

Attachment 5 - DRAFT CONDITIONS

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

This development application has been determined by granting deferred commencement consent subject to the following conditions:

A. The Development Consent shall not operate until Council has been satisfied as to the following matters:

1. Road Closure

The portion of the Globe Lane road reserve which forms part of the subject site shall be formally closed, acquired by the developer and consolidated with the subject allotments prior to the release of an operational consent. Evidence of registration of the plan of consolidation and acquisition of the road closure allotment by the developer shall be provided.

2. Stormwater Details

A Stormwater Concept Plan shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong Development Control Plan (DCP) 2009 and provided to Council for approval. The stormwater concept plan shall satisfy the following requirements:-

- a. Must indicate the method of stormwater disposal from the proposed development to the surrounding public drainage system.
- b. Must include a catchment plan delineating the existing (pre-development) stormwater catchments and discharge rates and their distribution from the development site to each existing stormwater disposal point to Council's stormwater drainage system. This plan must reflect the catchments from the development that existed on the site prior to any demolition taking place.
- c. Must include a catchment plan delineating the proposed (post-development) stormwater catchments and discharge rates and their distribution from the development site to each proposed stormwater disposal point to Council's stormwater drainage system. This plan must reflect the catchments from the proposed development.
- d. The above information must demonstrate no increase in stormwater catchment area and/or discharge rates to any part of Council's existing stormwater drainage system in the post-development situation when compared to the pre-development situation (prior to demolition works).
- e. Must demonstrate compliance with Chapter E14 (Stormwater Management) of the Wollongong DCP2009.

3. The developer must satisfy Council, **within 24 months** of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.

4. If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

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

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Dated
A-101	D	Site Plan	ADM Architects	21.10.24
A-102	C	Basement 06 Floor Plan	ADM Architects	6.08.24
A-103	D	Basement 04 & 05 Floor Plan	ADM Architects	21.10.24
A-104	D	Basement 03 Floor Plan	ADM Architects	21.10.24
A-105	D	Basement 02 Floor Plan	ADM Architects	21.10.24
A-106	E	Basement 01 Floor Plan	ADM Architects	03.12.24
A-107	D	Lower ground floor plan	ADM Architects	03.12.24
A-108	E	Ground Floor Plan	ADM Architects	03.12.24
A-109	D	Level 01 Floor Plan	ADM Architects	21.10.24
A-110	D	Level 02 Floor Plan	ADM Architects	21.10.24
A-111	D	Level 03 Floor Plan	ADM Architects	21.10.24
A-112	D	Level 04 Floor Plan	ADM Architects	21.10.24
A-113	D	Level 05 Floor Plan	ADM Architects	21.10.24
A-114	D	Level 06 Floor Plan	ADM Architects	21.10.24
A-115	D	Level 07 Floor Plan	ADM Architects	21.10.24
A-116	D	Level 08-09 Floor Plan	ADM Architects	21.10.24
A-117	D	Level 10-11 Floor Plan	ADM Architects	21.10.24
A-118	D	Level 12 Floor Plan	ADM Architects	21.10.24
A-119	D	Level 13 Floor Plan	ADM Architects	21.10.24
A-120	D	Level 14 Floor Plan	ADM Architects	21.10.24
A-121	D	Roof Plan	ADM Architects	21.10.24
A-201	E	North Elevation 01	ADM Architects	03.12.24

A-202	E	North Elevation 02	ADM Architects	03.12.24
A-203	E	East Elevation	ADM Architects	03.12.24
A-204	E	South Elevation 01	ADM Architects	03.12.24
A-205	D	South Elevation 02	ADM Architects	21.10.24
A-206a	A	South Elevation 03	ADM Architects	21.10.24
A-206	E	West Elevation	ADM Architects	03.12.24
A-207	E	Section A-A	ADM Architects	03.12.24
A-208	E	Section B-B	ADM Architects	03.12.24
A-209	E	Section C-C	ADM Architects	03.12.24
A-210	D	Section D-D	ADM Architects	21.10.24
A-211	D	Section E-E	ADM Architects	21.10.24
A-212	D	Section F-F	ADM Architects	21.10.24
A-213	C	Interface Section 01	ADM Architects	21.10.24
A-214	C	Interface Section 02	ADM Architects	21.10.24
A-215	C	Interface Section 03	ADM Architects	21.10.24
A-216	D	INTERFACE SECTION 04	ADM Architects	03.12.24
A-217	C	Interface Section 05	ADM Architects	21.10.24
A-218	B	Detailed Section - West & South Facade	ADM Architects	21.10.24
A-219	B	Detailed Section - Curtain Wall	ADM Architects	21.10.24
A-220	A	Detailed Section - Enclosed Area	ADM Architects	21.10.24
A-301	C	Accessible Room Layout	ADM Architects	21.10.24
A-601	D	Colour And Materials Schedule 01	ADM Architects	21.10.24
A-602	C	Colour And Materials Schedule 02	ADM Architects	21.10.24
A-603	D	Colour And Materials Schedule 03	ADM Architects	21.10.24
A-703	D	Site Staging Plan 01	ADM Architects	21.10.24

Document Title	Version No	Prepared By	Dated
The Globe Landscape Masterplan	23-012W	TaylorBrammer	4.11.24

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. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

4. Staging of Development

The development may be carried out in stages as indicated on the stamped approved Site Staging Plan 01 prepared by ADM Architects dated 21 October 2024 attached to this consent. The staging comprises the following works:

- Stage 1 – Construction of basement (south of Globe Lane), Club and Motel
- Stage 2 – Construction of office building (above basement constructed in Stage 1)
- Stage 3 – Construction of Hotel and Basement, including that occurring below Globe Lane.

The Developer may elect to commence the stages concurrently. Stages 1 and 2 may have their own Construction Certificate and Occupation Certificate.

Reason:

To outline the approved staging of the development; and to ensure the orderly and economic construction of the development.

5. 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.

6. Disability Discrimination Act 1992

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

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

Reason:

To satisfy the requirements of the legislation.

7. Street Tree Removal

The developer shall retain existing trees indicated on Master Plan by TaylorBrammer dated 04 November 2024.

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report dated 20 August 2023 by DJD Tree Consultancy Author: Damien Duggan be implemented including and not restricted to: protecting trees on adjacent properties & in public domain, sediment control, establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering . Soil levels within the TPZ must remain the same.

Reason:

To protect the amenity of the environment and the neighbourhood & to ensure all parties are aware of the approved plans and supporting documentation. Plane trees recommended for removal due to trees being a source of volatile compounds that can cause respiratory allergies such as allergic rhinitis & asthma.

8. Stormwater Quality Management

The stormwater treatment system must achieve pollutants and nutrients removal minimum: gross pollutants – 90%, total suspended solids – 85%, total phosphorus – 60% and total nitrogen – 45%. It is the building manager's responsibility to maintain the stormwater treatment system.

Reason:

To comply with Council's Development Control Plan and to ensure stormwater runoff does not impact on the environment and surrounding amenity.

9. 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.

10. Enclosure in courtyard not approved

The two storey high louvered enclosure located within the western courtyard is not approved.

Reason:

The enclosure detracts from the spatial quality of the courtyard and raises potential privacy concerns (visual and acoustic) between the games room and adjacent motel rooms.

11. Smoke-Free Environment

This consent does not imply or confer compliance with the requirements of the Smoke-Free Environment Act 2000. It is the responsibility of the applicant to guarantee compliance with this Act.

Reason:

To satisfy the requirements of the legislation.

12. 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*.

Reason:

To satisfy the requirements of the legislation.

13. Demolition

Separate development consent shall be obtained for the demolition of existing structures from the site.

Reason:

To comply with the applicable legislation.

14. Advertising Signage

Separate consent shall be obtained for any advertising signage, unless such signage is exempt development.

Reason:

To comply with legislation.

15. Built Form – Materials and Colours

The development shall be finished in materials and finishes consistent with that shown on the approved plans. Any changes to the schedule of finishes must be approved by Council.

Reason:

To ensure design excellence is achieved.

16. Hotel and Motel Use

This consent approves the use as a hotel and motel 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.

17. Geotechnical Conditions:

- a) A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- b) All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c) Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- d) The structural designs for all foundations are to be endorsed by the geotechnical consultant that all known site geotechnical constraints have been accommodated in the designs.

- e) No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- f) An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
An assessment of groundwater conditions and intake needs to be provided in accordance with the recommendations of the geotechnical report also with consideration for disposal.
- g) All recommendations of Geofirst Pty Ltd in their geotechnical report dated 23 April 2023 are to be accommodated in the earthworks plan.
- h) Hard bedrock where encountered will be difficult to excavate by hammering. Alternative excavation methods must be considered to minimise noise and vibration
- i) The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- j) Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- k) At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
- l) The structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- m) 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 ensure structural adequacy, protect adjoining properties and maintain public safety.

18. 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.

19. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$4,580,760.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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

- Email address where the invoice should be sent.

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

Reason:

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

Before the Issue of a Construction Certificate

20. Lot Consolidation

Prior to the release of the construction certificate, all lots must be consolidated into a single parcel of land. The Construction 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.

21. Endeavour Energy Requirements

The submission of documentary evidence from Endeavour Energy to the Principal Certifier is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate. Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

Reason:

To satisfy the requirements of Endeavour Energy.

22. Electricity Substation Requirements

The following documentary evidence must be provided to Council for approval; design plans for the construction and installation of a chamber style substation within the proposed building in accordance with Endeavour Energy's standards and requirements for access, security, drainage, ventilation and fire rating/a pad mount style substation within the site of the development external to the proposed building in accordance with Endeavour Energy's standards and requirements for access, noise influence and fire rating of neighbouring structures and properties which has been certified by Endeavour Energy.

Reason:

To satisfy the requirements of the legislation.

23. Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifier confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

Reason:

To ensure the site is properly serviced.

24. Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap In, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

25. 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.

26. 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.

27. 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.

28. NSW Aquifer Interference Policy – Site Hydrogeology Report

The proposed development includes six levels of basement car parking that will interfere with the groundwater. A Site Hydrogeology Report as per the NSW Aquifer Interference Policy, Minimum Requirements for Building Site Groundwater Investigations and Reporting – Information for Developers and Consultants (Department of Planning and Environment 2022) and the Water Management Act 2000 and evidence of consultation with WaterNSW must be submitted to Council before the issue of the Construction Certificate.

Reason:

To comply with the Water Management Act 2000 and the NSW Aquifer Interference Policy.

29. Tanked Basement Design

Before the issue of a Construction Certificate, a tanked basement design satisfying the Minimum requirements for building site groundwater investigations and reporting (Department of Planning and Environment 2022) and WaterNSW must be prepared and provided to the Principal Certifier.

Reason:

To protect groundwater and the environment.

30. 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.

31. Demolition and Construction Noise and Vibration Management

Before to the release of the Construction Certificate, a noise and vibration assessment to identify all sensitive receivers where the construction noise and vibration levels may exceed the NSW EPA Interim Construction Noise Guidelines (July 2009) (or as superseded) construction noise goals for that receiver must be undertaken. Parameters of the assessment are to consider:

- a. Levels recommended by a registered Geotechnical/Structural Engineer with regards to structural damage buildings;
- b. German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- c. For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472 - Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) for low probability of adverse comment.

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 submitted to Council or the Principal Certifier. For the duration of the site works noise and vibration must be managed in accordance with the submitted Construction Noise and Vibration Management Plan.

Reason:

To protect neighbourhood amenity.

32. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to and approved by the Principal Certifier. The plan must include the following matters:

- The location and materials for protective fencing and hoardings on the perimeter of the site
- Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies)
- Provisions for public safety
- Pedestrian and vehicular site access points and construction activity zones
- Details of construction traffic management including, proposed truck movements to and from the site, estimated frequency of truck movements and measures to ensure pedestrian safety near the site
- Details of bulk earthworks to be carried out
- The location of site storage areas and sheds
- The equipment used to carry out works
- The location of a garbage container with a tight-fitting lid
- Dust, noise and vibration control measures
- Details of chemical storage and management
- The location of temporary toilets
- The protective measures for the preservation of trees in adjoining public areas including measures in accordance with AS 4970 – Protection of trees on development sites, Council's Development Control Plan and the Arboricultural Impact Assessment prepared by DJD Tree Consultancy dated 20 August 2023.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Reason:

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

33. Environmental Management Plan

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

- a. Introduction.
- b. Project Description.

This section should include:

- i. Timing and duration of works.

- ii. location of work sites offices, compounds, stockpiles and refuelling areas.
 - iii. a description of the site and surrounds and location of environmentally sensitive areas.
- c. Objectives of the CEMP.

This section should state what the CEMP is trying to achieve.
- d. Context of the CEMP.

This section should specify how the CEMP fits into the planning process of the project.
- e. Planning Project Environmental Actions.
- f. Environmental Impact Assessment (EIA) Obligations.

This section should identify all EIA documentation related to this project.
- g. Environmental Aspects.

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

This section should detail the legislative requirements of the work, and all other specifications.
- i. Supplementary Environmental Plans.

These include:

 - i. Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
 - ii. Note: Requirements for ESCPs and SWMPs are provided in “Managing Urban Stormwater: Soils and Construction” Landcom, 2004.
 - iii. Noise and Vibration Management Plan.
 - iv. Landscaping and Revegetation Plan.
 - v. Flora and Fauna Management Plan.
 - vi. Traffic Management Plan/Traffic Control Plan (TCP).
 - vii. Air Quality Management Plan.
 - viii. Waste Management Plan.
 - ix. Acid Sulfate Soil Management Plan (ASSMP).
 - x. Indigenous and European Heritage Plan.
 - xi. Contaminated Soil Management Plan.
- j. Implementation.
- k. On-site Structure and Responsibility.

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

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

 - i. Knowledge and understanding of the CEMP.

- ii. Site induction, and may include:
 - Emergency response training.
 - Familiarisation with site environmental controls.
 - Erosion and sediment control training.

m. Communication.

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

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

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

n. Emergency Planning and Response.

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

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

Emergency Response Contacts should be listed in table form.

o. Auditing and Monitoring.

p. Environmental Action Monitoring.

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

q. Auditing.

This section should detail audit criteria, frequency and scope.

r. Non-Conformance and Corrective and Preventive Action.

This section should state how these items should be addressed.

s. Review of CEMP.

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

t. Appendix 1 - Environmental Action Table.

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

u. Appendix 2 - Environmental Action Monitoring Table.

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

Reason:

To protect the environment.

34. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents before it is provided to and approved by the Principal Certifier:

- Council's development control plan,
- the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).

A copy of the erosion and sediment control plan must be kept on-site at all times during site works and construction.

Reason:

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

35. Dust Suppression Measures

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifier prior to issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

36. 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.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots. The report shall outline measures for the protection of existing public private infrastructure during the works.

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

Existing pavers in reasonable condition, street furniture & plaques to be transferred to Council store.

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 & WCC infrastructure in reasonable condition is recovered for future re-use.

37. 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.

38. Structural Engineering Details

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

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

39. Car Parking and Access

The development shall make provision for the following:

Hotel

- 118 hotel car parking spaces (including a minimum of 2 car parking space for people with disabilities)
- 6 hotel staff car parking spaces
- 5 hotel motorcycle parking spaces

Motel

- 57 motel car parking spaces (including a minimum of 1 car parking space for people with disabilities)
- 5 motel staff car parking spaces
- 3 motel motorcycle parking spaces

Commercial

- 156 commercial car parking spaces (including a minimum of 2 car parking spaces for people with disabilities)
- 6 commercial motorcycle parking spaces
- 47 secure (Security Class B) commercial staff bicycle spaces
- 13 commercial visitor bicycle spaces (Security Class C)

Club

- 211 club patron car parking spaces (including a minimum of 3 car parking spaces for people with disabilities)
- 14 club staff car parking spaces
- 9 club motorcycle parking spaces
- 44 secure club staff bicycle parking spaces (Security Class B)

These requirements shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

40. 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.

41. Disabled Access and Facilities

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

Reason:

To satisfy the requirements of the legislation.

42. 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.

43. 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.

44. 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.

45. 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 of Wollongong City Council. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Reason:

To ensure compliance with Council's Technical Specifications.

46. 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.

47. 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.

48. Turning Bay Required on Basement Level 02

The disabled car parking spaces shared area between spaces 01 and 02 near to the lift lobby on Basement 2 is to have the bollard removed, to allow for a dual use shared area/turning bay. Signposting and linemarking is to be provided indicating the location of the turning bay and the no parking restrictions required. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Reason:

To provide a suitable turning facility.

49. 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 (unless such spaces are managed by hotel valet parking staff) and adequate signage and line marking shall be provided to clearly identify these spaces for staff or valet use only.

Reason:

To comply with Council's Development Control Plan.

50. Stacked Parking Management Plan

A Stacked Parking Management Plan is required for the use of the stacked parking spaces, to be provided to the 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.

51. Gradients of Ramps and Driveways as per AS 2890.1

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

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

Reason:

To ensure compliance with Australian Standards.

52. Redundant Crossings

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

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

Reason:

To comply with Council's Development Control Plan.

53. Wind Mitigation

The recommendations contained within the Environmental Wind Tunnel Study prepared by SLR Consulting Australia Pty Ltd dated July 2024 (SLR Ref: 610.31070-R03 Version No: -v1.2) shall be implemented in full. Details demonstrating implementation of the recommendations shall be provided with the Construction Certificate.

Reason:

To ensure compliance with the DCP and maintain pedestrian and user amenity and safety.

54. 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.

55. 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.

56. Material Reflectivity

The recommendations of the Reflectivity Assessment, (SLR Ref: 610.31070-R02 Version No: - v1.0) dated September 2023, prepared by SLR Consulting Australia Pty Ltd, shall be reflected on the Construction Certificate plans.

Reason:

To maintain the amenity of the neighbourhood.

57. 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.

58. Service Vehicular Entry – Burelli Street frontage

The service vehicle entry from Burelli Street must continue the external material palette through to the interior of the service vehicle ramp. Details demonstrating compliance must be provided with the construction certificate.

Reason:

To ensure design excellence is achieved.

59. 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.

60. Revolving Doors

Any revolving doors shall provide for equitable access in accordance with the requirements of the Disability Discrimination Act, 1992. Details confirming compliance must be provided with the Construction Certificate.

Reason:

To ensure compliance with legislation.

61. Clear Glazing

All glazed shopfronts, lobbies and the like at ground level shall be finished with clear glazing. Details demonstrating compliance must be provided with the construction certificate.

Reason:

To ensure street activation and opportunities for natural surveillance.

62. Hotel terrace Level 13

Doors from the toilets servicing the bar open directly on to the terrace. A more discrete access strategy that does not require patrons to access toilets via the terrace is required. Details demonstrating compliance shall be provided with the construction certificate.

Reason:

To ensure user amenity.

63. Details of Hotel Tower Facade Treatment

Details of the curtain walling with backing trays and aluminium fins in select locations shall be provided with the Construction Certificate plans. These components shall be selected and designed to respond to each façade to frame views, limit heat overload and mitigate potential privacy issues. Details of the colour / tone of the tinted glazing is also required to be provided with the Construction Certificate plans.

Reason:

To ensure design excellence is achieved.

64. Hotel Facade Detail

Details are required to be provided as to how openings / vents will be incorporated into the building façade. These details shall be provided with the construction certificate plans.

Reason:

To ensure design excellence is achieved.

65. 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.

66. 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.

67. 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.

68. Permeable Garage Shutter

Any shutters provided within the basement car parks shall be permeable so as to improve basement ventilation.

Reason:

To improve natural ventilation.

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

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

Reason:

To satisfy the requirements of Australian Standards.

70. External Lighting

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.

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

Reason:

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

71. 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.

72. Crime Prevention and Security Measures

The following crime prevention and security measures shall be implemented. Details demonstrating compliance shall be provided with the construction certificate:-

- Security access cards or codes must be used in order to gain entry to the relevant lifts or car park entrances;
- All lift lobbies, where enclosed, shall be enclosed only with clear glazing or another clear material to provide for clear visibility into and out of the lobby area. Details demonstrating compliance shall be provided with the construction certificate.
- Within all basement levels, clear line markings and signage shall be employed to identify the safe and clear movement / pathways for vehicles and pedestrians, clearly identifying to relevant users:
- Within Basement 2, an open cage or open space within locking mechanisms shall be used for the bicycle parking area;
- Within Basement 2, clear line markings and signage shall be employed within the Loading Zone/Area to identify the safe and clear movement / pathways for vehicles and pedestrians
- Within Basement 1, clear lines of sight shall be provided to within and around the General waste room.
- At the Church Street Carpark Entrance, clear and accurate signage, bollards and/ or barriers shall be employed to clearly delineate user types / movement paths. The entry/exit of the car park will need to have clear lines of sight when cars are entering or exiting the car park.

- CCTV and sufficient lighting must be provided within and adjacent to the new laneway positioned on the western side of the Hotel.
- The car park ceilings must be painted white to reflect light and enhance the perception of safety and improve visibility.

Reason:

To ensure opportunities for criminal and anti-social behaviour are minimised throughout the development and to improve the safety of site users.

73. Installation of Wayfinding Signage

Wayfinding signage shall be installed at or adjacent to the new pedestrian laneway and adjacent to the intersection of Globe Lane and Globe Way to assist pedestrian wayfinding through the city centre. Details demonstrating compliance with this condition shall be provided with the Construction Certificate.

Reason:

To assist pedestrian wayfinding through the city centre.

74. Implementation of the recommendations of Acoustic Report

The recommendations of the Environmental Acoustical Assessment prepared by Harwood Acoustic Acoustical Consulting (Reference: 2203020E-R) dated 4 July 2023 shall be implemented in full. Details demonstrating compliance shall be provided with the Construction Certificate. The development must comply with the NSW EPA Noise Guidelines.

Reason:

To protect the amenity of the neighbourhood.

75. Noise Restrictions

The noise (LAeq (15min)) emanating from any mechanical plant or equipment must not exceed 5 dB(A) above the background noise level (LA90 (15min)) of the area at any boundary of the land.

Reason:

To protect the amenity of the neighbourhood.

76. Mechanical Plants and Exhaust Ventilation System - Outdoor Air Conditioning, Refrigeration Units and Exhaust Vent

The outdoor units for refrigeration system, including air conditioners, and other plant and vents, shall be provided with suitable acoustic enclosures to comply with the noise guidelines. Any acoustic enclosures shall be constructed and finished in materials and finishes consistent with the building and shall be integrated into the built form as far as is practicable.

Reason:

To protect the amenity of the neighbourhood.

77. Generator Room

The generator room/ enclosure shall be acoustically sealed and mechanically ventilated away from trafficable or habitable areas.

Reason:

To ensure amenity is maintained.

78. 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:

- Identifying the method that members of the public can contact the Hotel and Motel operators 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.

79. Heritage Interpretation Plan

A Heritage Interpretation Plan is to be developed to inform development outcomes including:

- Interpreting the history of the site (informed by both the Heritage Impact Statement and Historical Archaeological Assessment documents) including the Management of the Time Capsule and Foundation remains identified in the Heritage documents.
- Ensuring the appropriate management of the War Memorial Walls re-interpretation/reinstatement in consultation with the RSL
- Providing a vehicle for the delivery and implementation of the “Connecting with Country” Report.
- Proposal of Interpretation Material to be placed on or integrated in the design to a deliverable outcome.

The heritage interpretation plan shall be provided to Council's Heritage Officers for review and written approval prior to the release of a Construction Certificate.

Reason:

To ensure the history of the site is interpreted in the final development.

80. Protection of adjacent heritage listed item #61103

A Structural Engineering Design, followed by a Construction Management Plan for this site, as indicated in the Heritage Impact Statement, should be provided, providing for the protection of the adjacent heritage listed item #61103 on Crown Street. This shall be provided prior to the release of the Construction Certificate.

Reason:

To ensure the protection of the adjacent heritage item.

81. Public Art Consultation

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

Reason:

To ensure proper consultation in relation to any proposed public art.

82. 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.

Reason:

To ensure compliance with the legislation and relevant standards.

83. 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 stormwater concept plan provided to Council for approval prior to the activation of the development consent.
- 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 in 100 year ARI 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.
- e. Must include a catchment plan delineating the existing (pre-development) stormwater catchments and discharge rates and their distribution from the development site to each existing stormwater disposal point to Council's stormwater drainage system. This plan must reflect the catchments from the development that existed on the site prior to any demolition taking place.
- f. Must include a catchment plan delineating the proposed (post-development) stormwater catchments and discharge rates and their distribution from the development site to each proposed stormwater disposal point to Council's stormwater drainage system. This plan must reflect the catchments from the proposed development.

The above information must demonstrate no increase in stormwater catchment area and/or discharge rates to any part of Council's existing stormwater drainage system in the post-development situation when compared to the pre-development situation (prior to demolition works).

84. 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. Measures shall be included in the design of the pump system (e.g., flap gate or one-way valve system) where necessary to ensure backwater flow from the stormwater system into the basement car park level is not possible.

Reason:

To protect residential amenity.

85. Details of Proposed Pit and Pipeline

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

Reason:

To ensure development does not impact services.

86. 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 the 1% AEP flood level (as determined by an experienced and qualified engineer), with flood proofing being provided for the remaining 300mm freeboard.
- b. Any portion of the building or structure below 1% AEP flood level (as determined by an experienced and qualified engineer) plus 300mm 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 building shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard as determined by an experienced and qualified engineer

Reason:

To comply with Council's Development Control Plan.

87. 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.

88. 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 2020/001. If temporary anchors are proposed within the road reserve an application must be submitted to and approved by Wollongong City Council prior to the issue of any construction certificate. The application must be made via Council's website www.wollongong.nsw.gov.au through the "Frontage Works" application, and must be supported by:-

- A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2020/001.
- A dilapidation survey of the existing Council infrastructure within the zone of influence of the proposed excavation including CCTV of all stormwater pits and pipes and a photographic record of the road pavement, footpath area and associated civil assets.
- A dial before you dig confirming all service providers in the road. All services must be shown in a site plan, as well as in all cross sections.
- A detailed structural design of the proposed temporary anchors prepared by a Chartered Civil Engineer (Structural) that referenced the relevant geotechnical investigation and includes cross sections every 5m within the road frontage that shows the depth and clearance of the temporary anchors to all services, road pavements, stormwater pits and pipes and related assets based on surveyed levels.

Reason:

To protect residential amenity.

89. 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 submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate. The design must be prepared in accordance with the RMS Technical direction GTD 2020/001, 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 2020/001;
- 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 2020/001.

A copy of the approved documentation satisfying this condition of consent and referencing this development application must also be provided to Wollongong City Council prior to works commencing.

Reason:

To protect adjoining property.

Need to incorporate Globe Lane and Globe Way as drainage improvement works accepted as part of DA submission

90. Burelli Street, Church Street, Crown Street – Detailed Civil Engineering Design – Council Land

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

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Policy. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified Engineer to the expected traffic loadings and type.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate. The application must be made via Wollongong City Council's Frontage Works Application process with details available on www.wollongong.nsw.gov.au. It is recommended that where the development also may include landscaping in the public domain or other works such as temporary anchors, that details and supporting information be included with the frontage works application.

Reason:

To comply with Council's Development Control Plan and Australian Standards.

91. Flood Proofing

Incorporate into Condition 86?

The premises must be flood proofed up to a minimum of the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.3 metres freeboard (1% AEP plus 0.3m freeboard). The term 'flood proofed' is intended to mean any combination of measures necessary to ensure that flood water will not physically enter the premises in the event of a flood. In satisfying

this requirement, consideration shall be given to the structural soundness and flood compatibility of the proposed building structures including walls, doors, weepholes, vents, etc. Flood proofing is required to be designed by a suitably qualified civil (structural) engineer.

Certification from a suitably qualified and experienced civil (structural) engineer must be provided certifying that the above requirements have been incorporated into the design and the above requirements must be reflected on the Construction Certificate plans and documentation.

Reason:

To comply with Council Policy.

92. Waste Management Plan

Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the Principal Certifier. The plan must be prepared in accordance with:

- the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
- Chapter E7: Waste Management of Wollongong Development Control Plan 2009, and

include the following information:

- the name and contact details of who is responsible for the plan and management of the waste onsite• the name and contact details of the person(s) removing waste
- a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced
- how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill
- where any onsite management of waste will occur, such as for consolidation and collection
- how each waste type will be characterised and classified for waste management and transport
- where each waste type is intended to be transported for disposal or other fate
- how the quantity of each waste type will be measured and recorded
- how each waste movement will be tracked
- contingencies including to managing unexpected finds, such as asbestos.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Reason:

To ensure waste management practices are undertaken, resource recovery is promoted and local amenity is protected during construction site works.

93. Crime Prevention Through Environmental Design (CPTED) - Landscaping

In order to reduce the opportunities for "hiding places" the proposed landscaping must:

- a) use shrubs/plants which are no higher than 1 metre along access corridors
- b) the type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.
- c) shrub planting to be set back minimum 1 metre from the edge of any pathways to maintain visibility along paths. Groundcover planting is acceptable.

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To satisfy the requirements of the DCP.

94. Final Landscape Plan Requirements

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

- Further detail is required to address the maintenance protocol to undertake maintenance of the green roof areas/planting on podium/mass planting beds within 2m of a building edge where the fall height is greater than 1m to identify and mitigate risk associated with fall heights and maintenance activities. Maintenance protocols must address the access and work zones for staff, requirements for safety gear e.g helmets, harnesses and supervision or training requirements for personnel working at heights in accordance with the relevant Australian Standards.
- planting of indigenous plant species typical of the Illawarra region such as: *Syzygium smithii* (formerly *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 or *Brachychiton acerifolius* Illawarra Flame Tree.; A further list of suitable suggested species for the Wollongong area & Illawarra Escarpment rainforest may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- 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;
- 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;
- proposed street trees on Church Street to be installed in soil vaults as detailed in the City Centre Public Domain Technical Manual.
- Any trees planted within Globe Lane shall have clear trunks and higher canopies in order to maintain clear lines of sight for pedestrians and vehicles.
- Vehicle entry from church and Burelli street to be modified to reflect the heavy vehicle crossing which is an oxide-coloured concrete with saw cuts and constructed as detailed in the WCC engineering standard drawings.
- any proposed hard surface under the canopy of an 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 developer shall ensure that proposed planting is child friendly and must not include any of the types of plants listed below: i) plants known to produce toxins; ii) plant with high allergen properties; vi) any weed or potential weed species.
- CCTV surveillance & appropriate lighting to be incorporated into proposals;
- street furniture to match suite of furniture utilised for Crown St mall;
- attractive, hardy, low maintenance & low water use planting recommended;
- detail of the transition of new paving pattern into the existing Globe way to be provided; and;
- directional & interpretative signage to be installed in accordance with WCC Public Domain Signage Strategy.

Capital 'C'

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

Reason:

To comply with Council's Development Control Plan.

95. 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.

96. Landscape Maintenance Plan

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

Reason:

To comply with Council's Development Control Plan.

97. Tree Protection Measures

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

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- b. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifying Authority indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

98. 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 & Laneways. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual & Mall upgrade.

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

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material in colour 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.

Covered in Condition 94

99. Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development is five (5 No.) Brachychiton acerifolius Illawarra Flame Tree to Church Street 200 litre container size & four (4 No.) Livistona australis Cabbage palm tree min. 6m clear trunk to Globe Lane in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with City Centre 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. Street trees must be installed in soil vaults along with a tree anchor system equal to D Man anchor system by City Green. Tree pits must be adequately mulched with tree grates and guards and installed to the satisfaction of WCC Manager of Open Space & Environmental Services.

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

Reason:

To comply with Council's Development Control Plan.

Before the Commencement of Building Work

100. Transport for NSW Requirements

Prior to commencing any works or construction activities which impact travel lanes at, or on the approach on Burelli Street, the developer must apply for and obtain a Road Occupancy Licence (ROL) prior to commencing any works which impact traffic lanes at, or on the approach to the signalised intersection of Burelli Street and Church Street.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant construction traffic management plan.

- The application must be supported by a Construction Traffic Management Plan (CTMP) to be prepared by a person who is certified to prepare Traffic Control Plans.

Reason:

To satisfy the requirements of Transport for NSW.

101. WaterNSW Requirements

Before any excavation commences, evidence that the appropriate licences and approvals have been obtained from WaterNSW must be provided to the Principal Certifier.

Reason:

To comply with the Water Management Act 2000 and the NSW Aquifer Interference Policy.

102. 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.

103. 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.

104. 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.

105. 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.

106. 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.

Already addressed in Condition 26

107. Depth/Location of Services

The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

Reason:

To ensure services are not impacted.

108. Adjustment to Public Utility Service

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

Reason:

To ensure services are not impacted.

109. 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.

110. Tree Protection Implementation

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

- a) installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;

- b) mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- c) irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

Reason:

To comply with Council's Development Control Plan.

111. 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.

112. Site Management Program - Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures is to be initiated prior to the commencement of any excavation or construction works and maintained throughout the excavation and construction phases of the development.

Reason:

To protect neighbourhood amenity.

113. Erosion and Sediment Controls in Place

Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the Principal Certifier are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.

Reason:

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

114. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect neighbourhood amenity.

115. Erosion controls - Vehicular Entry/Exit Points

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

Reason:

To protect neighbourhood amenity.

116. 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.

117. 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.

118. Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

119. 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.

120. Dilapidation Report

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape, street trees and adjoining reserve prior to work commencing and include a detailed description of elements and photographic record.

Reason:

To ensure public assets are not impacted.

Incorporate into Condition 36?

121. Certification of Structural Adequacy - Building Walls/Structure

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the Principal Certifier is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works. The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300mm below pipe invert level or founded on sound rock. The submission of certification from the Structural Engineer to the Principal Certifier is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

Reason:

To ensure structural integrity.

122. 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.

While Building Work is Being Carried Out

123. 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.

124. 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.

125. Supervision of Engineering Works

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

Reason:

To ensure compliance with relevant Standards.

126. Implementation of the site management plans

While site work is being carried out, the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times.

A copy of these plans must be kept on site at all times and made available to Council officers upon request.

Reason:

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

127. 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 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.

128. Construction Noise and Vibration Management

The findings, recommendations and management controls from the Construction Noise and Vibration Management Plan provided to the principal certifier 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.

129. 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).

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

Reason:

To ensure payment of approved changes to public infrastructure.

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

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has 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.

131. New Information/Unexpected Finds

In the event that construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials or acid sulfate soils, works must immediately cease. The Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within two (2) days of the incident. An assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm must be undertaken by an appropriately qualified environmental consultant as soon as possible. This assessment will necessitate a report to be prepared outlining the required remediation measures for the sign off by Council and the Principal Certifier.

Reason:

To ensure protection of the environment and comply with legislation.

132. Discharge of Accumulated Water

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless a Section 68 approval issued under the Local Government Act 1993 has been obtained and all the following criteria are met:

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

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

Reason:

To satisfy the requirements of the legislation.

Already addressed in Condition 122.

133. Provision of Waste Receptacle

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

Reason:

To comply with Council's Development Control Plan.

134. Building Site to be Kept Free of Rubbish

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

Reason:

To comply with Council's Development Control Plan.

135. Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a. Does not spill onto the road pavement and
- b. is not placed in drainage lines or watercourses and cannot be washed into these areas.

Reason:

To comply with Council's Development Control Plan.

136. Spillage of Material

Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

Reason:

To comply with Council's Development Control Plan.

137. Control of Access to Prevent Tracking of Sediment

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

Reason:

To comply with Council's Development Control Plan.

138. Drains Maintained Free of Sediment

Drains, gutters, access ways and roadways must be maintained free of sediment and any other material.

Reason:

To comply with Council's Development Control Plan.

139. 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.

140. 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.

141. 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.

142. Installation of Stormwater Quality Treatment Measures

Stormwater quality treatment measures must be installed as described in the WSUD Stormwater Management Report prepared by JN dated 6 June 2023.

Reason:

To comply with Council's Development Control Plan.

143. Waste management

While building work 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:

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

Note: If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and Council.

Reason:

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

144. 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.

145. 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.

146. 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.

147. 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.

148. 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.

149. 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.

150. Acid Sulfate Soils

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

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

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

Reason:

To satisfy the requirements of the legislation.

151. 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.

152. Survey Report

The submission of a survey report by a registered Land Surveyor to the Principal Certifier is required, prior to the work proceeding beyond each of the following respective stages so as to guarantee that each stage of the development is completed in accordance with the approved plans:

- a. footing excavation;
- b. slab formwork;
- c. foundation walls;
- d. walls and completed eaves/gutter/fascia/gable;
- e. building on the site.

Reason:

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

153. 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).

Where a timber/steel frame supports the floor, the survey shall be undertaken after the piers have been installed and prior to the laying of the bearers/joists and installation of the wall frames for each respective ground floor level of the building.

All levels shall relate to Australian Height Datum.

Reason:

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

154. Survey Certificate

The submission of a Survey Certificate to the Principal Certifier at footings and/or formwork stage (whichever occurs first) confirming:

- a. the set out of the boundaries of the site,
- b. actual siting of the buildings and
- c. siting levels comply with the approved plans.

Reason:

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

155. 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.

Already covered by Condition 143

Reason:

To comply with Council's Development Control Plan.

156. Trucks to be Covered

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

157. Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

- a. Encroach onto the adjoining properties, and
- b. adversely affect the adjoining properties with surface run-off.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

158. 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.

159. 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.

160. Unexpected Archaeological Finds

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

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

Reason:

To satisfy the requirements of the legislation.

161. Unexpected Finds of Aboriginal Cultural Heritage

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

- No further harm is undertaken to the object(s)
- Immediately cease all work at the particular location
- Secure the area so as to avoid further harm to the Aboriginal object(s)
- Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location.
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

- If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.
- Wollongong City Council's Heritage Staff should also be notified by calling 4117 7111.

Reason:

To ensure compliance with the legislation.

162. Unexpected Archaeological Finds

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

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

Reason:

To ensure compliance with the legislation.

163. Sustainable Building Design

All recommendations of the NABERS report and the Section J Assessment both prepared by Greenview Consulting are to be implemented.

Reason:

To comply with Council's Development Control Plan.

164. 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.

165. Provision of Taps/Irrigation System

The provision of common taps and a fully automated irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and irrigation system must be implemented in accordance with the approved Landscape Plan. Irrigation controller to be placed in location easily accessed by maintenance staff.

Reason:

To comply with Council's Development Control Plan.

166. Screen Planting

To mitigate impact to adjoining buildings a continuous hedge is to be established along western boundary of Globe Way adjacent to David Jones loading dock area. Recommended species: *Callistemon viminalis* 'Slim', *Photinia glabra* Rubens, *Viburnum tinus*, *Syzygium australe* Aussie Southern, *Syzygium australe* 'Resilience', *Viburnum odoratissimum* Dense Fence or *Waterhousea floribunda* Sweeper. Minimum spacing 1000mm. Minimum pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

Reason:

To comply with Council's Development Control Plan.

167. 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.

Before the Issue of an Occupation Certificate

168. Registration of right of carriageway / right of access

A right of carriageway shall be registered over the new pedestrian link adjacent to the western side of the hotel, enabling pedestrian thoroughfare via this link 24 hours a day, 7 days per week. Evidence of registration of the right of carriageway shall be provided prior to the release of an Occupation Certificate for the hotel building.

Reason:

To ensure unencumbered public access.

169. Compensatory Planting

The developer should make compensatory provision for tree planting as part of the development. In this regard, twelve (12 No.) 400 litre container advanced mature plant stock should be placed within the site in appropriate locations. The suggested species are to be selected from the following list: *Livistona australis*, *Archontophoenix cunninghamiana*. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

Reason:

To comply with Council's Development Control Plan.

170. 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.

171. 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).

172. 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 and soil vaults 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.

173. 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.

174. 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.

175. Repair of Infrastructure

Before the issue of the occupation certificate:

- a. All public domain works must be completed to Council's satisfaction
- b. 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
- c. 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.

176. Drainage Certification and WAE

The following information shall be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate:

- a. Certification from a suitably qualified Civil Engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans and Chapter E14 of the Wollongong DCP2009.
- b. A certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified Civil Engineer, confirming that all on-site stormwater detention works have been constructed in accordance with the approved plans.
- c. Full works-as-executed plans, prepared and signed by a Registered Surveyor, including levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels, and satisfying the requirements stated in Chapter E14 of the Wollongong DCP2009.

Reason:

To comply with Council's Development Control Plan.

177. Fire Safety Certificate

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- a. Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- b. must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason:

To satisfy the requirements of the legislation.

178. Food Business Registration

The food businesses are required to be registered with Council prior to business operations commencing. The notification process can be completed online at Online Services | Wollongong City Council (nsw.gov.au). Once you are logged in, select Lodge an Application, and then Operate a Food Business.

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a registration form.

Reason:

To satisfy the requirements of the legislation.

179. Food Business Notification Requirement

The proprietor of the premises is required to notify their business details to the NSW Food Authority prior to operations commencing. An application can be made via www.foodnotify.nsw.gov.au, or by submitting a notification form and fee to Council or NSW Food Authority.

Reason:

To satisfy the requirements of the legislation.

180. Food Premises - Ceiling Construction

All ceilings must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light-coloured, washable paint. The intersection of the walls and ceiling must be tight-joined, sealed and dustproof. Drop-in panel ceilings are not permitted (AS 4674:2004 Section 3.2).

Reason:

To comply with legislation and Australian Standards.

181. Food Premises - Hand Basin(s) and Hand Towels

A suitable number of hand basins must be provided in accessible and convenient locations within all food handling areas and in or adjacent to toilet facilities used by food handlers. Hand basins must be freestanding and serviced with hot and cold water which can be mixed at a temperature of at least 40°C through a single outlet (AS 4674:2004 Section 4.4).

Hand basins within food handling areas must be located no further than five (5) metres from any place where food handlers are handling open food.

Soap and single-use towels from a wall-mounted dispenser must be provided adjacent to each hand basin. Air dryers installed as the sole means of drying hands are not permitted (AS 4674:2004 Section 4.4).

Reason:

To comply with legislation and Australian Standards.

182. Food Premises - Equipment for Cleaning and Sanitising

Adequate facilities must be provided for cleaning and sanitising food handling equipment and utensils in accordance with Table 4.1 of AS 4674:2004. As a minimum, a double bowl wash sink of adequate size and capacity must be provided for washing food handling equipment and utensils. All sinks must be serviced with hot and cold water through a single outlet (AS 4674:2004 Section 4.1).

Reason:

To comply with legislation and Australian Standards.

183. Food Premises - Fittings

All fixtures, fittings and equipment must be installed in accordance with Section 4 of AS 4674:2004 and be finished in a smooth, non-absorbent material, and be free of cracks, gaps, crevices or exposed joints (AS 4674:2004 Section 4).

Reason:

To comply with legislation and Australian Standards.

184. Food Premises - False Bottoms

False bottoms and cavities under fittings are not permitted (AS 4674:2004 Section 4.2 and 4.3).

Reason:

To comply with legislation and Australian Standards.

185. Food Premises - Installation of Fittings and Fixtures

All fittings and fixtures must be built into the wall and floor so to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths - Plinths must be an integral part of the floor, constructed of solid materials, at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth.
- b. Wheels or Castors - The wheels and castors must be capable of supporting and easily moving a full loaded fitting and be provided with a restraining device.
- c. Legs - Fittings and fixtures may be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and cervices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

Reason:

To satisfy the requirements of the legislation.

186. Food Premises - Display Units

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, physical contact, flies, dust, etc (AS 4674:2004 Section 4.2).

Reason:

To comply with legislation and Australian Standards.

187. Food Premises - Cool Rooms and Freezer Rooms

The cool room(s) and/or freezer room(s) must be constructed in accordance with Clause G1.2 of the NCC Building Code of Australia.

Reason:

To satisfy the requirements of the legislation.

188. Food Premises - Condensation Collection/Overflow

Condensation from cool rooms, refrigeration units, overflow from coffee machines and the like must be directed to the sewer via a tundish installed in accordance with Sydney Water requirements.

Reason:

To comply with legislation and Australian Standards.

189. Food Premises - Mechanical Exhaust

Mechanical exhaust ventilation must be provided to the cooking appliances and be installed in accordance with AS 1668.2:2012: The Use of Ventilation and Air-conditioning in Buildings, Part 2: Ventilation Design for Indoor Air Contaminant Control (AS 4674:2004 Section 2.5, AS 1668.2:2012).

Reason:

To comply with legislation and Australian Standards.

190. Food Premises - Doors

Doors to the internal toilet and air lock must be fitted with a self-closing device. Toilet and air lock doors must not be able to be held in an open position (AS 4674:2004 Section 5.2).

Reason:

To comply with legislation and Australian Standards.

191. Food Premises - Hot Water Service

A hot water service of adequate capacity must be provided. The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted a minimum 150mm above floor level on a stand of non-corrosive metal construction (AS 4674:2004 Section 4.3).

Reason:

To comply with legislation and Australian Standards.

192. Food Premises - Storerooms

Storerooms must be constructed in accordance with Section 3.2 of AS 4674:2004. Shelving or storage racks must be impervious and constructed to enable easy cleaning.

Reason:

To comply with legislation and Australian Standards.

193. Food Premises - Insect Protection

Tight-fitting, washable insect screens or other approved means of excluding insects must be provided to all window and door openings (AS 4674:2004 Section 2.1.5).

Reason:

To comply with legislation and Australian Standards.

194. Food Premises - Storage Facilities

Sufficient facilities must be provided for the storage of cleaning materials, office materials, employees' clothing and personal belongings (AS 4674:2004 Section 5.1).

Reason:

To comply with legislation and Australian Standards.

195. Food Premises - Waste Storage

Adequate storage facilities must be provided for garbage containers, containers for recyclable materials and compactors in an external area or in a room specifically for that purpose (AS 4674:2004 Section 2.4).

Reason:

To comply with legislation and Australian Standards.

196. Food Premises - Floor Construction

The floor must be finished to a smooth, even non-slip surface, graded and drained to the floor waste (AS 4674:2004 Section 3).

Reason:

To comply with legislation and Australian Standards.

197. Food Premises - Floor Waste

The floor waste(s) must be fitted with a basket trap and grate and constructed in all stainless steel finish (AS 4674:2004 Section 4.1.8).

Reason:

To comply with legislation and Australian Standards.

198. Food Premises - Coving

Recessed coving must be provided at all intersections of the floor with the walls. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted (AS 4674:2004 Section 3.1.5).

Reason:

To comply with legislation and Australian Standards.

199. Food Premises - Tap Fittings

Where floor wastes are installed as a means of disposing of wastewater, hot and cold wall mounted taps fitted with hose connectors and positioned at least 600mm above the floor must be installed in a convenient and accessible location outside of areas where open food is handled (AS 4674:2004 Section 4.1.8).

Reason:

To comply with legislation and Australian Standards.

200. Food Premises - Penetrations

All service pipes and electrical conduit must be contained in the floor, walls and plinths or ceiling or fixed on brackets so as to provide at least 25mm clearance between the pipe or conduit and adjacent vertical surfaces and 100mm between the pipe or conduit and any adjacent horizontal surface (AS 4674:2004 Section 3.2.9).

Reason:

To comply with legislation and Australian Standards.

201. Food Premises - Wall Requirements

All walls must be of solid construction and be finished to provide a smooth impervious surface capable of being easily and effectively cleaned, in accordance with Table 3.2 of AS 4674:2004. Cavity walls are not permitted (AS 4674:2004 Section 3.2).

Reason:

To comply with legislation and Australian Standards.

202. Food Premises - Cleaner's Sink

Where floor wastes are not installed as a means of disposing of wastewater, a cleaner's sink serviced with hot and cold water through taps fitted with hose connectors must be provided and located outside of areas where open food is handled (AS 4674:2004 Section 4.1.8).

Reason:

To comply with legislation and Australian Standards.

203. Preservation of Survey Marks

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.

204. Post-Construction Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post[1]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.

205. Completion Report for Excavation Adjacent to a Public Road

A report be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, with Chartered accreditation with the Institute of Engineers Australia and experienced in structural design that:-

- a. Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2020/001.
- b. Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2020/001.
- c. Provides a post construction dilapidation survey. The report must be provided to and approved by Wollongong City Council prior to the issue of any final occupation certificate associated with the building.

Reason:

To protect adjoining property.

Occupation and Ongoing Use

206. 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.

207. 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.

208. 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.

209. 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.

210. Restricted Hours of Operation

The hours of operation for the development shall be restricted to the following:-

Hotel:

The hotel reception may be staffed 24 hours a day, 7 days per week.

Food and drink premises and hospitality spaces within the hotel building: 6am to midnight Monday to Sunday.

Bar facilities within the lobby level: 11am - 12.00am midnight Monday - Thursday and 11am - 2am Friday to Sunday. subject to license requirements.

Sky bar: 11am - 12.00am midnight Monday - Thursday and 11am - 2am Friday to Sunday. All doors and windows must be closed from 12.00am midnight and any terrace areas must be closed from 12.00am midnight.

Motel/ Club:

Reception areas may be staffed 24 hours a day, 7 days a week.

Restaurant: 6.00am - 9.30pm.

Licensed areas (bar and gaming areas) - 9.30am to 12.00am midnight Monday - Thursday and 9.30am - 2am Friday to Sunday, subject to license requirements. All doors and windows must be closed from 12.00am midnight.

Any alteration to the approved hours of operation will require separate Council approval.

Reason:

To ensure protection of the environment and neighbourhood amenity.

211. Restricted Delivery Hours

The delivery of service trucks shall be limited to 6.30 am to 9.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

Reason:

To ensure protection of the environment and neighbourhood amenity.

212. Noise from the Operation of Licensed Premises

Noise from the operation of licensed premises must be managed to meet the Office of Liquor and Gaming NSW noise conditions.

Reason:

To protect neighbourhood amenity.

213. Liquor Act

The provisions of Clause 104 of the Liquor Act of 1982 must be complied with in respect to quiet and good order of neighbourhood.

Reason:

To satisfy the requirements of the legislation.

214. Liquor Licensing Noise Conditions

NSW Casino Liquor and Gaming Control Authority (CLGCA) Criteria for Noise Control are applicable for this consent:

1. The LA(10) noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5 dB(A) between 7.00 am to midnight at the boundary of any affected residence.
2. The LA(10) noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) between midnight and 7.00 am at the boundary of any affected residence.
3. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7.00 am as the development consent permits.

Reason:

To ensure compliance with the legislation and protect the amenity of the neighbourhood.

215. Acoustic Compliance Report

Within 6 months of commencement of hotel operation, the hotel management shall submit a noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to the hotel compliance with the NSW Noise Guide for Local Government. A copy of the acoustic compliance report must be submitted to Council.

Reason:

To ensure compliance with relevant legislation.

216. Gaming Machines

Gaming machines must be positioned and screened so that they are not visible from any public vantage points including the street frontages of the site.

Reason:

To protect the amenity of the neighbourhood.

217. Noise Complaints

Should noise complaints be received as a result of operation of the hotel or motel, 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.

218. Use of Sky Suite Terrace

Activities on the Sky Suite Terrace shall be limited, to ensure noise levels do not negatively impact on surrounding receivers:

1. Uses should typically include passive uses.
2. There should be no playing of amplified music or speech for entertainment.
3. The terrace should not be used for parties or the like, including playing of music, and there should be no permanent bar or the like.
4. The terrace should include a control to limit the use of the space such that it is closed during night time hours after 10pm seven days a week.
5. The above requirements shall be reflected in the Hotel Plan of Management.

Reason:

To ensure protection of the neighbourhood amenity.

219. Clothes Drying on Balconies/Terrace Areas Prohibited

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

Reason:

To ensure protection of the neighbourhood amenity.

220. Use of Hotel and Motel

The operational management controls which will apply to the Hotel and Motel buildings at the subject site are to:

- a. Ensure an acceptable level of amenity, safety and privacy to meet the needs of guests.
- b. Minimise the adverse impacts to adjoining properties, neighbours and the locality.
- c. Identify a procedure for reporting, processing and resolving complaints (should any occur).

e. Make provision for the Plan of Management to be amended, as necessary over time, in order to facilitate timely and responsive operational changes, so as to improve and maintain amenity both within and external to the subject site.

f. Hours of Trade: The hotel and motel buildings shall be appropriately staffed and have available contact staff 24 hours (7 days per week).

Reason:

To ensure the protection of the amenity of the neighbourhood and the safety and amenity of site users.

221. Plan of Management (PoM)

The motel and hotel must operate in accordance with the Plan of Management endorsed by Council, and as amended from time to time in accordance with the process outlined in the PoM.

Reason:

To ensure protection of the neighbourhood amenity.

222. Offensive Odours

The applicant must not cause or permit the emission of offensive odours from the premises.

Reason:

To ensure protection of the environment and neighbourhood amenity.

223. 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.

224. Fire Safety Measures

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

Reason:

To satisfy the requirements of the legislation.

225. 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 ensure protection of the environment and neighbourhood amenity.

226. Strata Management Plan / Management Plan

Any future Strata Management Plan and / Management Plan for the Building must include details of the proposed inspection and maintenance schedule for the flood gates, flood proofing and flood doors. The plan must provide details on:

a) the annual inspection and testing requirements that must be undertaken to ensure the ongoing operational performance of all flood proofing measures for the life of the development.

b) Approval requirements for general maintenance to ensure owners, lessees etc do not compromise the required flood proofing.

A copy of the plan must be provided to the Principal Certifier and be to their satisfaction.

Reason:

To comply with Council's Development Control Plan

Before the Issue of a Subdivision Certificate

227. Existing Easements

All existing easements must be acknowledged on the final subdivision plan.

Reason:

To comply with Council's Development Control Plan.

228. Existing Restriction as to Use

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

Reason:

To comply with Council's Development Control Plan.

229. Encroaching Pipes

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a Works-As-Executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

Reason:

To comply with Council's Development Control Plan.

230. Encroaching Services

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

Reason:

To comply with Council's Development Control Plan.

231. 88B Instrument Easements/Restrictions

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

Reason:

To satisfy the requirements of the legislation.

232. Creation of Rights of Access

The creation of rights of access pursuant to Section 88B of the Conveyancing Act 1919 over proposed Lot 2, in order to guarantee the provision of suitable vehicular and pedestrian access between Church Street and Globe Lane. The 88B Instrument shall contain a provision that this clause may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.

Reason:

To satisfy the requirements of the legislation.

233. Final Documentation Required Prior to Issue of Subdivision Certificate

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a. Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b. Final plan of Subdivision prepared by a registered surveyor plus four (4) equivalent size paper copies of the plan;
- c. Section 88B Instrument (where applicable) covering all necessary easements and restrictions on the use of any lot within the subdivision;
- d. Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water.

Reason:

To satisfy the requirements of the legislation.