

## ATTACHMENT 5 – draft conditions of consent

### i **Deferred commencement**

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

#### **Deferred Commencement – Ground floor redesign**

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

- a Greater engagement with the walkway adjoining the site, in a manner which accounts for the height differential between the walkway and the proposed ground floor, reduces concealment opportunities, ensures any landscaping can thrive and be maintained and is integrated with the proposed public art scheme.

An analysis and perspectives of the walkway must be provided.

- b Improved way finding for pedestrians accessing the development. In particular, a clear entryway for hotel residents to enter and find a clear path to the lift lobby which takes them to the hotel reception on Level 1, without having to navigate the various dining areas. The disabled access ramp should be collocated with the main entry.
  - c Improved quality of the Level 5 outdoor terrace, creating a space for a variety of activities including children's play, reducing the extent of paved areas and installing a 900mm non-climbable zone in the cabana area. Details should also be provided of how security aspects will be managed if this space is open to the public and how the outdoor terrace will be serviced, including food and beverage.
- ii The developer must satisfy Council, within 12 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.
  - iii 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:**

#### **Approved plans and specifications**

- 1) [To be confirmed]

#### **General Matters**

- 2) **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.

- 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 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.

4) **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.

5) **Site Remediation Work**

Site remediation work must be undertaken as per the remediation action plan (RAP) Option 1 prepared by Douglas Partner report dated April 2021.

6) **Site Validation Report**

A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Construction Certificate.

The Validation Report shall verify that:

- a) the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- b) 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.

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

7) **Stormwater Quality Management**

- a) The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%
- b) It is the hotel management's responsibility to maintain the stormwater filtration system.

8) **Geotechnical**

- a) All work is to be in accordance with the geotechnical recommendations contained in the report dated 2 December 2020 by Douglas Partners.
- b) A detailed geotechnical investigation is required for the design of site preparation earthworks and foundation systems.
- c) All site preparation earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- d) A supplementary geotechnical report is required which:
  - a. Assesses the existing pavement condition including photos of Corrimal Street across the full frontage of the proposed development;
  - b. Assesses the potential impact of the proposed development on the short and long term on the performance of the pavement of Corrimal Street;
  - c. Identifies appropriate measures to manage any potential impacts from the proposed development; and

- d. Makes recommendations for the design of any temporary or permanent structures, drainage treatments or excavations required to manage the potential impact to Corrimal Street from the development.
    - e) Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock or as recommended by the geotechnical consultant.
    - f) 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.
  - 9) **Street Tree Removal**

The Developer shall remove the existing street tree (Plane Tree located on Burelli Street) indicated on the Landscape Plans by Zenith Designs, Issue D, dated 06.07.21

Tree removal costs are to be borne by Developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate WH&S policies and procedures (including traffic control) to ensure that works are carried out in a safe manner and in accordance in Council's own WH&S policies.

The Developer must apply for (and be granted) permission under section 138 of the roads act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Development Engineering.
  - 10) **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*.
- Prior to the Issue of the Construction Certificate**
- 11) **Dilapidation Report Prior to Construction**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate. A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.
  - 12) **Transport for NSW – Prior to issuing the Construction Certificate, the developer must:**
    - a) Apply for Section 138 consent under the Roads Act, 1993 from Council for all works on Burelli Street
    - b) Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Burelli Street drainage system, does not exceed the pre-development application discharge.
  - 13) **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.
  - 14) **No Right Turn Movement – Enter and Egress Site**

Right turn movements are not permitted entering and egressing the site at all operational times. Internal site pavement line marking and signage are to be installed. Details are to be submitted and approved by the Registered Certifier.
  - 15) **Design in Accordance with Flood Study**

The detailed design of the development (incl. flood conveyance void, flood conveyance/storage capacity, finished surface levels, landscaping, surface roughness, open stair treads, and screening of sub-floor areas) shall be in accordance with the proposed hydraulic model scenario in the flood study by Greenview Consulting titled '*Flood Study Hotel / Commercial Development at 37-39 Burelli St, Wollongong*' (Reference No. 200973, Revision C dated 29/4/2021), to ensure no reduction in flood flow conveyance/storage capacity on the site and no increase in flooding elsewhere as a result of

the development. Details of the proposed subfloor flood conveyance area including invert/obvert levels, internal vertical clearance heights, maintenance access points, open tread stairs, and open screening, shall be provided on the Construction Certificate plans. Evidence that these requirements have been satisfied, including a certification from a suitably qualified civil engineer, shall be provided to the Principal Certifier prior to the release of the Construction Certificate.

16) **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.

17) **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.

18) **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.

19) **Car parking and Access**

The development shall make provision for a total of 120 car parking spaces for the hotel land use (including 2 disabled spaces), 9 staff car parking and 5 motorcycle spaces. 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.

20) 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.

21) Each disabled person's 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.

22) **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.

23) 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.

24) 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 City Centre Public Domain Technical Manual. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

25) **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.

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

27) **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.

- 28) 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:

- a) the podium planting shall contain trees installed with 2m clear stems to ensure that the southern view corridors remain intact for the occupants of the podium;
- b) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c) the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- d) any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

All these requirements shall be within the final Landscape Plan that forms part of the Construction Certificate documentation. The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

- 29) 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.

- 30) 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.

31) **Tree Protection and Management**

The existing street tree on the adjacent western site to be retained 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.

32) **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 and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within

a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.

33) **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.

34) **Footpath Paving City Centre**

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

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

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

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

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

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.

35) **Street Trees City Centre**

The Developer must address the street frontage by installing street tree planting. The number and species for this development is one *Zelkova serrata*, 400 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.

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

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

36) **Stormwater Drainage Design**

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

- a) Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept drainage plan lodged for development approval, prepared by Greenview Consulting, Reference No. 200973 DA C02, Revision 2 dated 2/12/2020.
- 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.

37) **Flood Level Requirements**

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

- a) Habitable floor levels must be constructed at a minimum of RL 5.60 metres AHD.
- b) Any portion of the building or structure below the 1% AEP flood level plus 0.5 metres should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, 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 DCP2009.
- c) The proposed building shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.

38) **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.

39) **Burelli Street and Corrimal 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 Councils Development Engineering Manager. The application for public domain is to be submitted through the Frontage Works application, found on Council's website. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards and shall include:

- a) All kerb is to be adjusted from the existing 200mm to 150mm. A smooth transition from the new kerb to the existing must begin at the southern boundary on Corrimal Street and the western boundary on Burelli Street. The design must ensure that no ponding occurs within the gutter.
- b) 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.

- c) 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 AUSTRROAD road design standards.
- d) 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.
- e) 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.
- f) All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- g) 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.

40) **Signs and Linemarking**

A sign and linemarking plan must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Construction Certificate. The plan is to include the no right turn signage proposed within the public domain.

41) **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.

42) **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.

43) **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 (2018), a monetary contribution of \$832,400.00 (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:



$$\text{Contribution at time of payment} = \$C \times (CP2/CP1)$$

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	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1295766	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 (2018) 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](http://www.wollongong.nsw.gov.au)

## Prior to the Commencement of Works

### 44) Unexpected Finding Protocol

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

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

### 45) Construction Environmental Management Plan

- a) A construction environmental management shall be submitted to the Principal Certifier. The plan shall address as a minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.
- b) An excavated soil material disposal plan shall be submitted to the Principal Certifier, with batching, sampling and analysis procedures as per the DECCW (2009) *Waste Classification*

*Guidelines.* The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

46) **Transport for NSW - Prior to the commencing works within the road reserve, the developer must:**

- a) Obtain Section 138 consent under the Roads Act, 1993 for the works on Burelli Street from Council.

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

- b) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that 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.*

47) **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.

48) **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.

49) **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.

50) **Demolition Works**

The demolition of the existing structures 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.

51) **Demolition Notification to Surrounding Residents**

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

52) **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, e.g. 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.

53) **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>>). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier prior to the commencement of any works).

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

54) **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.

55) **Contaminated Roof Dust**

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

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) **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.

58) **Certification from Arborist - Adequate Protection of Trees to be Retained**

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

59) **Road Occupancy Licence from the Roads and Maritime Services**

Prior to any works commencing, the applicant shall obtain a road occupancy licence from the NSW Roads and Maritime Services in conjunction with Council's permit under Section 138 of the Roads Act 1993.

The developer shall apply for a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. 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 Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RMS Project Manager.

60) **Works in Road Reserve - Minor Works**

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

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

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

61) **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:

- 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:

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

62) **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**

63) **Installation of WSUD treatment train**

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan prepared by Greenview Consulting.

64) **Implementation of all the recommendation of acoustic report**

Implement building acoustic treatment especially roof terrace as recommended in acoustic report prepared by White Noise Acoustics dated April 2021. The development must comply with the NSW EPA Noise Guidelines.

65) **Mechanical Plants and Exhaust Ventilation system - Outdoor Air Conditioning, refrigeration units and exhaust vent**

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

66) **Heritage – Unexpected Archaeological Finds**

Should an unexpected find be identified during ground disturbing works, work should cease and an archaeologist engaged 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.

67) **Heritage - Unanticipated finds of Aboriginal cultural heritage**

If unanticipated Aboriginal objects or human skeletal remains are found during works, all work must stop without causing further harm to the suspected Aboriginal objects. Wollongong City Council must be contacted immediately on 4227 7111. The OEH must also be contacted immediately by calling Environment Line on 131 555. An Aboriginal Heritage Impact Permit (AHIP) under the National Parks & Wildlife Act 1974 may be required if harm to Aboriginal objects cannot be avoided. NSW Police must also be notified if human skeletal remains are found.

68) **Survey Report for Floor Levels**

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

69) **Piping of Stormwater to Existing Stormwater Drainage System**

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

70) **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.

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

The Developer 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 tree which has been given approval to be removed in accordance with this consent.

72) **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.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

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

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

73) **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.

- 74) If 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.
- 75) **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.
- 76) **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>).
- 77) **Asbestos Waste Collection, Transportation and Disposal**  
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.
- 78) **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.
- 79) **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.
- 80) **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.
- 81) **Screen Planting**  
To mitigate the impact to the adjoining property a continuous hedge is to be established along western boundary for the length of property boundary. Where this landscaping is incorporated into the approved public art scheme, changes to landscaping may be made with the written consent of Council.  
  
The final species and size are to be approved by Wollongong City Council as the hedge will be located on Council's property to replace the existing hedge.  
  
A list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.
- 82) **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
- 83) **Pipe Connections**

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

84) **Flood Compatible Materials – Electrical**

All power service (metering) equipment, power outlets, switches etc. shall be located above the 1% AEP flood level plus 0.5 metres. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below the 1% AEP flood level plus 0.5 metres should be capable of disconnection by a single plug and socket assembly.

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

85) **Hotel Operational Management Plan**

The recommendations of the acoustic report prepared by White Noise Acoustic dated April 2021 must be incorporated into a Hotel Operational Management Plan. A copy of the Hotel Operational Management Plan must be submitted to the Principal Certifier and Council.

86) **Dilapidation Report Following Construction**

A Dilapidation Report prepared by a qualified structural engineer must be submitted to the principal certifying authority, together with the initial Dilapidation Report prepared prior to construction of the approved development.

The report must ascertain whether any structural damage has occurred to adjoining buildings, infrastructure or roads following construction of the development. The report shall be submitted to the satisfaction of the Principal Certifying Authority and a copy must be provided to Council within one month of submission to the Principal Certifying Authority. This must be provided prior to the release of the Occupation Certificate.

87) **Transport for NSW - Prior to the issuing of the Occupation Certificate, the developer must:**

- a) Design and construct the driveway on Burelli Street to the satisfaction of Council, generally in accordance with Attachment 1 and Council standards.
- b) Physically close any other existing access points to Burelli Street by reinstating the kerb and gutter. Given that the TfNSW preferred strategy is to deny access to a classified road where alternative local access is available, the existing access on Corrimal Street is also required to be physically closed.

*Notes:*

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

88) **Public Art Completion**

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

89) **Flood Conveyance Certification and WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the development (incl. flood conveyance void, flood conveyance/storage capacity, finished surface levels, landscaping, surface roughness, open stair treads, and screening of sub-floor areas) is in accordance with the Construction Certificate plans and the proposed hydraulic model scenario in the flood study by Greenview Consulting titled '*Flood Study Hotel / Commercial Development at 37-39 Burelli St, Wollongong*' (Reference No. 200973, Revision C dated 29/4/2021). In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for the flood void area



and dimensions of floodwater entry/exit points. This information shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

90) **Green Travel Plan**

A Green Travel Plan is to be developed for the site. The purpose of the Plan is to reduce private vehicular travel and parking demand from customers and staff, and to encourage the use of sustainable travel modes such as walking, cycling or public transport. This Plan is to include measurable targets which are to be monitored through the use of customer and staff surveys.

91) **Registration**

The food business is required to be registered with Council's Regulation and Enforcement Division. An application must be made submitting the appropriate form prior to business operations commencing. Form can be found on Councils' web page <http://www.wollongong.nsw.gov.au/council/formsandfactsheets.asp>. then navigate to Health/Application for Licence

92) **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.

93) **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).

94) **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).

95) **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).

96) **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).

97) **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).

98) **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).

99) **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).

100) **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).

**101) 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 5m 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).

**102) 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).

**103) 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).

**104) False Bottoms**

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

**105) 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).

**106) 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).

**107) 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).

**108) 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).

**109) 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.

**110) 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).

**111) 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).

**112) Waste Storage**

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

113) **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the building can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard.

114) **Flood Affection Certification**

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to certify that the 'as-constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater run-off.

115) **Drainage WAE**

The developer shall obtain written verification 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. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

116) **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.

117) **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:

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

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

118) **Liquor Licensing Noise Conditions**

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

- a) 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.
- b) 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.

- c) 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.
- 119) **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.
- 120) **Public Art**  
The approved public art locations shall contain approved public art in perpetuity, to the satisfaction of Wollongong City Council.
- 121) **No Right Turn Movement – Enter and Egress of Site**  
Right turn movements are not permitted entering and egressing the site at all operational times. The hotel management must ensure that all signage and line marking within the site must be maintained and visible to vehicles at all times.
- 122) **Coach Parking**  
Bus coaches are not to use the bus zone on Burelli Street for parking at any time.
- 123) **Outdoor Terrace**  
The following recommendations of the Noise Impact Assessment dated 26 March 2021 prepared by White Noise Acoustics are to be implemented at all times, to ensure noise levels do not negatively impact on surrounding receivers:
- a) Uses should typically include passive uses such as yoga classes, lounging, outdoor breakfast, workspaces and the like.
  - b) There should be no playing of amplified music or speech for entertainment.
  - c) 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.
  - d) 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.
- 124) **Noise Restrictions on Hotel Development**  
The noise ( $L_{Aeq (15min)}$ ) emanating from mechanical plants of hotel must not exceed 5 dB(A) above the background noise level ( $L_{A90 (15min)}$ ) of the area at any boundary of the land.
- 125) **Street Tree Establishment Period – City 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.
- 126) At all times during operation, the hotel shall comply with the Hotel Operational Plan.