**ATTACHMENT 7 – DRAFT CONDITIONS**

**Approved Plans and Specifications**

1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans

Demolition Plan 007-U prepared by Design Workshop Australia

Site Plan & Roof Plan 020-U prepared by Design Workshop Australia

Basement 3 Floor Plan 021-U prepared by Design Workshop Australia

Basement 2 Floor Plan 022-U prepared by Design Workshop Australia

Basement 1 Floor Plan 023-U prepared by Design Workshop Australia

Ground Floor Plan 024-U prepared by Design Workshop Australia

Ground Floor Mezzanine 025-U prepared by Design Workshop Australia

Level 1 Floor Plan 026-U prepared by Design Workshop Australia

Level 2 Floor Plan 027-U prepared by Design Workshop Australia

Level 3 Floor Plan 028-U prepared by Design Workshop Australia

Level 4 Floor Plan 029-U prepared by Design Workshop Australia

Level 5 Floor Plan 030-U prepared by Design Workshop Australia

Level 6 Floor Plan 031-U prepared by Design Workshop Australia

Level 7 Floor Plan 032-U prepared by Design Workshop Australia

Level 8 Floor Plan 033-U prepared by Design Workshop Australia

Level 9 Floor Plan 034-U prepared by Design Workshop Australia

Level 10 Floor Plan 035-U prepared by Design Workshop Australia

Level 11 Floor Plan 036-U prepared by Design Workshop Australia

Level 12 Floor Plan 037-U prepared by Design Workshop Australia

Level 13 Floor Plan 038-U prepared by Design Workshop Australia

Level 14 Floor Plan 039-U prepared by Design Workshop Australia

Level 15 Floor Plan 040-U prepared by Design Workshop Australia

Level 16 Floor Plan 041-U prepared by Design Workshop Australia

Level 17 Floor Plan 042-U prepared by Design Workshop Australia

Level 18 (Plant) Floor Plan 043-U prepared by Design Workshop Australia

Roof Plan 044-U prepared by Design Workshop Australia

East Elevation (Gladstone Ave) 060-U prepared by Design Workshop Australia

North Elevation (Crown St) 061-U prepared by Design Workshop Australia

West Elevation 062-U prepared by Design Workshop Australia

South Elevation 063-U prepared by Design Workshop Australia

Materials & Colours 064-U prepared by Design Workshop Australia

Section A-A 070-U prepared by Design Workshop Australia

Section B-B 071-U prepared by Design Workshop Australia

Section C-C 073-U prepared by Design Workshop Australia

Section D-D 074-U prepared by Design Workshop Australia

Detailed Section E (Valet Entry) 075-U prepared by Design Workshop Australia

Detailed Facade Elev & Section F 076-U prepared by Design Workshop Australia

Detailed Facade Elev & Section G 077-U prepared by Design Workshop Australia

Detailed Facade Elev & Section H 078-U prepared by Design Workshop Australia

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

**General Matters**

2 **Geotechnical**

1. All work is to be in accordance with the geotechnical recommendations contained in the report dated October 2019 by Fortify Geotech.
2. A supplementary geotechnical report is required which:
   1. Assesses the existing pavement condition including photos of Crown Street and Gladstone Avenue across the full frontage of the proposed development;
   2. Assesses the potential impact of the proposed development on the short and long term impact on the performance of the pavement of Crown Street and Gladstone Avenue;
   3. Identifies appropriate measures to manage any potential impacts from the proposed development; and
   4. Makes recommendations for the design of any temporary or permanent structures, drainage treatments, slope management or excavations required to manage the potential impact to Crown Street and Gladstone Avenue from the development.
3. 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.
4. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
5. All recommendations of the geotechnical consultant in their geotechnical report dated October 2019 are to be accommodated in the earthworks plan.
6. The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
7. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
8. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
9. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
10. Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
11. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision.
12. At the completion of the site preparation earthworks including retaining wall construction, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
13. Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying bedrock as recommended by the geotechnical consultant.
14. 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.

3 **Food and drink premises approvals**

This consent does not authorise specific food and drink premise fitout and operation. Separate development consent or Complying Development Certificate are required in this regard.

4 **Building Work - Compliance with the Building Code of Australia**

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

5 **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 Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 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 clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

6 **Restricted Vegetation Removal**

This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.

7 **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.

**Prior to the Issue of the Construction Certificate**

8 **Construction Environmental Management Plan**

A Construction Environmental Management Plan is to be prepared and submitted to the Principal Certifier prior to the issue of the Construction Certificate. The plan shall address as minimum the following:

* construction vehicle traffic
* odour and vapour
* dust suppression measures
* plant and machinery noise mitigation
* water and sediment management
* surface water management
* subsurface seepage and accumulated excavation water management
* control of sediment from equipment and cleaning operations
* site security
* working hours
* contact information
* incident response and contingency management

9 **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.

10 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

11 **Excavation and Retaining Structures adjacent to public roads**

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

a A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.

b A dilapidation survey of the existing Council infrastructure

c of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

12 **Ground Anchors**

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

13 **Materials and Colours**

The materials and colours are to be in accordance with the Materials and Colours Plan 064-U and Detailed Façade Elevations and Sections E-F 075-078-U prepared by Design Workshop Australia. This is to be reflected on the Construction Certificate.

14 **Acoustic requirements**

The recommendations included in the Acoustic Assessment dated 19 May 2020 prepared by Harwood Acoustics are to be reflected on the Construction Certificate.

15 **Reflectivity**

The recommendations contained in the Solar Reflectivity Analysis dated October 2020 prepared by Integreco Consulting are to be reflected on the Construction Certificate plans.

16 **Section J commitments**

Commitments made in the Section J Report dated May 2020 prepared by Integreco are to be reflected on the Construction Certificate.

17 **Location of kitchen ventilation**

The location of kitchen ventilation systems shall be indicated on Construction Certificate plans.

18 **Ecologically Sustainable Development commitments**

The measures outlined at section 1.1 of the ESD Assessment Report dated October 2020 prepared by Integreco are to be reflected on the Construction Certificate.

19 **Wind mitigation**

The plans for Construction Certificate are to incorporate the recommendations contained in the Pedestrian Wind Environment Study dated October 23 2020 prepared by Windtech.

20 **Water sensitive urban design**

The Construction Certificate is to include the proposed stormwater treatment train outlined in the Water Sensitive Urban Design Report dated 18 May 2002 prepared by ATB Consulting Engineers.

21 **Acoustic attenuation**

In order to minimise the reverberant build-up of sound within the restaurant, acoustical absorptive material should be applied to as much of the surface areas in the restaurant as is practicable.

This may be done by, for example:-

* Installing an acoustic ceiling, or
* Installing acoustical absorptive material,
  + In addition, or alternatively, consideration may be given to adhering or fixing acoustical absorptive material directly to the ceilings and / or around the walls,
  + Any acoustical absorptive material should achieve a minimum Noise Reduction Coefficient (NRC) rating of 0.75.

Details of acoustical treatment to minimise reverberant sound can be finalised prior to the issue of a Construction Certificate and may also include carpet and soft furnishings.

22 **Present Plans to Sydney Water**

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

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

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

23 **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.

24 **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.

25 **Car Parking and Access**

The development shall make provision for a total of 24 commercial car parking spaces (including 2 accessible, 3 with charge stations, 4 car share spaces), 65 hotel car parking spaces (including 4 accessible, 6 with charge stations), 12 motorcycle parking spaces, a minimum of 33 secure (Class B) staff bicycle spaces, a minimum of 8 E-bikes stored in a secure location and a minimum of 2 visitor bicycle spaces (Class C).. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

26 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 AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

27 Each accessible car parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

28 **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.

29 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

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

31 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (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.

32 **Water/Wastewater Entering Road Reserve**

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

33) 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.

34 **Landscaping**

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

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

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

37 **Engineering Plans and Specifications - Retaining Wall Structures** **Greater than 1m**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m 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:

1. A plan of the wall showing location and proximity to property boundaries;
2. 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;
3. Details of fencing or handrails to be erected on top of the wall;
4. 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;
5. 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;
6. The assumed loading used by the engineer for the wall design.
7. 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.

38 **Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

39 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.

40 **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 written request to Council’s **Infrastructure Systems & Support – Property Addressing (**[**propertyaddressing@wollongong.nsw.gov.au**](mailto:propertyaddressing@wollongong.nsw.gov.au)**),** for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

41 **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. All construction must be in accordance with the requirements of Council’s Subdivision Code and the Wollongong City Council City Centre Public Domain Technical Manual. Crown street footpath shall be ‘Basalt Dark’ by Wilmid Pty Ltd (or approved equal) dark grey basalt with an exfoliated finish, 600 x 300 x 40mm, lay perpendicular to kerb, maximum crossfall 2.5%. Vehicle crossing main body on Crown streets shall be main body of pavement to be ‘Basalt Dark’ by Wilmid Pty Ltd (or approved equal) dark grey basalt with an exfoliated finish, 300 x 300 x 60mm, maximum crossfall 2.5%. Pedestrian & Vehicle Ramp shall be plain, cove finish concrete.

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

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.

42 **Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development is three (3) *Zelkova serrata ‘Green Vase’* 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles and traffic signals.

Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Works.

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

43 **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:

1. Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council’s Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, Being the following:

* Concept Ground Floor Stormwater Layout Plan, job no. 20005, Drawing no. SW5, Revision A, by ATB Consulting, dated 14/05/2020
* Concept Basement 1 Stormwater Layout Plan, job no. 20005, Drawing no. SW4, Revision A, by ATB Consulting, dated 14/05/2020
* Concept Basement 2 Stormwater Layout Plan, job no. 20005, Drawing no. SW3, Revision A, by ATB Consulting, dated 14/05/2020
* Concept Basement 3 Stormwater Layout Plan, job no. 20005, Drawing no. SW2, Revision A, by ATB Consulting, dated 14/05/2020

1. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council’s existing stormwater drainage system
2. 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.
3. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining 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.
4. Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Crown Street drainage system, does not exceed the pre-development application discharge.

44 **Council Footpath Reserve Works – Driveways and Crossings**

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

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

45 **Crown St and Gladstone Avenue** **–** **Detailed Civil Engineering Design – Council Land**

A detailed civil engineering design shall be provided for the proposed footpath works within the road reserve. The details must be submitted to and approved by Councils 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 include:

1. 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.
2. Footpath longitudinal sections (top of kerb and boundary levels), and cross-sections at 10 metre intervals as well as including additional sections at 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.
3. 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.
4. All construction must be in accordance with the requirements of Council’s Subdivision Code and Councils Standard Drawings. Evidence that this requirement has been met must be detailed on the engineering drawings.
5. 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.

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.

46 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the Principal Certifier.

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

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

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

47 **No Adverse Run-off 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 run-off.

48 **Development Contributions - City Centre**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of $700,000.00 (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 estimated cost of development and the applicable percentage rate as outlined in Clause 25K of the Environmental Planning and Assessment Regulation 2000.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

**Contribution at time of payment = $C x (CP2/CP1)**

Where:

**$C** is the original contribution as set out in the Consent

**CP1** is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

**CP2** is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

|  |  |  |
| --- | --- | --- |
| **METHOD** | **HOW** | **PAYMENT TYPE** |
| Online | http://www.wollongong.nsw.gov.au/applicationpayments  Your Payment Reference: 1231332 | * Credit Card |
| In Person | Wollongong City Council  Administration Building - Customer Service Centre  Ground Floor 41 Burelli Street, WOLLONGONG | * Cash * Credit Card * Bank Cheque |
| PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council  (Personal or company cheques are not accepted) | | |

A copy of the Wollongong City-Wide Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

**Prior to the Commencement of Works**

48 **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 (PC) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and

b) notify Council in writing of their intention to commence work (at least two days notice is required).

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

49 **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

a) stating that unauthorised entry to the work site is not permitted;

b) showing the name, address and telephone number of the Principal Certifier for the work; and

c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

50 **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.

51 **Demolition Works**

Demolition shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

52 **Notification to SafeWork NSW**

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

53 **Hazardous Material Survey**

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

a) the location of hazardous materials throughout the site;

b) a description of the hazardous material;

c) the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;

d) an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;

e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;

f) identification of the disposal sites to which the hazardous materials will be taken.

54 **Asbestos Hazard Management Strategy**

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

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

55 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

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

56 **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.

57 **Road Occupancy Licence**

A Road Occupancy Licence (ROL) is to be obtained from the TfNSW Traffic Operations Unit (TOU) prior to commencing any works that may impact a travel lane of a State road or impact the operation of traffic signals on any road.

Notes:

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

58 **Works in Road Reserve - Minor Works**

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

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

1. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council’s standard document, “Specification for work within Council’s Road reserve”.
2. Any existing damage within the immediate work area or caused as a result of the work/ occupation, must also be restored with the final works.

59 **Works in Road Reserve – Major works**

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

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

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

Restoration must be in accordance with the following requirements:

1. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council’s standard document, “Specification for work within Council’s Road reserve”.
2. Any existing damage within the immediate work area or caused as a result of the work/ occupation, must also be restored with the final works.

60 **Tree Protection**

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

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

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

**During Demolition, Excavation or Construction**

62 **Site Remediation Work**

Site remediation work must be undertaken in accordance with Remedial Action Plan dated 8 May 2020 prepared by Reditus Consulting. Impacted fill is to be excavated and removed from the site and disposed of at a licenced waste facility in accordance with the RAP.

63 **Validation Report**

A Validation Report is to be prepared in accordance with the requirements of the Remedial Action Plan dated 8 May 2020 prepared by Reditus Consulting.

The Report shall be submitted to Council at the completion of site remediation works required as part of this consent.

The Validation Report shall verify that:

1. the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
2. the site is suitable for the proposed development.

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

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

64 **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.

65 **Copy of Consent to be in Possession of Person carrying out Tree Removal**

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

66 **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.

67 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.

68 **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.

69 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

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

70 **Asbestos Waste Collection, Transportation and Disposal**

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

71 **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.

72 **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.

73 **Provision of Taps/Irrigation System**

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

74 **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

**Prior to the Issue of the Occupation Certificate**

75 **Ecologically Sustainable Development**

Detail is to be submitted to the Principal Certifier demonstrating the implementation of the measures outlined at section 1.1 of the ESD Assessment Report dated October 2020 prepared by Integreco prior to the issue of the Occupation Certificate.

76 **Works-as-Executed Plans – Works within Council Land**

The submission of a Works-As-Executed (WAE) plan for works within Council land must be submitted to Councils Development Engineering Manager for assessment, prior to the release of the occupation Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include final locations and levels for all works associated with the development within Council land

77 **Completion of Engineering Works**

The completion of all engineering works within Council’s road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council’s Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council’s assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

78 **Completion report for excavation adjacent to a Public Road**

Prior to the issuing of the Occupation certificate, a report must be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design that:

a Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2012/001.

b Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.

c Provides a post construction dilapidation survey

79 **Materials and finishes**

Detail is to be submitted to the Principal Certifier demonstrating the building has been constructed in accordance with the Materials and Colours Plan 064-U and Detailed Façade Elevations and Sections E-F 075-078-U prepared by Design Workshop Australia.

80 **Reinstatement of kerb and gutter**

Prior to the issuing of the Occupation Certificate, the developer must physically close existing vehicular access points to Crown Street by reinstating the kerb and gutter to the satisfaction of Council.

82 **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.

83 **Completion of Landscape Works**

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

84 **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.

**Operational Phases of the Development/Use of the Site**

85 **Operational noise**

* The outdoor café deck on Level 3 should be closed prior to 12 midnight, every day,
* The restaurant may operate after 12 midnight providing that all doors and windows are closed prior to 12 midnight,
* There should be no loud speakers, video screens, or televisions located on the roof top terrace,
* Only low-level background music to accompany diners should be played in the restaurant. Background music should only be played at a low enough level to where conversation can be held without the need for raised voices,
* This typically equates to a sound pressure level of 65 dBA when measured at 3 metres from the acoustic centres of any loudspeakers.

86 **Acoustic Compliance Report**

Within 6 months the hotel manager 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 operational noise compliance with the NSW Liquor and Gaming Noise criteria and Noise Guidelines for Local Government. A copy of the acoustic compliance report must be forward to council.

87 **NSW Casino Liquor and Gaming Control Authority (CLGCA) Criteria for Noise**

* The LA(10) noise level emitted from any licensed premises within the building 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.
* The LA(10) noise level emitted from any licensed premises within the building 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.
* Noise from licensed premises within the building shall not be audible within any habitable room in any residential premises between the hours of midnight and 7.00 am.
* Truck deliveries and servicing is restricted to 7.00 am to 6.00 pm (Mon-Fri) and 8.00 am to 6.00 pm on (Sat – Sun).

88) Any convex mirrors within the car parking levels must be maintained in a good state of repair and operational at all times.

89 The Green Travel Plan developed by ATB Consulting Engineers, PN: 20\_005, Revision A, dated 18 May 2020, is to be implemented by the applicant no more than 6 months post-occupation of the development. The building manager shall ensure that the actions identified in Appendix A-G of the document are reviewed annually and are implemented in accordance with the recommended timeframes.

90 A Travel Plan Coordinator is to be appointed by the building manager to oversee the implementation of the approved Green Travel Plan developed by ATB Consulting Engineers, PN: 20\_005, Revision A, dated 18 May 2020.

91 The heavy vehicle turntable must be maintained in a good state of repair and operational at all times.

92 **Water sensitive urban design maintenance**

The stormwater treatment train outlined in the Water Sensitive Urban Design Report dated 18 May 2002 prepared by ATB Consulting Engineers is to be maintained in perpetuity to ensure it continues to achieve stormwater quality targets.

93 **Noise Restrictions on Commercial Development**

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

94 **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.