist</b>
<p>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 (<a href="https://www.safework.nsw.gov.au">https://www.safework.nsw.gov.au</a>).</p> <p><u>Reason:</u> To ensure satisfaction of the legislation.</p>
<b>119. Asbestos Waste Collection, Transportation and Disposal</b>
<p>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.</p> <p><u>Reason:</u> To ensure satisfaction of the legislation.</p>
<b>120. No Adverse Run-Off Impacts on Adjoining Properties</b>
<p>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.</p> <p>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.</p> <p><u>Reason:</u> To comply with Council's Development Control Plan.</p>
<b>121. Piping of Stormwater to Existing Stormwater Drainage System</b>
<p>Stormwater for the land must be piped to the existing stormwater drainage system within the site.</p> <p><u>Reason:</u> To ensure stormwater is managed within the site.</p>
<b>122. Supervision of Engineering Works</b>

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

Reason:

To ensure compliance with relevant Standards.

### **123. Excavation / Filling / Retaining Wall Structures**

Any proposed filling on the site must not:

- a) Encroach onto the adjoining properties; and
- b) Adversely affect the adjoining properties with surface run-off.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

### **124. Cut and Fill Retained**

All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H:1V.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

### **125. Excavation Protection and Notification**

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

- a) Must preserve and protect the adjoining building from damage; and
- b) If necessary, must underpin and support the building in an approved manner; and
- c) Must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

Reason:

To ensure compliance with relevant Standards.

### **126. Safe Excavations and Backfilling**

All excavations and backfilling must be executed safely and in accordance with appropriate professional standards.

Reason:

To ensure compliance with relevant Standards.

### **127. Guarding of Excavations and Backfilling**

All excavations and backfilling must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason:

To ensure compliance with relevant Standards.

### **128. Copy of Consent in the Possession of Person Carrying Out Tree Removal**

The Developer/Applicant 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.

### **129. Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area**

No washing of equipment and or the disposal of building materials such as cement slurry must occur within the drip line of any tree which has been nominated for retention of the site and adjacent property.

Reason:

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

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<b>130. Treatment of any Tree Damage by a Supervised Arborist</b>
Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense. <u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.
<b>131. Provision of Taps / Irrigation System</b>
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. <u>Reason:</u> To comply with Council's Development Control Plan.
<b>132. Survey Report for Floor Levels</b>
A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum. <u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.
<b>133. Piping of Stormwater to Existing Stormwater Drainage System</b>
Stormwater for the land must be piped to the existing stormwater drainage system with the site. <u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.
<b>134. No Adverse Run-Off Impacts on Adjoining Properties</b>
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. <u>Reason:</u> To comply with Council's Development Control Plan.
<b>135. Fences</b>
Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood. <u>Reason:</u> To comply with Council's Development Control Plan.
<b>136. Earthworks as per AS3798</b>
All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints. <u>Reason:</u> To ensure earthworks are carried out in accordance with relevant standards.
<b>137. Erosion and Sediment Control Measures</b>
All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as the ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

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<p><u>Reason:</u> To minimise impacts.</p>
<p><b>138. Protection of Native Vegetation</b></p>
<p>Native vegetation beyond the development area shall be protected from further inappropriate disturbances particularly during the excavation and construction phases. No building materials, machinery or other substances shall be stored in these areas to avoid physical damage to the vegetation there.</p> <p><u>Reason:</u> To minimise impacts.</p>
<p><b>139. Imported Fill Material</b></p>
<p>Any imported fill material brought onto the site shall be virgin excavated natural material as defined by the NSW Environment Protection Authority, that is natural material such as clay, gravel, sand, soil or rock fines that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and that does not contain sulfidic ores or soils, or any other waste including fragments or filaments of asbestos. A certificate from a suitably qualified environmental consultant confirming the fill material is not contaminated shall be submitted to Council for its records.</p> <p><u>Reason:</u> To ensure protection of the environment and comply with legislation.</p>
<p><b>140. New Information / Unexpected Finds</b></p>
<p>In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials or acid sulfate soils, works must immediately cease. The Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within two (2) days of the incident. An assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm must be undertaken by an appropriately qualified environmental consultant as soon as possible. This assessment will necessitate a report to be prepared outlining the required remediation measures for the sign off by Council and the Principal Certifier.</p> <p><u>Reason:</u> To ensure protection of the environment and comply with legislation.</p>
<p><b>141. Demolition Materials - Disposal</b></p>
<p>All demolition materials not being reused on-site shall be disposed of only at a recycling or waste management facility that may lawfully receive that waste.</p> <p><u>Reason:</u> To comply with legislation.</p>
<p><b>142. Responsibility for Changes to Public Infrastructure</b></p>
<p>While building/construction work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerbs and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p><u>Reason:</u> To ensure the developer is aware of their responsibility for costs.</p>
<p><b>143. Excess Excavated Material - Disposal</b></p>
<p>Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.</p> <p><u>Reason:</u> To comply with legislation.</p>
<p><b>144. Discharge of Accumulated Water</b></p>

## SUPPLEMENTARY REPORT

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless all the following criteria are met:

1. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
2. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and
3. The pH of the water to be discharged is between 6.5 and 8.5; and
4. The water to be discharged contains no visible oil or grease; and
5. If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
6. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
7. The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and
8. A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council's Environment Planning Team (phone 4227 7111; fax 4227 7277; email [records@wollongong.nsw.gov.au](mailto:records@wollongong.nsw.gov.au), attention Environment Planning Team Manager); and
9. Written permission is obtained from Council's Environment Planning Team prior to any discharge.

Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.

Reason:

To maintain water quality.

### **145. Supervision of Engineering Works**

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

Reason:

To ensure compliance with relevant Standards.

### **146. Level 1 Supervision**

All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.

Reason:

To ensure compliance with relevant Standards.

## BEFORE OCCUPATION

Conditions
<b>147. Flood Affection Certification</b>
The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifier is required, prior to the certification in accordance with Section 6.28 of the EP & A Act 1979 and commencement of use. This report is required to certify that the 'as- constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater runoff.
<u>Reason:</u>



## SUPPLEMENTARY REPORT

To comply with Council's Development Control Plan.	
<b>148.</b>	<b>Earthworks and Drainage Works-As-Executed (WAE)</b>
<p>The developer shall obtain written verification from a suitably qualified civil engineer, stating that all earthworks and stormwater drainage and related work has been constructed in accordance with the approved plans accompanying certification in accordance with Section 6.28 of the EP &amp; A Act 1979. In addition, full WAE plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to occupation.</p> <p><u>Reason:</u></p> <p>To comply with the relevant Standards.</p>	
<b>149.</b>	<b>Retaining Wall Certification</b>
<p>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 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.</p> <p><u>Reason:</u></p> <p>To comply with the relevant Standards.</p>	
<b>150.</b>	<b>Structural Soundness Certification <span style="color: red;">ACCEPTED</span></b>
<p>The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the commencement of use. This report is required to verify that constructed building can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard, and that all other constructed structures can withstand the forces of floodwater, debris and buoyancy up to and including the 1% AEP flood level plus 0.5 metres freeboard.</p> <p><u>Reason:</u></p> <p>To comply with Council's Development Control Plan.</p>	
<b>151.</b>	<b>Compensatory Planting</b>
<p>The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, one hundred (100) 45 litre container mature plant stock shall be placed in an appropriate location within the property boundary of the site. The suggested species are Podocarpus elatus, Glochidion ferdinandi, Syzygium sp. and Ficus rubiginosa.</p> <p><u>Reason:</u></p> <p>To comply with Council's Development Control Plan.</p>	
<b>152.</b>	<b>Completion of Engineering Works</b>
<p>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 applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the relevant Occupation Certificate.</p> <p><u>Reason:</u></p> <p>To comply with the relevant Standards.</p>	

## OCCUPATION AND ONGOING USE

Conditions	
<b>153.</b>	<b>Backwash of Swimming Pool Water</b>

## SUPPLEMENTARY REPORT

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

Reason:

To ensure protection of the environment.

### **154. Swimming Pool Filtration Motor**

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

- Monday to Friday - 7:00 am to 8:00 pm.
- Saturdays, Sundays and Public Holidays - 8:00 am to 8:00 pm.

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

### **155. Swimming Pool - Discharging Water**

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

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

Reason:

To ensure protection of the environment.

### **156. Hours of Operation AGREED AMENDMENT**

The hours of operation of the Community & High Performance Centre shall be restricted to the following:

- Monday to Saturday - 7am to 10pm.
- Sunday - 8am to 5pm.

Function space: Six functions per year may be held in this space with operation to cease no later than 11pm at night, with no use of the balcony areas beyond 10pm

Reason:

To ensure protection of the environment and neighbourhood amenity.

### **157. Hours of Operation – Community Field (Field 2)**

The hours of operation of the Community Field (Field 2) shall be restricted to the following:

- Monday to Friday - 9am – 8.30pm.
- Saturday and Sunday - 9.00am – 5pm.

Reason:

To ensure protection of the environment and neighbourhood amenity.

### **158. Sports Field Lighting**

Sports field lighting shall only be used on Field 2 (Community Field) between 8am and 8:30pm Monday to Saturday. These hours shall decrease with increasing natural light before and after solstice.

Irrespective of the above, lighting shall only be used when Field 2 (Community Field) is in active use by users.

Reason:

- a) To prevent light glare and light spill from compromising residential amenity;
- b) To maintain community support for ongoing operations;
- c) To minimise ongoing energy use when the field is not in use; and
- d) To achieve the principles of ESD.

### **159. Application of Fertilisers, Herbicides and Pesticides**

The application of any fertilisers, herbicides or pesticides shall not be undertaken within 24hrs before or after rainfall.

## SUPPLEMENTARY REPORT

The application of any fertilisers, herbicides or pesticides shall not occur where the wind is sufficient to create spray drift.

### 160. Field Maintenance

Machine maintenance such as lawnmowing and mechanical repair of sports fields and their immediate environs shall only occur during between 7:00am and 6pm Monday to Friday and excluding Public Holidays.

Reason:

To ensure the amenity of neighbouring residential properties is not adversely affected by operational noise or vibration.

### 161. Amenities

Unfettered access shall be provided to Male Community Toilets and Change/EOT facilities, Female Community Toilets and Change/EOT facilities, Accessible WC, and Bike Store rooms, at any time that Field 2 (Community Field) is in active use by the Community & High Performance Centre.

Reason:

- a) To ensure an adequate level of amenity is provided to the public;
- b) To ensure an adequate level of amenity is provided to users of and visitors to the sport fields;
- c) To dissuade public urination;
- d) To ensure accessible amenities are provided; and
- e) To promote active transport.

### 162. Shared Use

Unfettered public access shall be provided to Field 2 (Community Field) when not in physical use for sporting purposes by the Community & High Performance Centre. This also includes each Sunday and NSW Public Holiday.

Reason:

- a) To mitigate the loss of amenity through the demolition of the existing sports field;
- b) To ensure that access to playing fields remains available for student and public use for informal sports activities;
- c) To ensure persons are not censured or prosecuted by using sports fields for informal sports activities; and
- d) Being consistent with Chapter D14 of Wollongong DCP 2009 for inclusion of informal sport opportunities and retention of existing playing fields.

### 163. Plan of Management and Collaboration Agreement

An Operational Management Plan (which is to be substantially consistent with the draft Preliminary Operational Management Plan for the St George Illawarra Dragons Community & High Performance Centre, prepared by Bridge 42 dated February 2024) must be implemented at all times over the life of the development by UOW and the operators and their successors.

The operators (as defined by the Management Plan) of the facility (inclusive of allied health spaces) must enter into Collaboration Agreements (as defined by the Management Plan) with the University of Wollongong (UOW) to fulfil the innovation, research and development objectives sought to be achieved by the measures proposed within Section 2.5 of the Preliminary Operational Management Plan.

Reason:

To ensure the establishment and ongoing delivery of the innovation, research and development links between the University of Wollongong and the Community High Performance Centre, required to fulfil the objectives in Clause 7.15 of Wollongong Local Environmental Plan 2009 and Chapter D14 of Wollongong Development Control Plan 2009.

### 164. Plan of Management and Collaboration Agreement – Governance Oversight

The Management Plan must be implemented and compliance overseen by a 'Responsible Person' or Persons (as detailed within the Management Plan) who must be nominated prior to the issue of the Occupation Certificate. The 'Responsible Person' shall maintain a 'Collaboration Register' and provide an annual report to Council detailing the specific nature of the innovation, research and development functions being undertaken within Community High Performance Centre.

## SUPPLEMENTARY REPORT

Reason:

To ensure oversight of the implementation of the management plan and collaboration agreements.

**165. Review of Management Plan**

The Plan of Management is to be updated within the first three (3) years following issue of the Occupation Certificate and thereafter every five (5) years. Upon each review, a copy of the updated Management Plan is to be provided to Council.

Reason:

To ensure the Management Plan remains current and delivers the innovation, research and education/teaching objectives of the Innovation Campus.

## SUPPLEMENTARY REPORT

### 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 the relevant certification in accordance with Section 6.28 of the EP & A Act 1979 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 certification in accordance with Section 6.28 of the EP & A Act 1979 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 certification in accordance with Section 6.28 of the EP & A Act 1979 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. **Prolonged Rainfall Events**  
The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

### Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

## SUPPLEMENTARY REPORT

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction / Crown Certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means Wollongong City Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP & A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP & A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by Section 2.7 of the EP & A Act.

**Local Planning Panel** means Wollongong Local Planning Panel.

**Occupation Certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal Certifier** means the certifier appointed as the principal certifier for building work or subdivision work under Section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- The collection of stormwater;
- The reuse of stormwater;
- The detention of stormwater;
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems

**Strata Certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision Certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision Works Certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP & A Regulation.

**Regional Planning Panel** means Southern Regional Planning Panel.