

DATE OF DETERMINATION	18 October 2024
DATE OF PANEL DECISION	18 October 2024
DATE OF PANEL MEETING	25 September 2024
PANEL MEMBERS	Chris Wilson (Chair), Grant Christmas, Natasha Harras
APOLOGIES	Juliet Grant, Tina Christy, David Brown
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 May 2024 with matter deferred on 10 May 2024. Supplementary report circulated on 23 September 2024.

MATTER DETERMINED

PPSSTH-253 – Wollongong - DA-2022/714 – 37-39 Burelli Street, Wollongong 2500

Mixed Use Development - Demolition of existing structures and construction of 14 storey building, two (2) commercial spaces, 71 residential apartments, basement and podium sleeved parking, associated communal open space and landscaping (as described in Schedule 1).

BACKGROUND

The Panel first met to determine this matter on the 8 May 2024. While Council had recommended the refusal of the application, the Panel decided to defer the determination of the application pending the resolution of matters relating to waste servicing, cross ventilation, flooding impact and stormwater, and the need for a public art strategy. The decision to defer was unanimous. These matters were to be addressed in an addendum report prepared by Council and supported by any additional information from the Applicant as required.

The Panel met again on 25 September 2024 to determine the application. The Panel had the benefit of a supplementary report from Council and a detailed response from the Applicant on Council's revised reasons for refusal. The Panel noted the Applicant had addressed the issues raised by the Panel and that Council in its supplementary report indicated it was satisfied that the matters had been satisfactorily resolved.

At the same meeting, the Panel questioned the reasoning underpinning the Council's remaining reasons for refusal being of the view that these matters were not determinative and could very well be addressed through minor design changes and/or appropriate conditions of consent. Consequently, the Panel requested that Council prepare a draft Instrument of Consent (which seeks to address Council's residual concerns) and provide a copy to the Applicant for comment. It is noted that the draft Instrument of Consent has been prepared and the Applicant has provided comments accordingly. The draft Instrument of Consent provided by Council is attached in Schedule 2.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1

Proposed contravention of a development standard

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

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

the Panel is satisfied that:

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

Development application

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

REASONS FOR THE DECISION

The Panel acknowledged the Council's ongoing concerns regarding some elements of the proposal which informed the Council's recommendation for refusal. These included Council's view that:

- The proposed development does not fully comply with SEPP 65 and the ADG.
- The development would result in poor residential amenity and accessibility arising from the design of the ground floor and podium levels.
- The public submissions (2) had been considered and matters raised relate to matters of legislative non-compliance or adverse environmental outcomes.
- The site is unsuitable for the development.
- Approval of the development would not be in the public interest.

Contrary to the above, the Panel considered that the reasons for refusal were unsustainable and could not be supported noting that the:

- The proposal is permissible within the E2 Commercial Core zone and is compliant with the applicable height and FSR controls.
- The prerequisites to the grant of consent have been satisfied.
- The application under clause 4.6 to in respect to the contravention of the setback standard was well founded.
- The non compliances with SEPP 65 and the ADG were not considered significant in the context of the constraints of the site and remaining key concerns of the panel could be reasonably rectified through the implementation of appropriate conditions and/or minor design changes.
- The Panel was satisfied with the Applicant's response to Council's concerns regarding the design of the ground floor and podium level.
- The matters of concern to the Panel relating to waste servicing, cross ventilation, flooding impact and stormwater, and the need for a public art strategy had been satisfactorily resolved.
- The Panel was satisfied that the design of the proposal was sound given the constraints of the site, and within this context had demonstrated a superior design outcome.
- Matters raised in public submissions (2) had been satisfactorily addressed.
- The development would help revitalise the Wollongong CBD and deliver much need housing for the Illawarra region.
- Matters required to be considered under clause 4.15 of the *Environmental Planning and Assessment Act, 1979* had been appropriately addressed.

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

CONDITIONS

The Panel considered the draft Instrument of Consent prepared by Council and the comments provided by the Applicant and adopted the conditions with several changes. Council is directed to make the following amendments prior to issuing the Notice of Determination.

- Condition 4 should be amended to require the CEMP to "be submitted to the Certifying Authority for approval prior to the release of the Construction Certificate".
- Condition 5 should be deleted and replaced with the following:

Remedial Action Plan

Before the issue of the Construction Certificate, and having regard to the Douglas Partners advice dated 14 March 2022, the Applicant must prepare a new or updated remedial action plan for the development so that the site can be made suitable for the proposed residential use. The remedial action plan must be prepared as per the Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (NSW EPA, 2020) by a certified contaminated land consultant.

Remediation of the site must be carried out in accordance with the remedial action plan.

Note that the remedial action plan prepared by Douglas Partners dated May 2021 is not approved as it does not reflect the proposed development, including the proposed use of the site, proposed excavation on the site, or the recommendations of Douglas Partners letter dated 14 March 2022.

- Condition 6 is to be deleted and replaced with the following:

Site Validation Report

A Validation Report must be submitted to Council's Environment section prior to the issue of a Construction Certificate for any above-ground works. The Validation Report must verify that:

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

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

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

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

- Condition 10 (h) is to be amended to remove the words "Due to the sensitivity of the site to changing geotechnical conditions".
- Condition 22 is to be amended to read as follows:

The developer is responsible for the replacement of the kerb ramps on the south-west corner of the intersection of Corrimal and Burelli Street and such work is to be completed prior to the commencement of the use.

Detailed plans are to be submitted to Council for approval (and if necessary TfNSW) prior to the issue of the Construction Certificate showing proposed paving, new kerb ramps, footpath design levels and location of all services.

Reason: To comply with Council's policies and procedures.

- Condition 23 is to be amended to read as follows:

Construction Environmental Management Plan (CEMP)

Prior to the commencement of any works at the site, a detailed Construction Environmental Management Plan (CEMP) prepared by a suitably qualified person shall be submitted to the Principal Certifier and Council's Development Engineering Manager for its records (in the event Council is not the Principal Certifier). The CEMP shall include (but not be limited to) the following:

- a. Introduction.
- b. Project Description.
This section should include:
 - i. Timing and duration of works.
 - ii. location of work sites offices, compounds, stockpiles and refuelling areas.
 - iii. a description of the site and surrounds and location of environmentally sensitive areas.
- c. Objectives of the CEMP.
This section should state what the CEMP is trying to achieve.
- d. Context of the CEMP.
This section should specify how the CEMP fits into the planning process of the project.
- e. Planning Project Environmental Actions.
- f. Environmental Impact Assessment (EIA) Obligations.
This section should identify all EIA documentation related to this project.
- g. Environmental Aspects.

- This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.
- h. Legal and Other Requirements.
This section should detail the legislative requirements of the work, and all other specifications.
- i. Supplementary Environmental Plans.
These include:
- Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
Note: Requirements for ESCPs and SWMPs are provided in “Managing Urban Stormwater: Soils and Construction” Landcom, 2004.
 - Landscaping Plan.
 - Traffic Management Plan/Traffic Control Plan (TCP).
 - Air Quality Management Plan.
 - Waste Management Plan.
 - Acid Sulfate Soil Management Plan (ASSMP).
- J. Implementation.
- k. On-site Structure and Responsibility.
This section should state the duties and responsibilities of all contractors and sub-contractors working on site and the relationship between these parties.
- l. Training, Awareness and Competence.
This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:
- Knowledge and understanding of the CEMP
 - Site induction, and may include:
 - Emergency response training.
 - Familiarisation with site environmental controls.
 - Erosion and sediment control training.
- m. Communication.
This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency. This section should identify and list details for relevant external stakeholders such as EPA, NPWS, NSW Fisheries, DPIE, Aboriginal Groups, and Council. This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.
- n. Emergency Planning and Response.
This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:
- The names of key emergency response personnel.
 - Personnel responsibilities and contact details.
 - Contact details for emergency services (ambulance, fire brigade, spill clean-up services).
 - The location of on-site information on hazardous materials, including SDSs and spill containment material.
 - The procedure to follow to minimise/control the emergency.
 - Procedures for notifying the Superintendent, the public and/or EPA.
Emergency Response Contacts should be listed in table form.
- o. Auditing and Monitoring.
- p. Environmental Action Monitoring.
This section should detail how all environmental actions identified in Section 2 are going to be monitored and verified. This section should also detail or refer to a procedure to ensure that all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.
- q. Auditing.
This section should detail audit criteria, frequency and scope.
- r. Non-Conformance and Corrective and Preventive Action.
This section should state how these items should be addressed.
- s. Review of CEMP. This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.
- t. Appendix 1 - Environmental Action Table.

The Environmental Action Table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table should include all environmental actions that were identified in Section 2.0 of the CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it.

u. Appendix 2 - Environmental Action Monitoring Table.

This section should detail how all of the environmental actions listed in Appendix 1 are going to be monitored and verified. The monitoring must clearly convey what monitoring is required, when the monitoring is to take place and who is to do it. Reason: To comply with Council's policies and procedures.

- Condition 24 is amended by removing the words "and relics"
- Condition 26 is amended by replacing word "Council" in the second line with the word "Certifier".
- Condition 28 is amended to identify the correct number of residential car parks being 71 (not 77) and accessible car parks being 8 (not 10) and 'at least 9' (not 10) commercial car parking spaces.
- Condition 38 is amended to read as follows (First line of first paragraph):

"Prior to the issue of a Construction Certificate, the Applicant shall submit a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifier and Council's Development Engineering Manager for its records (in the event Council is not the Principal Certifier). This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall comply 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."

- Condition 42 is to be retained.
- Condition 50 is to be amended to read as follows:

Amended Plans

"Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of the Principal Certifier, and a copy provided to Council, which include the following:

- I. Rearrangement of the Level 3 communal open space and demonstrating that the principal area of communal open space receives a minimum 2 hours of direct sunlight between 9am and 3pm on June 21 in accordance with Section 3-D of the Apartment Design Guide. Principal areas are considered to include the BBQ and dining areas, seating and active spaces.
- II. Increase in the size of the residential waste storage room at the ground floor level to accommodate bin storage in accordance with condition 14 by either reducing the size of the adjoining commercial space and / or relocating the bulky waste storage area to the location of proposed commercial parking space C10.
- III. Incorporation of art on both the southern and western podium walls in accordance with the requirements of condition 49.

Reason: to address outstanding concerns relating to open space amenity, waste management and visual impacts.

- Condition 57 is to be retained.
- Condition 58 is to be retained.
- Condition 65 is to be deleted.
- Condition 69 is to be amended by requiring the Vibration Management Plan to be prepared by a suitably qualified Vibration Consultant/Company consistent with relevant industry guidelines and submitted to the Certifier prior to the commencement of any site works.
- Condition 74 (2) is to be amended to read as "must be submitted to the Certifier and Council's Development Engineering Manager for its records (in the event Council is not the Principal Certifier)".
- Condition 75 is to be deleted.
- Condition 78 is to be deleted.
- Condition 86 is to be amended to read as "must be submitted to the Certifier and Council's Development Engineering Manager for its records (in the event Council is not the Principal Certifier)".




- Condition 92 is to be retained
- Condition 95 is to be deleted
- Condition 100 is to be retained.
- Condition 108 is to be retained.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Density
- Traffic Impacts
- View Loss
- Waste Collection

The Panel considers that concerns raised by both Council and the community have been adequately addressed in the Assessment Report and conditions of consent as amended.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Grant Christmas
 Natasha Harras	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSTH-253 – Wollongong City Council – DA-2022/714
2	PROPOSED DEVELOPMENT	Mixed Use Development - demolition of existing structures and construction of 14 storey building, two (2) commercial spaces, 71 residential apartments, basement and podium sleeved parking, associated communal open space and landscaping
3	STREET ADDRESS	37-39 Burelli Street, Wollongong 2500
4	APPLICANT/OWNER	Applicant: ADM Projects Australia Pty Ltd Owner: Burelli Investment Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 SEPP No. 65 (Design Quality of Residential Apartment Development) Wollongong Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Other policies: <ul style="list-style-type: none"> Wollongong City Wide Development Contributions Plan (2023) Wollongong Community Participation Plan 2019 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations Public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 1 May 2024 Clause 4.6 request – departure from clause 8.6 (Building Separation) List any council memo or supplementary report received: 23 September 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 25 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson, David Brown, Juliet Grant <u>Council assessment staff</u>: Anne Starr, Mark Adamson, Amanda Kostovski <u>Applicant representatives</u>: Angelo Di Martino (ADM Architects), Peter Taranto & Daniel Hodge (representing client group - Esplanade Wollongong), Luke Rollinson (MMJ Planning), Cartia Taranto <u>DPE representatives</u>: Amanda Moylan, Tim Mahoney Site inspection: 25 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson

		<ul style="list-style-type: none"> • Site inspection: 30 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Grant Christmas, Juliet Grant, Mark Carlon • Status Update Briefing: 6 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Juliet Grant (A/Chair), Grant Christmas, David Brown ○ <u>Council assessment staff</u>: Anne Starr, Mark Adamson, Amanda Kostovski ○ <u>DHIE</u>: Amanda Moylan, Tim Mahoney • Final briefing to discuss council's recommendation: 8 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson, David Brown, Grant Christmas, Juliet Grant, Tina Christy ○ <u>Council assessment staff</u>: Pier Panozzo, Anne Starr, Mark Adamson, April Wilkinson ○ <u>Applicant representatives</u>: Angelo Di Martino (ADM Architects), Harrison Taranto & Daniel Hodge (representing client group - Esplanade Wollongong), Luke Rollinson (MMJ Planning) ○ <u>Applicant representatives</u>: Amanda Moylan, Tracey Gillet, Tim Mahoney • Final briefing to discuss council's recommendation: 25 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson, Grant Christmas, Natasha Harras ○ <u>Council assessment staff</u>: Pier Panozzo, Anne Starr, Mark Adamson, April Wilkinson, Martin Jameson ○ <u>Applicant representatives</u>: Angelo Di Martino (ADM Architects), Peter Taranto (representing client group - Esplanade Wollongong), Luke Rollinson (MMJ Planning) ○ <u>Applicant representatives</u>: Tim Mahoney, Tracey Gillet
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Draft conditions provided by Council included in Schedule 2

SCHEDULE 2

DRAFT CONDITIONS OF CONSENT DA-2022/714 37-39 Burelli Street Wollongong

As requested by SRPP 25 September 2024

Consent has been granted subject to the following conditions:

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Dated
A-101a	A	Basement 02 Floor Plan	ADM Architects	27 October 2023
A102	C	Basement 01 Floor Plan	ADM Architects	27 October 2023
A-103	E	Ground Floor Plan	ADM Architects	26 June 2024
A-104	D	Level 01 Floor Plan	ADM Architects	8 April 2024
A-105	D	Level 02 Floor Plan	ADM Architects	8 April 2024
A-106	D	Level 03 Floor Plan	ADM Architects	8 April 2024
A-107	D	Level 4-10 Floor Plan	ADM Architects	8 April 2024
A-108	D	Level 11 Floor Plan	ADM Architects	8 April 2024
A-109	D	Level 12-13 Floor Plan	ADM Architects	8 April 2024
A-201	E	North Elevation	ADM Architects	27 October 2023
A-202	E	East Elevation	ADM Architects	27 October 2023
A-203	D	South Elevation	ADM Architects	27 October 2023
A-204	D	West Elevation	ADM Architects	27 October 2023
A-205	D	Section A-A	ADM Architects	27 October 2023
A-206	B	Interface Sections	ADM Architects	27 October 2023
A-208	B	Façade Design Section	ADM Architects	27 October 2023

A-209	B	Part Sections 01	ADM Architects	27 October 2023
A-211	B	Part Sections 02	ADM Architects	30 August 2024
A-212	A	Part Sections 03	ADM Architects	27 October 2023
C900	F	Waste Management Plan	JN Responsive Engineering	25 June 2024
4427-F100 Sheet 1	C	Cover Page	dsb Landscape Architects	20 January 2023
4427-F101 Sheet 2	E	Landscape Plan Ground Floor	dsb Landscape Architects	26 October 2023
4427-F102 D Sheet 3	D	Landscape Plan Third Floor	dsb Landscape Architects	25 October 2023

Report Reference	Report Title	Prepared By	Dated
610.30718-R01 version v2.0	Qualitative Wind Statement	SLR	June 2022
2112009T-R	Noise Intrusion Assessment	Harwood Acoustics	14 June 2022

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

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

Reason:

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

General Conditions

2. Transport for NSW

The development must comply with Transport for NSW conditions detailed in Attachment 1.

Reason:

To comply with Transport for NSW.

3. Demolition and Construction Noise and Vibration Management

Prior to the commencement of any site works, the Proponent shall undertake a noise and vibration assessment to identify all sensitive receivers where the construction noise and vibration levels exceed the ICNG construction noise goals for that receiver.

The findings, recommendations and management controls from the assessment shall be documented in a Noise and Vibration Management Plan prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical Consultants) and submitted to the Certifying Authority for approval prior to the release of the Construction Certificate. The Plan shall be incorporated into the site Construction Environmental Management Plan.

For the duration of the site works, noise and vibration must be managed in accordance with the approved Construction Noise and Vibration Management Plan.

Reason:

To ensure protection of the environment and neighbourhood amenity.

4. Construction Environmental Management Plan

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

5. Supplementary Detail Site Investigation

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

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

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

Reason:

To ensure protection of the environment.

6. Interim Advice letter prepared by Site Auditor prior to the appointment of a Principal Certifier and the commencement of any works on site.

Prior to the appointment of a Principal Certifier and the commencement of any works on site, the developer is required to submit an "Interim Advice" prepared by NSW EPA accredited site auditor stating that the site auditor will be overseeing the site assessment, remediation and validation so that the land is suitable for proposed development.

Upon completion of remediation and validation, auditor under statutory audit will issue a "Site Auditor's Statement (SAS) and site auditor's report (SAR) to Council stating that the site is suitable for the proposed development.

Reason:

To ensure protection of the environment.

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

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

Reason:

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

8. 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.

9. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of Section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Reason:

To satisfy the requirements of the legislation.

10. Geotechnical

- a. A supplementary geotechnical report is required which:
 - Provides the geotechnical parameters to be accommodated within the design of excavations required for site preparation.
 - Assesses the existing pavement condition including photos of adjoining roads across the full frontage of the proposed development;
 - Assesses the potential impact of the proposed development on the short and long term impact on the performance of the pavement of these roads;
 - Identifies appropriate measures to manage any potential impacts from the proposed development; and
 - Makes recommendations for the design of any temporary or permanent structures, drainage treatments, slope management or excavations required to manage the potential impact to the adjoining roads from the development.
- b. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- c. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- d. Retaining wall design is not to include anchors extending onto adjoining property without the written consent of the adjoining property owner.
- e. No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- f. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks drawn from the results of the investigation required by Geotechnical Condition 1.
- g. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- h. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- i. At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.

- j. The structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- k. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Reason:

To comply with Council's policies and procedures.

11. Roads Act Approval for Awnings Over Road Reserve

A Section 138 approval under the *Roads Act 1993* is required in order to allow the awning structure in Burelli Street and Corrimal Street to occupy the road reserve.

Reason:

To comply with the legislation.

12. Unexpected Finds of Aboriginal Cultural Heritage

If any Aboriginal object(s) is 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.

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

Reason:

To satisfy the requirements of the legislation.

13. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$622,060.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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

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

Reason:

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

Before the Issue of a Construction Certificate

14. Waste Storage Room – Residential Waste

Adequate bin storage must be provided to accommodate the following number of residential 240L bins:

- General waste (red bin) – 5
- Recycling (yellow bin) – 71 if fortnightly collection or 36 if weekly collection
- Green waste /Food Organics Garden Organics (FOGO) – minimum 2

Plans must be provided to the Principal Certifier showing the location of all residential bin storage, and the Principal Certifier is to verify that the dimensions of the waste storage are adequate.

15. Change in Driveway Paving

A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Reason:

To comply with Council's policies and procedures.

16. Final Landscape Plan Requirements

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

- a. planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c. Permeable paving to be incorporated around the existing tree on Burelli street equal to 'Filter Pave' to increase the tree pit opening to a minimum of 2m x 2m. Permeable paving 'Filter Paver' or equal 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 the issue of Occupation Certificate.

Reason:

To comply with Council's policies and procedures.

17. Certification for Landscape and Drainage

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

Reason:

To comply with Council's policies and procedures.

18. Landscape Maintenance Plan

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

Reason:

To comply with Council's policies and procedures.

19. Tree Protection and Management

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

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

Reason:

To comply with Council's policies and procedures.

20. Footpath Paving City Centre

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

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

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

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

The footpath and driveway entry on the Council property must be installed to the satisfaction of WCC Manager of Works.

In consideration of the volume and type of vehicles using the driveway it is recommended that the stone paving be removed and replaced with coloured concrete pavement with saw cuts to engineer's detail. Recommended colour of oxide concrete is equal to Cathay Industries 'Black Velvet'. Saw cuts in grid pattern 600 x 900mm. Deep groove saw cuts 6mm wide and 35mm depth or as recommended by consultant engineer.

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

Reason:

To comply with Council's policies and procedures.

21. Council Footpath Reserve Works – Driveways and Crossings

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

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

Reason:

To comply with Council's policies and procedures.

22. Kerb Replacement

The developer is responsible for the replacement of the kerb ramps on the intersection of Corrimal and Burelli street.

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

Reason:

To comply with Council's policies and procedures.

23. Environmental Management Plan

The submission of a detailed Environmental Management Plan which addresses but is not limited to, the following issues:

a. Introduction.

b. Project Description.

This section should include:

i. Timing and duration of works.

ii. location of work sites offices, compounds, stockpiles and refuelling areas.

iii. a description of the site and surrounds and location of environmentally sensitive areas.

c. Objectives of the CEMP.

This section should state what the CEMP is trying to achieve.

d. Context of the CEMP.

This section should specify how the CEMP fits into the planning process of the project.

e. Planning Project Environmental Actions.

f. Environmental Impact Assessment (EIA) Obligations.

This section should identify all EIA documentation related to this project.

g. Environmental Aspects.

This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.

h. Legal and Other Requirements.

This section should detail the legislative requirements of the work, and all other specifications.

i. Supplementary Environmental Plans.

These include:

i. Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).

ii. Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" Landcom, 2004.

iii. Noise and Vibration Management Plan.

iv. Landscaping and Revegetation Plan.

v. Flora and Fauna Management Plan.

vi. Traffic Management Plan/Traffic Control Plan (TCP).

vii. Air Quality Management Plan.

viii. Waste Management Plan.

- ix. Acid Sulfate Soil Management Plan (ASSMP).
- x. Indigenous and European Heritage Plan.
- xi. Contaminated Soil Management Plan.
- j. Implementation.
- k. On-site Structure and Responsibility.

This section should state the duties and responsibilities of all contractors and sub-contractors working on site and the relationship between these parties.
- l. Training, Awareness and Competence.

This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:

 - i. Knowledge and understanding of the CEMP.
 - ii. Site induction, and may include:
 - Emergency response training.
 - Familiarisation with site environmental controls.
 - Erosion and sediment control training.
- m. Communication.

This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency. This section should identify and list details for relevant external stakeholders such as:

 - i. EPA.
 - ii. NPWS.
 - iii. NSW Fisheries.
 - iv. DPE.
 - v. Aboriginal Groups.
 - vi. Council.

This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.
- n. Emergency Planning and Response.

This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:

 - i. The names of key emergency response personnel.
 - ii. Personnel responsibilities and contact details.
 - iii. Contact details for emergency services (ambulance, fire brigade, spill clean-up services).
 - iv. The location of on-site information on hazardous materials, including SDSs and spill containment material.
 - v. The procedure to follow to minimise/control the emergency.
 - vi. Procedures for notifying the Superintendent, the public and/or EPA.

Emergency Response Contacts should be listed in table form.
- o. Auditing and Monitoring.

p. Environmental Action Monitoring.

This section should detail how all environmental actions identified in Section 2 are going to be monitored and verified. This section should also detail or refer to a procedure to ensure that all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.

q. Auditing.

This section should detail audit criteria, frequency and scope.

r. Non-Conformance and Corrective and Preventive Action.

This section should state how these items should be addressed.

s. Review of CEMP.

This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.

t. Appendix 1 - Environmental Action Table.

The Environmental Action Table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table should include all environmental actions that were identified in Section 2.0 of the CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it.

u. Appendix 2 - Environmental Action Monitoring Table.

This section should detail how all of the environmental actions listed in Appendix 1 are going to be monitored and verified. The monitoring must clearly convey what monitoring is required, when the monitoring is to take place and who is to do it.

Reason:

To comply with Council's policies and procedures.

24. Dilapidation Survey

A dilapidation survey and report shall be submitted to the Principal Certifier. The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of a Certificate of Practical Completion for Subdivision works.

Reason:

To comply with Council's policies and procedures.

25. Airborne Rail and Road Traffic Noise for Dwellings

Noise Mitigation Measures as outlined in the Traffic Noise Intrusion Assessment prepared by Harwood Acoustics dated 14 June 2022 shall be implemented to ensure that the following noise goals are achieved at the site boundaries:

- a. LAeq 35dBA in any bedroom in the building at any time between 10pm and 7am
- b. LAeq 40dBA anywhere else in the building (other than a garage, kitchen, bathroom or hallway): at any time between 10pm and 7am.
- c. LAMax 50dBA in any bedroom in the building between 10pm and 7am

This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Private Principal Certifier, prior to the issue of the Construction Certificate.

Reason:

To comply with Council's policies and procedures.

26. Wind Mitigation Measures

Prior to the issue of the Construction Certificate a final Quantitative Wind Assessment utilising Wind Tunnel Testing or Computational Fluid Dynamics (CFD) is to be submitted to Council for approval, demonstrating that the development will achieve appropriate wind comfort levels and that all required mitigation measures have been incorporated into the design.

Reason:

To comply with Council's policies and procedures.

27. Electric Vehicle Charging Infrastructure

The following Electric Vehicle Infrastructure is to be shown on the Construction Certificate Plans:

- a. 100 per cent of resident spaces to be *electric vehicle ready*, i.e. with appropriate electrical cabling to the parking space;
- b. One residential visitor space accommodating complete electric vehicle charging from day of opening;
- c. One non-residential spaces accommodating complete electric vehicle charging from day of opening.

Reason:

To comply with Council's policies and procedures.

28. Car Parking and Access

The development shall make provision for the following:

Residential

- 77 car parking spaces (including 10 car parking spaces capable of adaption for people with disabilities)
- 15 residential visitor car parking spaces
- 5 residential motorcycle parking spaces
- A minimum of 24 secure (Security Class B) residential bicycle spaces
- A minimum of 6 residential visitor bicycle spaces (Security Class C)

Commercial

- 10 commercial car parking spaces (including 1 car parking space for people with disabilities)
- 1 commercial motorcycle parking space
- A minimum of 4 secure (Security Class B) employee bicycle spaces
- A minimum of 1 commercial visitor bicycle space (Security Class C)

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

29. Parking Dimensions

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

Reason:

To ensure compliance with Australian Standards.

30. Disabled Person Parking Space Dimensions

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

Reason:

To ensure compliance with Australian Standards.

31. Designated Loading/Unloading Facility

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

Reason:

To comply with Council's Development Control Plan.

32. Vehicular Flow Signage

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

Reason:

To comply with Council's Development Control Plan.

33. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

34. Bicycle Parking Facilities

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

Reason:

To satisfy the requirements of Australian Standards.

35. Security Roller Shutters for Basement Car Parking Areas

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

Reason:

To comply with Council's Development Control Plan.

36. Utilities and Services

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

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.

- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

Reason:

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

37. Glass Reflectivity Index

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

Reason:

To comply with Council's Development Control Plan.

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

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

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

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

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

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

Reason:

To ensure compliance with Australian Standards.

39. Depth and Location of Services

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

Reason:

To ensure development does not impact services.

40. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (i.e. as part of this consent) for the approval by the Principal Certifier, prior to the issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

41. Property Addressing Policy Compliance

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's Property Addressing Policy (as amended). Where appropriate, the developer must also lodge a *General Property Addressing Request* through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

Reason:

To comply with Council Policy.

42. Dilapidation Report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Reason:

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

43. 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.

44. External Finishes - Building

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

Reason:

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

45. Placement of Air Conditioning Units

Air conditioning systems are not to be located where they are visible from the public streets abutting the site. Plans submitted to the Principal Certifier prior to issue of the Construction Certificate are to identify any external components of air conditioning systems to ensure they meet the requirements of this condition.

Reason:

To protect neighbourhood amenity.

46. Mechanical Ventilation of the Car Park

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

Reason:

To comply with Australian Standards.

47. External Lighting

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

Reason:

To protect neighbourhood amenity.

48. Adaptable Units

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

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

Reason:

To comply with Australian Standards.

49. Public Art Consultation

Public art is required on the southern and western elevations. The developer is to consult with Wollongong City Council's Public Art Advisory Panel and obtain in-principle approval in relation to the proposed public art locations, form and content. Written evidence of consultation and in-principle approval for the public art is to be provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason:

To ensure public art is of a high standard and benefits the community.

50. Level 3 Communal Open Space

Amended plans are required to be provided to the Principal Certifier showing rearrangement of communal open space so that principal areas receive minimum 2 hours of direct sunlight 9am-3pm on 21 June in accordance with section 3-D of the Apartment Design Guide. Principal areas are considered to include BBQ, dining area, seating and active spaces.

Reason:

To ensure resident amenity and comply with the Apartment Design Guide.

51. Wind Assessment

Amended plans are required to be provided to the Principal Certifier implementing measures contained in section "6.1 Wind Mitigation Recommendations" of the 'Qualitative Wind Statement' dated June 2022 by SLR.

Reason:

To ensure resident amenity.

52. Ventilation

Plans are to be provided to the Principal Certifier prior to issue of the Construction Certificate showing Units 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115 having operable louvre highlight windows located above the sliding door and fixed glazing, being a minimum height of 1200mm and spanning the width of the apartment.

Reason:

To ensure compliance with National Construction Code; to provide adequate amenity to occupants; to ensure spaces are ventilated; to ensure indoor air quality levels are controlled to acceptable levels; to minimise maintenance and assist in the control of mould and mildew.

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

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

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

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

54. Crime Prevention Through Environmental Design (CPTED) - Design Details of Security System

The submission of final design details of proposed security systems to be installed within the development to the Principal Certifier, in order to minimise crime and vandalism related matters is required, prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

55. Crime Prevention Through Environmental Design (CPTED) - Design Details of Flood Lighting Systems

The full design details of the proposed floodlighting system and associated light spillage measures/devices for the development are required to be submitted to the Principal Certifier for endorsement, prior to the release of the Construction Certificate. The proposed floodlighting system and associated light spillage measures shall be in general accordance with the requirements of Australian Standard AS 4282: Control of the Obtrusive Effects of Outdoor Lighting. The approved light spillage measures shall be installed on the floodlighting system, prior to the use or operation of the floodlighting system. The approved light spillage measures shall be maintained at all times.

Reason:

To ensure compliance with Australian Standards.

Before the Commencement of Building Work

56. Appointment of Principal Certifier

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

Reason:

To satisfy the requirements of the legislation.

57. Hazardous Material Survey

At least one 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 includes, 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:

- the location of hazardous materials throughout the site;
- a description of the hazardous material;
- the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
- an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- 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;
- identification of the disposal sites to which the hazardous materials will be taken.

This plan shall be kept on site for the duration of demolition works.

Reason:

To comply with Council's policies and procedures.

58. Before the Commencement of Building Work - Unexpected Finds Procedure

The consent holder must ensure an Unexpected Contaminated Land, Acid Sulfate Soils and Asbestos Finds Procedure is prepared and submitted to the Principal Certifier before the commencement of any works. The Unexpected Contaminated Land and Asbestos Finds Procedure must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during excavation and construction. This shall be incorporated into the CEMP.

Reason:

To comply with Council's policies and procedures.

59. Demolition Works

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

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Hazardous and/or intractable wastes shall be disposed of to the satisfaction of Council. 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.

Reason:

To comply with Council's policies and procedures.

60. Works in Road Reserve - Minor Works

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

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The 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:

- a. 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".
- b. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

Reason:

To satisfy the requirements of the legislation.

61. 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.

62. Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a. a standard flushing toilet, and
- b. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - ii. an accredited sewage management facility or
 - iii. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

Reason:

To satisfy the requirements of the legislation.

63. Structural Engineer's Details

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

Reason:

To ensure structural integrity.

64. Enclosure of the Site

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

Reason:

To ensure safety.

65. Demolition Works

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

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

66. Demolition Notification to Surrounding Residents

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

Reason:

To advise neighbourhood.

67. Consultation with SafeWork NSW - Prior to Asbestos Removal

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

Reason:

To satisfy the requirements of the legislation.

While Building Work is Being Carried Out

68. Restricted Hours of Construction Work

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

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

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);

- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number;
- f. any proposed measures required to mitigate the impacts of the works.

Note: Other legislation, such as the Noise Guide for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

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

69. Rock Breaking, Rock Hammering, Sheet Piling, Pile Driving

Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out in accordance with a Demolition and Construction Noise and Vibration Management Plan endorsed by the Principal Certifier prior to issue of the Construction Certificate.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved hours shall be submitted to the Council in writing detailing:

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

The findings, recommendations and management controls in the Demolition and Construction Noise and Vibration Management Plan must be adhered to in full for the duration of the works the subject of the plan.

For the duration of the site works, noise and vibration must be managed in accordance with the approved Construction Noise and Vibration Management Plan.

Prior to the commencement of any site works, the Proponent shall undertake a vibration assessment to identify all sensitive receivers where vibration limits exceed levels recommended by a registered Geotechnical/Structural Engineer with regard to structural damage buildings;

- German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human. Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

The findings and recommendations from the assessment shall be documented in a Vibration Management Plan prepared by a suitably qualified Vibration Consultant/Company and submitted to Council for Approval prior to the commencement of any site works. For the duration of the works vibration must be managed in accordance with the approved Construction Vibration Management Plan.

The Management Plans shall include site contact details, policies, procedures for reporting and managing community specific issues arising from site establishment/excavation/construction

activities and procedures for handling complaints received. This will involve the complaint being referred directly to the principal contractor or a designated person. If the principal contractor is not on site at the time, an entry in the site Consultation Management Book will be made to ensure appropriate action and monitoring is undertaken. A response would be required by the principal contractor to the complainant within 24 hours and the 'close out' the complaint. The complaint resolution will be recorded in Consultation Manager Book. The Consultation Manager Book will be maintained on site and made available to Council on request. Copies of the Management Plan and Dilapidation Reports shall be provided to neighbours on requested

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

- (a) 7:00am to 12:00pm, Monday to Friday;
- (b) 2:00pm to 6:00pm Monday to Friday; and
- (c) 8:00am to 1:00pm Saturday.

For the duration of the site works noise and vibration monitoring and reporting on weekly as recommended in accordance with the approved Construction Noise and Vibration Management Plan. A copy of monitoring report need to submit to Councils' DAC Division referring the DA number.

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

Reason:

To mitigate adverse amenity impacts in the locality.

70. Podium Planting

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

Reason:

To comply with Council's policies and procedures.

71. Provision of Taps/Irrigation System

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

Reason:

To comply with Council's policies and procedures.

72. Mailboxes and Street Numbering

The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. The mailboxes must be provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

Reason:

To identify the property.

73. Demolition Materials - Disposal

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.

Reason:

To comply with Council's policies and procedures.

74. Waste Classification and Disposal of Contaminated Soil and Material(s), Solid and Liquid

1. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the *Protection of the Environment (Waste) Regulation 2014* and related guidelines, in particular NSW EPA *Waste Classification Guidelines* (2014), prior to off-site disposal.
2. The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by Council before off-site disposal. The front cover of the report must include the details of the consultant's certification. A certified contaminated land consultant is a contaminated land consultant certified under either:
 - the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) (CEnvP(SC)) scheme; or
 - the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
3. All waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste.
4. Receipts for the disposal of the waste must be submitted to council within 14 days of the waste being disposed.
5. All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Reason:

To comply with Council's policies and procedures.

75. Excess Excavated Material - Disposal

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

Reason:

To comply with Council's policies and procedures.

76. Dust Suppression Measures

Activities occurring during the demolition, excavation and construction phases of the development must be carried out in a manner that will minimise the generation of dust. All surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.

Reason:

To comply with Council's policies and procedures.

77. Discharge of Accumulated Water

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:

- a. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and

- c. The pH of the water to be discharged is between 6.5 and 8.5; and
- d. The water to be discharged contains no visible oil or grease; and
- e. 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
- f. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- g. 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
- h. 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, attention Environment Planning Team Manager); and
- i. 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 comply with Council's policies and procedures.

78. While Building Work is Being Carried Out - Unexpected Finds Procedure

The consent holder must ensure the Unexpected Contaminated Land, Acid Sulfate Soils and Asbestos Finds Procedure is implemented throughout the excavation and construction phases of the development.

Reason:

To comply with Council's policies and procedures.

79. Protection of Public Places

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

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

completed. Reason:

To comply with Council's requirements.

80. Lighting not to cause Nuisance

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

Reason:

To protect neighbourhood amenity.

81. Building Operations Not to Discharge Pollutants

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

82. 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.

83. Safe Excavations and Backfilling

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

Reason:

To ensure compliance with relevant Standards.

84. Guarding of Excavations and Backfilling

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

Reason:

To ensure compliance with relevant Standards.

85. Asbestos Removal by a Licensed Asbestos Removalist

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

Reason:

To satisfy the requirements of the legislation.

86. Asbestos Clearance Certificate

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

Reason:

To satisfy the requirements of the legislation.

87. Asbestos Waste Collection, Transportation and Disposal

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

Reason:

To satisfy the requirements of the legislation.

88. Acid Sulfate Soils

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

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

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

Reason:

To satisfy the requirements of the legislation.

89. External Plant and Equipment

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

90. Implementation of BASIX Commitments

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

Reason:

To satisfy the requirements of the legislation.

91. Responsibility for Changes to Public Infrastructure

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

Reason:

To ensure payment of approved changes to public infrastructure.

92. Unexpected Archaeological Finds

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

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

Reason:

To satisfy the requirements of the legislation.

Before the Issue of an Occupation Certificate

93. Completion of Landscape Works on Council Owned or Controlled Land

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

Reason:

To comply with Council's policies and procedures.

94. Acoustic Design Compliance Report

A final acoustic design compliance report confirming compliance with the acoustic report prepared by Traffic Noise Intrusion Assessment prepared by Harwood Acoustics and dated 14 June 2022 shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical Consultants) and submitted to the Certifying Authority for approval prior to the release of the Occupation Certificate.

Reason:

To comply with Council's policies and procedures.

95. Site Contamination Validation Report and Site Contamination Audit Statement

The submission of a site contamination validation report to the Principal Certifier and Council (in the event that Council is not the Principal Certifier for its records) for approval is required, prior to the issue of an Occupation Certificate. This validation report shall verify that:

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

The submission of a site audit statement/final clearance certificate is also required from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

Reason:

To comply with Council's policies and procedures.

96. BASIX

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

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

Reason:

To satisfy the requirements of the legislation.

97. Completion of Landscape and Tree Works

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

Reason:

To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

98. Arborist Verification – Street Tree Installation

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

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

Reason:

To comply with the Australian Standards.

99. Risk and Emergency Management Plan

Prior to the issue of an Occupation Certificate, a Risk and Emergency Management Plan that complies with Australian Standards 3745 (2010), or 1851 (2012) shall be provided to the Principal Certifier.

Reason:

To comply with Australian Standards.

100. Public Art Completion

Prior to issue of the Occupation Certificate, the approved public art shall be completed to the satisfaction of the Wollongong Public Art Advisory Panel. Evidence of the Panel's written satisfaction shall be provided to the Principal Certifier.

Reason:

To ensure public art is of a high standard and benefits the community.

101. Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier.

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.

Occupation and Ongoing Use

102. Mechanical Plant and Equipment Noise

The operation of all mechanical plant including exhaust and supply fans, air conditioning units, condensers, pool pumps, etc singly and /or collectively, etc., shall not emit:

- a) a noise level that is more than 5dBA above the ambient background noise level between 7:00 am and 10:00 pm on any day including Saturday, Sunday or public holiday measured at any property boundary or external apartment façade, and
- b) a noise level that is audible in habitable rooms of a residences between 10.pm and 7.00 am on any day including Saturday, Sunday or public holiday.

Reason:

To ensure neighbourhood amenity.

103. Waste collection -Residential Waste

A residential waste compaction unit is proposed, which operates at a compaction rate of 5:1. This compaction unit reduces the number of general waste bins (red) required and must be operational at all times. Compaction of recycling is not permitted.

Reason:

To comply with Council's Development Control Plan.

104. On-site Waste Collection Only

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

Reason:

To comply with Council's Development Control Plan.

105. Clothes Drying on Balconies/Terrace Areas Prohibited

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

Reason:

To ensure protection of the neighbourhood amenity.

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

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

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

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

Reason:

To comply with Council's Development Control Plan.

107. Graffiti Removal

Any graffiti shall be removed immediately from the exterior of the building or any associated structures including any fences, site services and retaining/planter bed walls.

Reason:

To ensure protection of the environment and neighbourhood amenity.

108. Public Art

The approved public art locations shall contain approved public art in perpetuity, to the satisfaction of Wollongong City Council.

Reason:

To ensure public art is of a high standard and benefits the community.

109. Strata Plan Requirements

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

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

110. Residential Storage

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

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

Reasons

The reasons for the imposition of the conditions are:

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

Notes

1. This consent becomes effective and operates from the date the consent is uploaded to the NSW Planning Portal. The consent will lapse unless development is commenced within five (5) years from the date the consent was uploaded to the NSW Planning Portal.
2. Section 8.7 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date this notice was uploaded to the NSW Planning Portal.
3. Section 8.3 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review of the determination must be made within six (6) months from the date this notice was uploaded to the NSW Planning Portal. In the absence of a pending appeal before the Land and Environment Court, the request for review, and the review by Council, must all be completed within the abovementioned six (6) month time period. Accordingly, applicants are advised to provide Council with sufficient time to complete the review within this period, failing which the determination cannot be reviewed. The request must be accompanied by the fees set by the Environmental Planning and Assessment Regulation.

A right of review of determination does not exist for a determination made in respect of a Designated Development.

4. The holder of a Development Consent that is being acted upon must also hold a current:
 - a. Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
5. Where the **consent** is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
6. A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.
7. 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.

8. 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 for more information.
9. 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.
10. **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.
11. **Wollongong City Centre**
The Wollongong City Centre plays a key role in accommodation, cultural, sporting and business uses.

A key to the revitalisation of these centres is to build on these aspects through greater activation and investment beyond 5pm through an evening economy.

You should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.

Attachment 1 – Transport for NSW conditions of consent

1. Prior to the issuing of the Construction Certificate, the developer must:

- a) Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, to progress the relocation of the CCTV from the signal post at the south western corner of the Corrimal Street/Burelli Street intersection (Post No. 8) to the signal post at the north eastern corner of the Corrimal Street/Burelli Street intersection (Post No. 5).

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.south@transport.nsw.gov.au. TfNSW will then appoint a project manager who will coordinate TfNSW's involvement in the delivery of the works.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html.
- Any new services or modifications to existing services associated with this development application that involve works on, over, or under Corrimal Street must be incorporated into, and managed under, the Works Authorisation Deed for the project. It is the developer's responsibility to identify these works to the TfNSW project manager.
- More information on WADs can be found at:
www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf.
- TfNSW Traffic Facilities can undertake the required work. For a cost estimate please contact Coby Nau (Traffic Systems Supervisor) on 4222 3221.
- If any changes to the existing pram ramps at the Corrimal Street/Burelli Street intersection (e.g. south western corner) are required by Council as part of the development consent issued, these will need to be considered by TfNSW as part of the WAD process (i.e. updated TCS plan will be required).
- If utility works associated with the development impact upon any of the existing TfNSW infrastructure within Corrimal Street (e.g. red light camera infrastructure, traffic signal infrastructure, etc) then these works will need to be considered by TfNSW as part of the WAD process.

- b) Demonstrate that the proposal will comply with the *Technical Direction: Excavation adjacent to Transport for NSW Infrastructure (GTD 2020/001 Version No.1 2 July 2020 - as amended from time to time)* guidelines. The developer must submit their proposed plan for managing the excavation adjacent to Corrimal Street to TfNSW (via email to development.south@transport.nsw.gov.au) and written approval obtained from TfNSW.

In particular, the plan must address the following:

Attachment 1

- i) Proposed detailed design and supporting geotechnical report which considers the impact of the excavation on the structural stability of Corrimal Street and identifies appropriate supporting structures.
 - ii) Proposed monitoring of the excavation and supporting structures for the settlement and other issues that could compromise the structural stability of Corrimal Street.
- c) Provide details to TfNSW on where construction vehicles will enter and exit the site. The entry and exit points used must not impact on:
- i) the operation of the existing bus stop on the southern side of Burelli Street that is adjacent to the development sites northern boundary.
 - ii) the operation of the signalised intersection of Corrimal and Burelli Street.

Written approval for the location of construction vehicle access locations must be obtained from TfNSW prior to the issue of the Construction Certificate.

- d) Apply for Section 138 consent under the *Roads Act 1993* from Wollongong City Council for physically closing the existing access point on Corrimal Street by reinstating kerb and gutter, the streetscape improvement works within Corrimal Street and any utility relocation works that are behind the kerb in Corrimal Street and do not impact upon a TfNSW Asset.

Note:

- If any changes to the existing tram ramps at the Corrimal Street/Burelli Street intersection (e.g. south western corner) are required by Council as part of the development consent issued, these will need to be considered by TfNSW as part of the WAD process.
- If utility works associated with the development impact upon any of the existing TfNSW infrastructure within Corrimal Street (e.g. red light camera and its associated infrastructure, traffic signal infrastructure, etc) then these works will need to be considered by TfNSW as part of the WAD process.

- e) Update the ground floor plan and the turn paths for a small rigid vehicle (SRV) entering the site so the 300mm clearance required by AS2890.1:2004 is available between the turn path and the edge of the driveway and the central card/intercom pillar. Any widening of the driveway is to occur on the eastern side of the driveway and is not to impact the driveway setbacks from the western property boundary (i.e. must maintain the 4.185m setback of the driveway when measured from the western boundary along the development sites northern boundary) as shown on the drawing by adm Architects with reference Site/Roof Plan, Project No, 2021-32, Drawing No. A-109, Issue C dated 3.07.2023. The updated ground floor plan addressing the above must be approved by Council.
- f) Demonstrate to the satisfaction of Wollongong City Council that any post development stormwater discharge from the subject site that is going to the Corrimal Street drainage system does not exceed the pre-development application discharge and will not impact upon the travel lanes in Corrimal Street (e.g. width of flow intrusion into Corrimal Street must comply with *Austrroads Guide to Road Design*).

2. Prior to commencing works within the Corrimal Street road reserve, the developer must:

Attachment 1

- a) Obtain Section 138 consent under the *Roads Act, 1993* from TfNSW for the works associated with the WAD.

Notes:

- TfNSW will be exercising its powers under Section 64 of the *Roads Act 1993* to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works. TfNSW's acceptance of the detailed design will also represent its concurrence under Section 138 of the *Roads Act 1993*.

- b) Obtain Section 138 consent under the *Roads Act, 1993* from Wollongong City Council for the physical closure of the existing driveway in Corrimal Street by reinstating the kerb and gutter and the streetscape improvements in Corrimal Street.

Notes :

- Provided Wollongong City Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the *Roads Act, 1993*.

- c) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Road Access Management Team via [OPLINK](#) prior to commencing roadworks within the Corrimal Street road reserve or any other works that impact a travel lane of Corrimal Street or impact the operation of the traffic signals at the Corrimal Street/Burelli Street intersection.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.

3. During the construction of the development:

- a) The operation of the red-light camera assets in Corrimal Street that are adjacent to the development sites eastern boundary are not to be adversely impacted.
- b) The operation of the traffic signals at the Corrimal Street/Burelli Street intersection are not to be adversely impacted (i.e. no obstruction of the traffic signal lantern displays on the south western corner of the intersection – Post 1 and Post 8).
- c) The operation of the existing bus stop on the southern side of Burelli Street that is adjacent to the development sites northern boundary is not to be impacted upon.

4. Prior to the issuing of the Occupation Certificate, the developer must:

Attachment 1

- a) Have constructed the driveway to Burelli Street as shown in Attachment 2 and Wollongong City Council's standards.
- b) Have completed all required works within the Corrimal Street road reserve (e.g. new footpath, physical closure of the existing driveway by reinstating the kerb and gutter, etc.) to Wollongong City Council's satisfaction and in accordance with any approvals Council has issued.
- c) Have completed all works associated with the WAD in accordance with the approvals that TfNSW has issued. Written confirmation shall be obtained from TfNSW in relation to the above.

Notes:

- All works need to be completed at no cost to TfNSW.

5. For the life of the development:

- a) No service vehicles (e.g. garbage trucks, service vehicles for the retail/commercial premises, etc) are permitted to service the site from the Corrimal Street frontage.
- b) The security grille door at the developments vehicular access to the commercial car park is to remain open during the daytime retail/business hours of the adjacent commercial spaces.

