

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	30 July 2024
DATE OF PANEL DECISION	30 July 2024
DATE OF PANEL BRIEFING	24 July 2024
PANEL MEMBERS	Chris Wilson (Chair), Natasha Harras, Grant Christmas, David Brown, Marjorie Ferguson
APOLOGIES	None
DECLARATIONS OF INTEREST	Juliet Grant (<i>Juliet is an employee of Gyde. Gyde prepared a design excellence review for the applicant</i>)

Papers circulated electronically on 17 July 2024.

MATTER DETERMINED

PPSSTH-306 – Wollongong – DA-2023/760 at 22-30 Kenny Street, Wollongong – Mixed use development - demolition of existing structures, tree removal, construction of an 18-storey mixed use building consisting of a hotel with food and drink premises, commercial premises, 107 hotel suites, 105 residential apartments, ground and basement level parking and associated communal open space areas for both the hotel and residential apartments (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

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), the Panel was satisfied that the Applicant had demonstrated that:

- a) compliance with cl. 8.6 Building Separation was unreasonable or unnecessary in the circumstances; and
- b) there were sufficient environmental planning grounds to justify contravening the development standard

the Panel was further satisfied that:

- a) the applicant's written request adequately addressed the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 8.6 Building Separation of the LEP and the objectives for development in the E2 Commercial Centre 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 determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* consistent with Council's Assessment Report, and subject to amendments to the recommended conditions as discussed below.

Notably, the Panel was satisfied that:

- The prerequisites for the grant of consent had been met;
- The matters raised by the Council's Design Review Panel had been adequately addressed and the development proposal would result in a superior design outcome;
- The Clause 4.6 request was well justified;
- The development proposal is consistent with the emerging built form applicable to the E2 Commercial Centre zone, and in this respect would not result in any unreasonable or unexpected amenity, environmental or land use planning impacts;
- Flooding and stormwater impacts had been thoroughly assessed and appropriate mitigation measures identified through design and the recommended conditions of consent;
- The development proposal would provide much needed housing and hotel accommodation for the Illawarra region;
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken; and
- The development was deemed to be in the public interest.

The Panel determined to uphold the Clause 4.6 variation to building separation and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

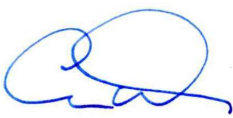



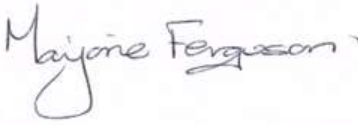
- Condition 22 relating to design changes was amended to require additional design improvements at the ground level on the western elevation, specifically a reduction in the height of the planter box/rear wall. The Applicant has provided indicative plans demonstrating that this can be achieved.
- Condition 33 was amended to ensure the final landscape plan was prepared in consultation with Council and further, that it reflected the final design changes relating to the final treatment of the planter box/rear wall.

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:

- Views, outlook and overshadowing impacts
- Traffic and parking
- Cumulative impacts of high-rise development

The Panel considered that the concerns raised by the community have been adequately addressed in the Assessment Report and recommended conditions as amended.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Natasha Harras
 Grant Christmas	 David Brown
 Marjorie Ferguson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-306 – Wollongong – DA-2023/760
2	PROPOSED DEVELOPMENT	Mixed use development - demolition of existing structures, tree removal, construction of an 18 storey mixed use building consisting of a hotel with food and drink premises, commercial premises, 107 hotel suites, 105 residential apartments, ground and basement level parking and associated communal open space areas for both the hotel and residential apartments.
3	STREET ADDRESS	22-30 Kenny Street, Wollongong
4	APPLICANT/OWNER	Robert Gizzi obo TFR Pty Ltd / Illawarra Aboriginal Corporation & Kennywol 4 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 (Resilience and Hazards) 2021 State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Planning Systems) 2021 Wollongong Local Environmental Plan (WLEP) 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 17 July 2024 Cl. 8.6 Building Separation Written submissions during public exhibition: 3 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: 29 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Natasha Harras, Grant Christmas, David Brown <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo <u>Applicant representatives</u>: Robert Gizzi (Design Workshop), Dhruvil Mehta (Design Workshop), Jared Beneru (Blaq Projects), Luke Rollinson (MMJ) <u>Other</u>: Amanda Moylan (DPHI), Tim Mahoney (DPHI), Tracey Gillett (DPHI) Site inspection: 14 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo • Final briefing to discuss council's recommendation: 24 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Natasha Harras, Grant Christmas, David Brown, Marjorie Ferguson ○ <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo, Mark Adamson, ○ <u>Applicant representatives</u>: Robert Gizzi (Design Workshop), Luke Rollinson (MMJ Town Planning), Jared Beneru (Blaq Projects), Dhrumi Mehta (Design Workshop Australia), Stewart Levee (Design Workshop Australia) ○ <u>Other</u>: Tracey Gillett (DPHI), Tim Mahoney (DPHI)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

ATTACHMENT 7 – RECOMMENDED 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
010	AA	Demolition Plan	DWA	12/06/2024
012	AA	Site Plan	DWA	12/06/2024
013	BB	Basement 2 Plan	DWA	03/07/2024
014	BB	Basement 1 Plan	DWA	03/07/2024
015	BB	Ground Floor Plan	DWA	03/07/2024
016	AA	Level 1 Plan	DWA	12/06/2024
017	AA	Level 2 Plan	DWA	12/06/2024
018	AA	Level 3 Plan	DWA	12/06/2024
019	CC	Level 4 Plan	DWA	11/07/2024
020	AA	Level 5 Plan	DWA	12/06/2024
021	AA	Typical Level - Level 6-15	DWA	12/06/2024
022	AA	Level 16 Plan	DWA	12/06/2024
023	AA	Level 17 Plan	DWA	12/06/2024
024	AA	Roof Plan	DWA	12/06/2024
026	AA	Unit Key Plan	DWA	12/06/2024
027	AA	Storage Schedule	DWA	12/06/2024
040	AA	Elevation - East	DWA	12/06/2024
041	CC	Elevation - South	DWA	11/07/2024
042	AA	Elevation - West	DWA	12/06/2024
043	AA	Elevation - North	DWA	12/06/2024
050	AA	Section A	DWA	12/06/2024
051	AA	Section B	DWA	12/06/2024
052	AA	Section C	DWA	12/06/2024
053	AA	Section D	DWA	12/06/2024
054	AA	Site Section E	DWA	12/06/2024
055	AA	Detail Sections	DWA	12/06/2024
SW1	D	Stormwater Notes and Legends	ATB Consulting Engineers Pty Ltd	11/06/24
SW2	D	Basement 2 Concept Stormwater Plan	ATB Consulting Engineers Pty Ltd	11/06/24
SW3	D	Basement 1 Concept Stormwater Plan	ATB Consulting Engineers Pty Ltd	11/06/24
SW4	F	Ground Floor & Site Concept Stormwater Plan	ATB Consulting Engineers Pty Ltd	11/06/24
SW5	D	Level 1 Concept Stormwater Plan	ATB Consulting Engineers Pty Ltd	11/06/24
SW6	D	OSD Details and Calculations	ATB Consulting Engineers Pty Ltd	11/06/24
SW7	D	Stormwater Details	ATB Consulting Engineers Pty Ltd	11/06/24

Document Title	Version No	Prepared By	Dated
Plan of Management (J445)	A	MMJ Town Planning & Advisory	June 2024
Aboriginal Impact Assessment Report (D5247)	Final	Allied Tree Consultancy	September 2023
Acoustic Report (2023-282)	Rev 1	cNAVS-Acoustic Noise & Vibration Solutions P/L	13 March 2024
Statement of Compliance Access for People with a Disability (221083)	Revision A	Accessible Building Solutions	5 March 2024
Detailed Site Investigation (ES8198/3)	0	Aargus	15 April 2024
Preliminary Geotechnical Investigation Report (GS8198-2A)	1	Aargus	19 September 2023
Wind Impact and Wind Tunneling Emulation Assessment Report (2023-282)	Final	ANA Civil P/L	12 March 2024
Detailed Flood Study–PN: 23-051	E	ATB Consulting Engineers Pty Ltd	11 June 2024

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. 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.

3. 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.

4. WaterNSW Approval

The development consent holder must apply to WaterNSW for approval under the Water Management Act 2000 in relation to basement dewatering. The relevant approval must be obtained before the commencement of any work or activity.

Reason:

To satisfy the requirements of the legislation.

5. 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.

6. Hotel Use

This consent approves the use as a hotel which is limited to hotel and motel accommodation as defined under Wollongong Local Environmental Plan 2009.

Reason:

To ensure the approved use as a hotel does not incorporate additional uses.

7. Separate Consent Required for Advertising Signage

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

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising.

Reason:

To ensure all parties are aware of separate consent required.

8. Tree Retention/Removal

The developer shall retain the existing trees indicated in the Arboricultural Impact Assessment by Allied Tree Consultancy dated September 2023 consisting of trees numbered T1, T2 and T9.

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

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

All recommendations in the Arboricultural Impact Assessment by Allied Tree Consultancy dated September 2023 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered T3, T4, T5, T6, T7 and T8 as indicated in the Arboricultural Impact Assessment Allied Tree Consultancy dated September 2023. No other trees shall be removed without prior written approval of Council.

Reason:

To protect the amenity of the environment and the neighbourhood.

9. Street Tree Retention

The developer shall retain the existing street tree.

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

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

All recommendations in the Arboricultural Impact Assessment by Allied Tree Consultancy dated September 2023 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering.

Reason:

To clarify trees required to be retained.

10. Geotechnical Condition - Excavation Support

All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

11. Geotechnical Condition - Retaining Wall Design

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

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

12. Geotechnical Condition - Earthworks Plan Development

An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks and all recommendations of Aargus Pty Ltd in their geotechnical report dated 19 September 2023 are to be accommodated in the earthworks plan.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

13. Geotechnical Condition - Works-As-Executed (WAE)

At the completion of site preparation earthworks, the geotechnical consultant is to prepare a WAE 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.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

14. Geotechnical Condition - Structural Design Amendments

The structural designs are to be confirmed or amended by the structural engineer based on the WAE geotechnical report.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

15. Geotechnical Condition - Ground Disturbance

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.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

16. Geotechnical Condition - Detailed Geotechnical Investigation

A detailed geotechnical investigation is required for the design of site preparation earthworks. This is required prior to commencement of any works.

Reason:

Further geotechnical investigation is required for a development of this size.

17. Geotechnical Condition - Hard Bedrock

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

Reason:

Hard Bedrock is expected to be encountered and proper methods must be taken to minimise noise and vibration.

18. Geotechnical Condition - Modification to Earthworks Plan

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

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

19. Geotechnical Condition - Foundations to be Inspected

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 Development Control Plan.

20. Demolition and Construction Noise and Vibration Management Plan (DCNVMP)

A site specific DCNVMP must be submitted for Council's written approval prior commencing any demolition, excavation or construction works.

The DCNVMP must include the following details:

- a. details of the depth of solid rock including tonnage of solid rock require to be removed for the proposed development;

- b. methods to mitigate construction noise & vibration impacts on adjoining and surrounding properties;
- c. referencing the Geotech report and identify all sensitive receivers where the construction noise and vibration levels exceed the NSW Draft Construction Noise Guidelines 2020 and construction noise goals for that receivers. The parameters for predicting noise impacts need to be clearly identified adequately using Table 2 - Noise at residences using quantitative assessment of NSW EPA Draft Construction Noise Guidelines 2020 as allowable noise limits and appropriate noise and attenuation methods;
- d. The acoustic report shall also consider the duration of the proposed construction work especially use of pneumatic tools including compressors, jack hammering and respite times to be required. The findings, recommendations and management controls from the assessment including complaints resolution procedures shall be documented in a Construction 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
- e. A community consultation strategy, notification strategy for periods of noisy work, complaints resolution procedures, respite periods and a proposed noise monitoring and mitigation methodology for different stages of the work at neighbouring sensitive receiver's properties.

Reason:

To mitigate adverse amenity and environmental impacts in the locality.

21. 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.

Before the Issue of a Construction Certificate

22. Design Amendments

Before the issue of a Construction Certificate, the following required amendments to the approved plans and supporting documentation must be made to Council's satisfaction:

- a. The design details of the flood screening to the east, west and southern boundaries as described in Condition 52 entitled Flood Openings, Roller Shutter, and Flood Wall. Information demonstrating how access for regular maintenance is achieved must be included in the design;
- b. Storage arrangements within unit types 501 and 502 must be integrated into the unit layout rather than being freestanding.
- c. Additional design improvements at the ground level on the western elevation, specifically a reduction in the height of the planter box/rear wall.

Reason:

To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

23. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$1,180,360.00 (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.

24. Payment of Building and Construction Industry Long Service Levy

Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Reason:

To ensure the long service levy is paid.

25. Design and Construction of Food Premises

The construction and fit out must comply with *AS 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Details demonstrating this requirement must accompany the Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

26. Sustainable Transport Plan

In accordance with the ESD Report-Green Star Design Assessment (prepared by Dynamic Optimum Rev 1.2 dated 2 April 2024), a Sustainable Transport Plan shall be prepared by a suitably qualified Transport Planner or Engineer. Recommendations of the Plan are to be reflected in the design of the building's facilities and ongoing operational processes and address the requirements as outlined in the ESD Report. The Sustainable Transport Plan is to be submitted to Council prior to issue of the Construction Certificate.

Reason:

To meet the commitments recommended in the ESD Report relating to sustainable transport.

27. Amended Detailed Site Investigation (DSI)

Following demolition works and prior to any excavation occurring, a copy of an amended DSI report must be submitted to Council's satisfaction with soils samples and test as recommended in DSI prepared by Aargus Consulting and dated 15 April 2024.

Reason:

To protect the environment.

28. Remedial Action Plan and Site Remediation Work

A Remedial Action Plan must be prepared and submitted to Council to address the data gaps and the contaminated groundwater identified in the DSI prepared by Aargus Consulting and dated 15 April 2024. Site remediation work must be undertaken as per the recommendations of amended DSI.

Reason:

To protect the environment.

29. Site Validation Report

- a. A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Construction Certificate. The Validation Report shall verify that:
 - i. the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
 - ii. the site is suitable for the proposed development.
- b. The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:
 - i. the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
 - ii. the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

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

Reason:

To protect the environment.

30. Stormwater Quality Management

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

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

Reason:

To ensure stormwater runoff does not impact on the environment and surrounding amenity.

31. Construction Environmental Management Plan (CEMP)

A CEMP must be submitted to the Principal Certifier. The plan must address as minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.

Noise and vibration impacts on the childcare facility at 31-33 Atchison Street must be specifically addressed as part of the CEMP, including mitigation measures and monitoring of noise limits.

A copy of the CEMP must be forwarded to Council prior to issue of a Construction Certificate.

Reason:

To protect the amenity of the environment and the neighbourhood.

32. 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.

33. Final Landscape Plan Requirements

Following consultation with Council, the submission of a final Landscape Plan to the Principal Certifier is required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (Drawings 23-4939 L01-C to L05-C prepared by Zenith Landscape Designs dated 11 June 2024), prior to the issue of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a. Reflect the architectural plans in relation to the Level 4 communal open space area which includes the A/C Plant room where the table tennis table was previously located;
- b. Confirmation that any tree/plant species proposed at podium levels will not extend over the boundaries of the site since they will be difficult to maintain;
- c. Detail of the proposed species along the western edge of the pool that will achieve a suitable landscaped screen to reduce lines of sight between the pool area and adjoining properties. The species must have regard to the growing conditions in this location;
- d. 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. Planting should prioritise 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;
- e. the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- f. any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations. The surface under the existing street tree to be filtpave or approved equivalent.;

- g. Selection of species within the communal areas on Level 4 that allows for adequate sightlines to play areas and also to/from the ramp access to the pool on Level 16 to reduce concealment opportunities;
- h. Details and specifications are required to be provided by a specialist Green Wall company for the green wall located on the northern boundary. The species must be detailed and have regard to the growing conditions in this location. The green wall is to have an integrated irrigation system to ensure ongoing health and growth of the plantings.
- i. Reflect the design changes to the planter boxes along the western boundary as required by Condition 22c. Landscaping for the lower planter box adjacent to the rear (western) boundary must include suitable species that will reach a minimum height of 3m at maturity to effectively screen the wall behind it.

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

Reason:

To comply with Council's Development Control Plan.

34. Certification for Landscape and Drainage

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

Reason:

To ensure development does not impact services.

35. 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. The plan must include the following:

- a. clearly outline how the lower western landscape planter bed below the Level 1 podium will be accessed and maintained to ensure the success of the landscape planting in this location; and
- b. include a review of suitable species over time.

Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

36. Tree Protection and Management

The existing street tree required 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.
- b. the existing street tree is not to be adversely impacted by any proposed hoardings or other construction infrastructure.
- c. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch.
- d. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

Reason:

To comply with Council's Development Control Plan.

37. 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.

Paving within the dripline of the existing tree to be retained is to be 'filtapave' permeable paving or approved equivalent.

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

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

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

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

Reason:

To comply with Council Policy.

38. Street Trees City Centre

The developer must address the street frontage by installing street tree planting. The number and species for this development are four (4) x *Waterhousia floribunda* 200 litre container size in accordance with AS 2303:2018: Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Before You Dig Australia must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

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

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

Reason:

To comply with Council's Development Control Plan.

39. Council Footpath Reserve Works

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 removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

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

Reason:

To comply with Council's Development Control Plan.

40. 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.

41. Depth and Location of Services

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

Reason:

To ensure development does not impact services.

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

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

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

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

Reason:

To comply with Council's Development Control Plan.

43. Pier and Beam Footings Adjacent to any Drainage Easement

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

Reason:

To satisfy the requirements of Australian Standards.

44. Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept stormwater plans lodged for development approval, prepared by ATB Consulting Engineers (Project No. 23051), including the following drawings:

Drawing No	Description	Revision	Dated
SW2	BASEMENT 2 CONCEPT STORMWATER PLAN	D	11/06/24
SW3	BASEMENT 1 CONCEPT STORMWATER PLAN	D	11/06/24
SW4	GROUND FLOOR & SITE CONCEPT STORMWATER PLAN	F	11/6/24
SW5	LEVEL 1 CONCEPT STORMWATER PLAN	D	11/6/24

- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% AEP events shall be incorporated in the design. Overflow paths

shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Council's Development Control Plan.

45. Flood Level Requirements

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a. Habitable floor levels must be constructed at a minimum of RL 9.95 metres AHD.
- b. Any portion of the building or structure below the 1 % AEP flood level plus 0.5 metres freeboard should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- c. The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.

Reason:

To comply with Council's Development Control Plan.

46. 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.

47. Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as doors or ventilation louvres.

Reason:

To prevent water ingress into the basement.

48. Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

Reason:

To prevent flooding of the basement.

49. Excavation and Retaining Structures Adjacent to Public Roads

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

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

Reason:

To prevent adverse impacts on Council's assets.

50. Ground Anchors

Permanent ground anchors are not permitted within the road. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.

Reason:

To prevent adverse impacts on public assets.

51. Flood Proofing

The Construction Certificate plans shall include flood proofing of the development ground floor level up to the 1 % AEP + 0.5 metres. For the purposes of this consent, the term 'flood proofing' means a combination of measures incorporated in the design and construction of the development that will ensure floodwater cannot physically enter the building in the event of a flood, either via floors, walls, windows, doors, access/ventilation points, or via any other means. The flood proofing shall include all flood doors/shutters and top of wall levels as shown on the plan lodged for development approval titled 'GROUND FLOOR & SITE CONCEPT STORMWATER PLAN' by ATB Consulting Engineers (Project No. 23051, Dwg No. SW4, Revision F dated 11/06/2024). Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

52. Flood Openings, Roller Shutter, and Flood Wall

The Construction Certificate plans for the development shall include details of the following elements shown on the plan lodged for development approval titled 'GROUND FLOOR & SITE CONCEPT STORMWATER PLAN' by ATB Consulting Engineers (Project No. 23051, Dwg No. SW4, Revision F dated 11/06/2024):

- Flood conveyance openings as hatched blue and annotated '500mm CLEAR ZONE ABOVE SLAB LEVEL TO ALLOW FOR OVERLAND FLOWS FROM ADJOINING PROPERTIES';
- Flood compatible roller shutter as annotated 'ROLLER SHUTTER, HORIZONTAL ALUMINUM SLATS @ 150mm CENTERS AND WITH MIN. 150mm GAP BETWEEN BOTTOM RAIL AND FINISHED SLAB LEVEL, FOR THE BOTTOM 1.0M SECTION OF DOOR' and
- Concrete flood wall along the western and northern side of the development shown partly green (annotated 'T.O.W RL 11.50') and partly uncoloured (annotated 'T.O.W RL 11.00').

Evidence that these requirements have been satisfied shall be submitted to the Principal Certifier prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

53. Car Parking and Access

The development shall make provision for the following:

Residential:

- 109 residential car parking spaces (including 11 spaces capable of adaption for people with disabilities).
- 21 residential visitor car parking spaces.
- 7 residential motorcycle parking spaces.
- A minimum of 35 secure (Security Class B) residential bicycle spaces.
- A minimum of 9 residential visitor bicycle spaces (Security Class C) located in an accessible location within the site.

Hotel:

- 57 hotel car parking spaces (including 3 accessible car parking spaces).
- 2 hotel motorcycle parking spaces.

Commercial:

- 3 commercial car parking spaces (including 1 accessible car parking space).
- 1 commercial motorcycle parking space.
- A minimum of 1 secure (Security Class B) staff bicycle space.
- 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.

54. Parking Dimensions

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

Reason:

To ensure compliance with Australian Standards.

55. Bicycle Parking Facilities

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

Reason:

To satisfy the requirements of Australian Standards.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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 ensure compliance with Council's Technical Specifications.

61. Structures Adjacent to Driveway

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

Reason:

To ensure compliance with Australian Standards.

62. Stacked Parking

The stacked parking spaces must comply with the requirements of Chapter E3 of Wollongong Development Control Plan 2009. Each stacked parking arrangement must be allocated to staff from the

same tenancy within the development. The stacked parking spaces are not permitted for use by hotel guests and adequate signage and line marking shall be provided to clearly identify these spaces for staff only.

Reason:

To comply with Council's Development Control Plan.

63. Stacked Parking Management Plan

A Stacked Parking Management Plan is required for the use of the stacked parking spaces, to be provided to the Registered Certifier for approval prior to the issue of a Construction Certificate. The Stacked Parking Management Plan shall provide a suitable arrangement for the shifting of staff vehicles, which all hotel staff will need to sign up to, agreeing to the rules of the Plan. The Plan will need to cover a number of scenarios, including the need to exit the site in an emergency. This could include the storing of car keys in an accessible key safe, or other such measures.

Reason:

To comply with Council's Development Control Plan.

64. Speed Bumps

Speed bumps shall be provided on the basement ramp on approach to the pedestrian crossing area, to calm traffic and allow for a slow-speed environment for pedestrians that may need to pass at this point. Convex mirrors and warning signage must also be provided to the satisfaction of the Registered Certifier.

Reason:

To manage any potential conflicts between vehicles and pedestrians.

65. 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.

66. Sydney Water Section 73 Compliance Certificate

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

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

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

Reason:

To satisfy the requirements of the legislation.

67. 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.

68. Acoustic Report

The recommendations of the acoustic report by Acoustic Noise & Vibration P/L dated 13 March 2024 must be reflected on the Construction Certificate plans and documentation.

Reason:

To ensure the acoustic requirements are met.

69. Wind Report

The recommendations of the wind report by Wind Impact and Wind Tunneling Emulation Ref 2023-282 ANA Civil P/L dated 12 March 2024 must be reflected on the Construction Certificate plans and documentation.

Reason:

To ensure the measures to mitigate wind impacts are met.

70. 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.

71. 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.

72. External Finishes - External Areas

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

Reason:

To protect neighbourhood amenity.

73. Finish of Vehicular Entries

Vehicular entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No ducts or pipes are to be visible from the street.

Reason:

To protect neighbourhood amenity.

74. 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.

75. Integration of Rooftop Structures in Approved Building Envelope

All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.

Reason:

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

76. 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.

77. Lighting

- a. 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; and
- b. Appropriate lighting must be provided throughout the development to illuminate building entrances, pedestrian pathways, hallways, guest amenities, car park entrances, car park, communal areas, residential and hotel lobbies.

A lighting plan showing light placement and design shall be provided with the Construction Certificate and shown on the drawings.

Reason:

To protect neighbourhood amenity. To provide for safety, wayfinding and natural surveillance throughout the site.

78. CPTED – Car Park Roof to be Painted White

The car park roof must be painted white to reflect light and enhance the perception of safety and improve visibility.

Reason:

To provide for safety, wayfinding and natural surveillance in the basement.

79. 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.

80. 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.

81. Updated Plan of Management (PoM)

An updated PoM must be submitted for Council's written approval prior to issue of a Construction Certificate. The updated PoM must include the following matters:

- a. Identifying the method that members of the public and residents within the building can contact the Hotel operator outside the staffed hours that include the capacity to respond immediately to issues where necessary. The contact details must include 24 hour telephone access clearly identified on the Hotel's website, and also include on-premises contact details such as that are visible from the street.

Reason:

To protect neighbourhood amenity.

82. Water/Wastewater Entering Road Reserve

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

Reason:

To ensure compliance with Council Technical Specifications.

83. Flows from Adjoining Properties

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

Reason:

To comply with Council's Development Control Plan.

Before the Commencement of Building Work

84. 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.

85. 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.

86. Home Building Act Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b. In the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Reason:

To satisfy the requirements of the legislation.

87. 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.

88. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures

Prior to the commencement of any demolition, excavation or construction works, the supervising Arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the Arborist's recommendations and relevant conditions of this consent.

Reason:

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

89. Certification from Arborist - Adequate Protection of Trees to be Retained

A qualified Arborist is required to be engaged for the supervision of all on-site excavation or land clearing works in regards to tree 1, the street tree. The submission of appropriate certification from the appointed Arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

Reason:

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

90. Tree Protection

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).

Tree Protection Zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

Reason:

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

91. Geotechnical Condition - Dilapidation Report

A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.

Reason:

To ensure geotechnical considerations are met.

92. Geotechnical Requirements During Construction

All works must be carried out in accordance with reports submitted in support of the development application and construction certificate application.

Reason:

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

93. 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.

94. 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.

95. 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.

96. 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.

97. Asbestos Hazard Management Strategy

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

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately

encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

Reason:

To identify hazardous materials and ensure safe disposal.

98. Hazardous Material Survey

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

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

Reason:

To identify hazardous materials and ensure safe disposal.

99. 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.

100. Excavated Soil Material Disposal Plan

An excavated soil material disposal plan must be submitted to the Principal Certifier, with the batching, sampling and analysis procedures as per the EPA (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant and submitted prior to any works commencing.

Reason:

To satisfy the requirements of the legislation.

101. Unexpected Finding Protocol

Unexpected contamination and "hotspots" Sometimes site contamination is not expected and is detected after work commences. Excavations may uncover buried asbestos, other materials. Unexpected contamination or hotspots on a site must be taken into account for any site health and safety plan. Precautions must be included in the plan, including:

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

Reason:

To satisfy the requirements of the legislation.

102. Contaminated Roof Dust

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

Reason:

To ensure safety.

103. Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

Reason:

To protect neighbourhood amenity.

104. Site Management Program - Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

Reason:

To protect neighbourhood amenity.

105. Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Reason:

To protect neighbourhood amenity.

106. Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works

At least five (5) days notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information:

- a. a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
- b. details of the primary contractor and/or company conducting the demolition works;
- c. the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.

Reason:

To advise neighbourhood.

107. Notification of Excavation Works or Use of High Noise Emission Appliances/Plant

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

Reason:

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

108. Notice Regarding Dilapidation Report

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

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) at the same time.

Reason:

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

109. Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

Reason:

To ensure services are not impacted.

110. Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.

Reason:

To satisfy Council's Policy.

111. Works in Road Reserve - Major Works

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a. Digging or disruption to footpath/road reserve surface;
- b. Loading or unloading machinery/equipment/deliveries;
- c. Installation of a fence or hoarding;
- d. Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e. Pumping stormwater from the site to Council's stormwater drains;
- f. Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g. Construction of new vehicular crossings or footpaths;
- h. Removal of street trees;
- i. Carrying out demolition works.

Restoration must be in accordance with the following requirements:

- j. 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".
- k. 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.

112. 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:

- 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 ensure public assets are not impacted.

113. Survey Report - Siting of Development within Property Boundaries

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

Reason:

To ensure correct development location.

While Building Work is Being Carried Out

114. Copy of Consent in the Possession of Person carrying out Tree Removal

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

Reason:

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

115. Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area

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

Reason:

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

116. Treatment of any Tree Damage by a Supervised Arborist

Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

Reason:

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

117. Provision of Taps/Irrigation System

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

Reason:

To comply with Council's Development Control Plan.

118. Podium Planting

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

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

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

Reason:

To comply with Council's Development Control Plan.

119. 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.

120. Geotechnical - Level 1 Geotechnical Supervision

Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Developments.

Reason:

To comply with the Australian Standards.

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

Implement building acoustic treatment as recommended in Section 5.0 of acoustic report prepared by Acoustic Noise & Vibration P/L Ref 2023-282 Rev 1 dated 13 March 2024 to comply with the NSW SEPP Transport & Infrastructure 2022 – Development Near Rail Corridors & Busy Roads –Interim Guidelines.

The following LAeq levels are not to be exceeded:

- in any bedroom in the building 35dB(A) at any time between 10pm and 7am.
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time between 10pm and 7am.

Reason:

To ensure the acoustic recommendations are met.

122. Outdoor Air Conditioning or Refrigeration Units

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

Reason:

To meet the noise guidelines.

123. Duct System

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential and commercial spaces to comply with the vibration guidelines.

Reason:

To minimise vibration impacts.

124. Mechanical Plants and Exhaust Ventilation System

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS 4674:2004, AS 1668.2:1991 and the grease filters to comply with AS 1530.1.

Reason:

To comply with the Australian Standards.

125. Survey Report for Floor Levels

A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

Reason:

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

126. Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system.

Reason:

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

127. No Adverse Run-off Impacts on Adjoining Properties

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Reason:

To comply with Council's Development Control Plan.

128. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -

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

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

Reason:

To satisfy the requirements of the legislation.

129. Supervision of Engineering Works

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

Reason:

To ensure compliance with relevant Standards.

130. Pipe Connections

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

Reason:

To ensure construction Standards are met.

131. 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.

132. 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.

133. Rock Breaking, Rock Hammering, Rock Sawing, Blasting, Sheet Piling, Pile Driving

The operation of high noise emission appliances, plant and/or machinery such as rock breaking, rock hammering, rock sawing, blasting, sheet piling, pile driving may only be carried out between the following hours:

- 9:00am to 12:00pm Monday to Friday;
- 2:00pm to 5:00pm Monday to Friday; and
- 9:00am to 1:00pm Saturday.

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

Reason:

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

134. 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.

135. 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.

136. Dust Suppression Measures

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

137. Asbestos Handling, 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.

138. Cut and Fill Retained

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

139. 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.

140. 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.

141. 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.

142. 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 satisfy the requirements of the legislation.

143. 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.

144. 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.

145. Waste Management

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

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

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

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

Reason:

To ensure ongoing protection of the environment.

146. Waste Inventory Report

A Waste Inventory Report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- a. The description of material (including identified hazardous material);
- b. an estimate of the quantity by volume and weight;

- c. the transporter and registration details of the relevant vehicle;
- d. the intended destination of the material;
- e. a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

Reason:

To ensure ongoing protection of the environment.

147. Trucks to be Covered

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

Reason:

To ensure ongoing protection of the environment

148. Demolition and Construction Noise and Vibration Management

The findings, recommendations and management controls from the Demolition Construction Noise and Vibration Management Plan required by Condition 20 of this consent and endorsed by Council must be adhered to in full for the duration of the works subject of the plan.

Where the duration or excavation methods of the demolition and excavation vary from those prescribed in the Demolition Construction Noise and Vibration Management Plan, Council may require an updated management plan be prepared to incorporate the changes in excavation methods and/or duration.

Once reviewed by Council, the updated Management Plan is to be adhered to at all times.

Where all such control measures have been implemented and the noise and/or vibration levels at any receiver still exceed the applicable noise levels as identified in the Demolition Construction and Vibration Management Plan (including updated plan) and are resulting in substantial complaints, the applicant must provide regular, appropriate and sustained periods of respite from such works as specified by Council's Development and Environment Compliance Team.

Reason:

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

Before the Issue of an Occupation Certificate

149. Acoustic Compliance Report

Prior to issue of Occupation Certificate developer shall submit a noise compliance report for the residential units prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to the building compliance with the NSW SEPP Transport & Infrastructure 2022 – Development Near Rail Corridors & Busy Roads –Interim Guidelines. A copy of the acoustic compliance report must be submitted to Principal Certifier and forward a copy to Council.

Reason:

To ensure the acoustic recommendations and requirements are met.

150. 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).

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

152. 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.

153. Retaining Wall Certification

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

Reason:

To comply with the relevant Standards.

154. Drainage Works-As-Executed (WAE)

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all flood openings, flood proofing/doors, flood compatible roller shutter, flood wall (including top of wall levels), stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all flood openings, flood wall, drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason:

To comply with the relevant Standards.

155. Drainage

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

Reason:

To comply with Council's Development Control Plan.

156. 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.

157. Lot Consolidation

All lots must be consolidated into a single parcel of land. The Occupation Certificate must not be issued until documentary evidence that the consolidated lot has been registered with NSW Land Registry Services.

Reason:

To ensure the development is on a single allotment to meet NCC requirements.

158. Repair of Infrastructure

Before the issue of an Occupation Certificate:

- a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection,

contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or

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

Reason:

To ensure any damage to public infrastructure is rectified.

159. Post-Construction Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Principal Certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

Reason:

To identify any damage to adjoining properties resulting from site work on the development site.

160. Preservation of Survey Marks

Before the issue of an Occupation Certificate, a registered surveyor must submit documentation to the Principal Certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

Reason:

To protect the State's survey infrastructure

161. Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier.

Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the Principal Certifier's satisfaction.

Reason:

To ensure waste material is appropriately disposed or satisfactorily stored.

Occupation and Ongoing Use

162. Plan of Management (PoM)

The hotel must operate in accordance with the amended Plan of Management endorsed by Council, and as amended in accordance with the process outlined under Part 5.25 of the PoM.

Reason:

To ensure protection of the neighbourhood amenity.

163. Noise Complaints

Should noise complaints be received as a result of operation of the hotel, Council may request the manager/operator of the business to submit an acoustic report prepared by a member of the Australian

Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC). The report must assess the noise and recommend a suitable attenuation plan to meet the NSW EPA Noise Criteria.

A copy of the acoustic report with the consultant's recommendation must be sent to Council prior to undertaking of the recommended attenuation work to meet the noise criteria.

Reason:

To ensure protection of the neighbourhood amenity.

164. 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.

165. On-site Waste Collection Only

All waste collection is to be undertaken from within the site. On-street collection of waste is not permitted at any time.

Reason:

To comply with Council's waste requirements.

166. Storage of Waste Bins and Waste

All waste and bins associated with the development shall be stored within the waste storage rooms at all times. No waste shall be allowed to accumulate or shall be stored on or adjacent to the street frontage of the site at any time.

Reason:

To ensure protection of the environment and neighbourhood amenity.

167. 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.

168. 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.

169. 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.

Reason:

To ensure protection of the environment and neighbourhood amenity.

170. Backwash of Swimming Pool Water

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

Reason:

To ensure protection of the environment

171. Swimming Pool Filtration Motor

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

Monday to Friday - 7:00 am to 8:00 pm.

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

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

172. Swimming Pool - Discharging Water

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

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

Reason:

To ensure protection of the environment.

173. Restricted Use of Hotel Communal Areas

The use of all communal areas of the Hotel by guests is restricted to 8am to 6pm on any day. Any alteration to the approved hours of operation will require separate Council approval.

Reason:

To protect the amenity of the neighbouring properties.

174. Restricted Delivery Hours

Deliveries and servicing shall be limited to 6am-9pm Monday to Saturday and 7am to 7pm on Sundays and public holidays. Any alteration to the approved delivery hours will require the separate approval of Council.

Reason:

The ground floor does not have solid walls to all boundaries therefore limited hours are imposed to protect the amenity of residents within the site and on adjoining properties.

175. Location of Mechanical Ventilation

During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.

Reason:

To protect the amenity of neighbouring properties.

176. Storage of Goods and Materials

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

Reason:

To protect the environment and amenity of the neighbouring properties.

177. Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition at all times.

Reason:

To meet legislative requirements.

178. Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

Reason:

To protect the environment and amenity of the neighbouring properties.

179. Registration

The food and drink premises must be registered with Wollongong City Council in accordance with the Food Act prior to commencing use of the development.

Reason:

To meet legislative requirements.

180. Flood Proofing Certification

The submission of a certificate from a suitably qualified practising civil engineer to the Principal Certifier is required prior to the issue of the final Occupation Certificate. This certification is required to verify the flood proofing and associated works has been constructed in accordance with the approved Construction Certificate plans.

Reason:

To ensure the flood proofing measures and associated works as approved by this consent have been met.

181. Restriction on Use – Flood Proofing

The applicant shall create a restriction on use under the Conveyancing Act 1919 over the flood proofing for commercial premises and driveways as identified on the construction certificate plans. The following terms shall be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any flood proofing systems on the lot(s) that will compromise the integrity, performance, and intent of those systems. The expression flood proofing shall include all flood proofing measures installed onsite and associated infrastructure including but not limited to flood gates, flood proof doors, flood louvres etc. Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

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

Reason:

To ensure the flood proofing measures approved by this consent are maintained for the life of the development.

182. Flood Proofing – Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate for all approved flood gates, flood proofing, openings, shutters and flood wall to ensure safe management of flooding for the life of the development. The instrument, showing the positive covenant shall be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate.

Reason:

To ensure the flood requirements approved by this consent are maintained for the life of the development.

183. Positive Covenant (Section 88F of the Conveyancing Act 1919)

Prior to the issue of the Occupation Certificate, an 88F Instrument creating a positive covenant under the Conveyancing Act 1919 is to be created requiring the property owner(s) to undertake the ongoing maintenance and management of the landscaping for the Hotel's communal areas. The covenant is to require the ongoing maintenance of the landscaping in accordance with the final landscape plans.

The instrument, showing the positive covenant must be submitted to Council's satisfaction prior to the issue of the relevant Occupation Certificate.

Reason:

To ensure the landscaping approved by this consent is maintained for the life of the development.