



ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

ATTACHMENT A: RESPONSE TO DRAFT CONDITIONS

Council condition	Proposed amendment	Comment	Council’s response
General Conditions			
<p>1. Approved Plans and Supporting Documentation</p> <p>Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.</p>	<p>Update condition to remove plans: AR-DA-A-00-04 (revision 3 dated 24 June 2022), AR-DA-A-00-05 (revision 3 dated 24 June 2022), AR-SK-NL10000 (dated 33 June 2022)</p>	<p>Reason:</p> <p>With regards to AR-DA-A-00-04 and AR-DA-A-00-05, renders are provided as indications of design intent. Further design development is required to finalise material selection of the various building façades and public domain areas of the precinct. It is proposed that a condition including a mechanism to allow Council to review developed drawings is provided in lieu of the referenced drawings.</p> <p>With regards to AR-SK-N:10000, as per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.</p>	<p>Change accepted – renders do not usually form part of the stamped plans</p> <p>This plan has been removed from the stamped set.</p> <p>Any future Planning Agreement (PA) is a separate matter.</p>



Council condition	Proposed amendment	Comment	Council's response
2. Transport for NSW requirements All conditions contained in the letter from Transport for NSW dated 1 November 2022 and attached to this consent form part of this approval and are to be complied with.	Noted.		Council's change - wording updated to better reflect the relevant attached documents from TfNSW.
3. Sydney Water Requirements All conditions contained in the letter from Sydney Water dated 25 August 2022 and attached to this consent form part of this approval and are to be complied with.	Noted.		Council's change - wording updated to better reflect the relevant attached documents from Sydney Water.
4. Compliance with the Building Code of Australia (BCA) Building work must be carried out in accordance with the requirements of the BCA.	Noted.		
5. Occupation Certificate An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the <i>Environmental Planning and Assessment Act 1979</i> , have been complied with as well as all of the conditions of the Development Consent.	Noted.		
6. Construction Certificate A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing. A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia. Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in	<p><i>A Construction Certificate must be obtained from Council or a Registered Certifier prior to work which requires consent commencing. Note: Demolition works may occur prior to a construction certificate being obtained.</i></p> <p><i>A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.</i></p> <p>Note: The Certifier must cause notice of its determination to be given to the consent authority, and</p>	<p>Following review of this consent from the project team's PCA, the condition currently reads as requiring a construction certificate for <u>any works</u> commencing on site which is in conflict with the EP& A Act 1979.</p> <p>It has been suggested that this condition should be reworded to allow demolition works to commence prior to CC - as per EP&A legislation.</p>	<p>Changes not accepted. This is standard condition wording and some demolition works (eg associated with Marcus Clark) require further information to be provided prior to CC. Outside these specific conditions, demolition is able to be carried out without a CC under the EP&A Act.</p>



Council condition	Proposed amendment	Comment	Council's response
Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	<i>to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i>		
7. Heritage Documents Local Studies Library A bound hard copy and digital copy of all heritage documents related to this development application should be provided to Councils Heritage Staff for inclusion in the local studies library. The documents should be included as one document with an index page. Document required include but are not limited to: <ul style="list-style-type: none"> ✦ Heritage Impact Statement ✦ Historic Archaeological Assessment; ✦ Archaeological Research Design; ✦ Final Excavation Report; ✦ Designing with Country Guidelines; ✦ Photographic Recording; and ✦ Heritage Interpretation Plan 	Noted.		Council's change from 'should' to 'must'
8. Tree Retention The developer shall retain the existing tree(s) indicated on Landscape Plan, Oculus, 02 dated 23.6.22 and Arboricultural Impact Assessment by Tree IQ dated June 23, 2022, consisting of tree(s) numbered 1,2,3,4,5 and 6. Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.	Noted		Amended - incorrect plan reference identified by the Panel. In reviewing the latest plan Council identified that not all street trees required to be retained were clearly notated on the plans (see condition 54 Final landscape Plan for additional wording)



Council condition	Proposed amendment	Comment	Council's response
<p>All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites.</p> <p>All recommendations in the Arboricultural Impact Assessment by Tree IQ dated June 23 2022 page nos 6-8 and 26-29 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection and crown protection during the installation of hoarding, establishing tree protection zones and watering and root hormone application if required.</p>			
<p>9. General Conditions – Interim Advice Letter Prior to the appointment of a Principal Certifier and the commencement of any works on site an “Interim Advice” letter prepared by NSW EPA accredited site auditor is to be provided stating that site auditor will be overseeing the site assessment, remediation and validation to ensure that the land is suitable for proposed development.</p> <p>Upon completion of remediation and validation, the auditor under statutory audit must issue a “Site Auditor’s Statement (SAS) and a site auditor’s report (SAR) to Council stating the site is suitable for the proposed development.</p>	Noted		
<p>10. Supplementary Detail Site Investigation</p> <p>Where further investigations identify contamination, a Stage II (additional detail site assessment report) is required to be prepared and submitted to Council for consideration and written approval. The Stage II report must assess the nature and volumes of soil contamination and identify areas of environmental concern (AEC). Based on the Stage-II assessment report, if a stage III (remediation action plan - RAP) is required to be prepared, this shall be submitted to</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>Council for consideration and written approval prior to the Construction Certificate. The Stage II and III reports must be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites, published by NSW Office of Environment & Heritage. August 2011.</p> <p>After site remediation a Validation Report (Stage IV) is required stating that the site is suitable for the proposed land uses.</p> <p>To address SEPP Resilience and Hazard 2021 the contaminated land consultant must provide a statement in their reports either in their executive summary or conclusion that the consent authority may be satisfied that the required considerations of clause 4.6 of SEPP Resilience and Hazard 2021 is satisfied and outline the reasons for this conclusion.</p>			
<p>(11) Separate Consent for Use of Premises</p> <p>This consent does not approve specific uses or operational hours. Separate consent will be required for uses and associated hours unless otherwise exempt under an environmental planning instrument.</p>	<p><i>This consent does not approve specific uses or operational hours. Separate consent will be required for uses and associated hours of operation unless otherwise exempt under an environmental planning instrument.</i></p>	<p>The development application has sought consent for the proposed land use. However, the Assessment Report notes that as hours of operation were not applied for, that only this element should be the subject of a future application if required.</p>	<p>Council's comments – the intended use within The Grand Hotel as a pub with associated beer garden is not clearly identified on the plans.</p> <p>The intent of this condition was to capture operational parameters for land uses that require further assessment (acoustic impacts, extended hours of operation, Plan of Management etc).</p> <p>This condition has been amended to the following:</p> <p>11. Separate Consent for Uses within the Grand Hotel</p> <p><i>This consent does not approve specific uses or operational requirements within</i></p>



Council condition	Proposed amendment	Comment	Council's response
			<p><i>The Grand Hotel. Separate development consent will be required for the live music venue, the pub and the exhibition space.</i></p> <p>Hours of operation for other land uses are dealt with under the following new condition:</p> <p>167A Hours of Operation</p> <p><i>The approved hours of operation for the non-residential uses as part of this consent is 6.00 am to 10.00 pm Monday to Saturday and 7.00 am to 10.00 pm on a Sunday or a public holiday. In addition, the cinema is permitted to operate up until 12 midnight 7 days a week.</i></p> <p><i>Any operation outside these hours will require separate development consent.</i></p>
<p>(12) Geotechnical Requirements</p> <p>a. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.</p>	<p>Update conditions:</p> <p>b. <i>Where rock is not self-supporting, All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.</i></p>		
<p>b. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.</p> <p>c. The retaining wall design is not to include anchors extending on to adjoining property with the written consent of the adjoining property owner(s).</p>	<p><i>The retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner(s).</i></p> <p><i>No disturbance of ground damages to adjacent structures is to occur beyond site boundaries. A</i></p>	<p>Reason:</p> <p>b. to reflect geotechnical nature of the site and design intent whereby for all areas where rock is not selfsupporting there will be a structural retention system provided. Where rock is self-supporting there is no intent to provide a retention system other than pattern bolting and shotcrete as needed based on</p>	<p>Council's Geotechnical engineer consulted who advised that 'b' should remain as is. There is soil cover over the bedrock into which excavations will be made. Infrastructure on adjoining property may be founded in the soil which could be prone to movement if not supported. The geotechnical consultant will determine what form of excavation support is required (Conditions f, g, h and i). It may well be that competent bedrock, where</p>



Council condition	Proposed amendment	Comment	Council's response
<p>d. 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 by this development.</p> <p>e. An earthworks plan is to be development by the geotechnical consultant prior to the start of earthworks.</p> <p>f. All recommendations of Douglas Partners in their geotechnical reports dated 21 June 2021 and 23 June 2022 are to be accommodated in the earthworks plan.</p> <p>g. Hard bedrock, where encountered, will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.</p> <p>h. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.</p> <p>i. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.</p> <p>j. At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed</p>	<p>d. <i>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 by this development.</i></p> <p><i>An earthworks plan is to be development developed by the geotechnical consultant prior to the start of earthworks.</i></p> <p>e.</p>	<p>Geotechnical mapping of the excavation face.</p> <p>c. Minor Typo</p> <p>d. Excavation will cause some ground movement which will be monitored onsite to be consistent with the noise and vibrations measures as part of the CEMP.</p> <p>e. Minor typo</p>	<p>encountered, may require only nominal support if any at all.</p> <p>Applicant's changes to 'c', 'd' and 'e' accepted</p> <p>'g' - changed 'should' to 'must'</p>



Council condition	Proposed amendment	Comment	Council's response
<p>or amended by the structural engineer based on the works-as-executed geotechnical report.</p> <p>k. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.</p>			
<p>(13) Advertising, Business Identification and Building Identification signage not approved</p> <p>No advertising signage, business identification signage or building identification signage is approved as part of this consent. Any signage must be subject to a future development application unless exempt development.</p>	Noted.		
<p>(14) Water Supply Work Approval Required</p> <p>The attached General Terms of Approval issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.</p> <p>A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.</p>	Noted.		
<p>(15) Maintenance of Access to Adjoining Properties</p> <p>Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.</p>	Noted.		
<p>(16) Mailboxes and Street Numbering</p> <p>The developer must install mailboxes in accordance with Australia Post Guidelines and Clause</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like.			
(17) Disability Discrimination Act 1992 This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.	Noted.		
(18) Development Contributions In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$7,259,880.10 (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.	(18) Development Contributions <i>In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$7,259,880.10 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated</i>	Refer to attached cover letter. As discussed in the attached cover letter, the applicant is seeking to amend this condition to allow the option to potentially enter into a Planning Agreement.	Applicant's request to change this condition to include reference to a possible Planning Agreement is not accepted. The applicant discussed potential for a Planning Agreement with Council contributions officers in December 2020. This related to the publicly accessible internal plaza and footpath upgrades. The applicant was advised at that time that there was no material public benefit to substantiate a Planning Agreement and it did not progress. No further representations have been made since that time.
This amount has been calculated based on the proposed cost of development and the applicable percentage levy rate. The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan. To request an invoice to pay the contribution go to www.wollongong.nsw.gov.au/contributions and submit a contributions enquiry. The following will be required:	<i>Construction Certificate, or alternatively enter into a Voluntary Planning Agreement with Wollongong City Council prior to the issue of the relevant construction certificate.</i> <i>In accordance with the Council's Voluntary Planning Agreement Policy 2020, this should consider the opportunity for reasonable offsetting of any public benefits from the total s7.11 (or other) contributions.</i>		This condition has been imposed in accordance with the contributions plan.



Council condition	Proposed amendment	Comment	Council's response
<p>Application number and property address.</p> <p>Name and address of who the invoice and receipt should be issue to.</p> <p>Email address where the invoice should be sent. A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.nsw.gov.au.</p>	<p><i>As per the Policy, a 'public benefit' means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community"</i></p> <p><i>This amount has been calculated based on the proposed cost of development and the applicable percentage levy rate.</i></p> <p><i>The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.</i></p> <p><i>To request an invoice to pay the contribution go to www.wollongong.nsw.gov.au/contributions and submit a contributions enquiry. The following will be required:</i></p> <p><i>Application number and property address.</i></p> <p><i>Name and address of who the invoice and receipt should be issue to.</i></p> <p><i>Email address where the invoice should be sent. A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.nsw.gov.au.</i></p>		<p>There is nothing in this condition to prevent an offer to enter a Planning Agreement in the future should the applicant wish to initiate the process with a demonstrable public benefit.</p> <p>Any changes to this condition would need to be the subject of a \$4.55 Modification Application.</p>
<p>(19) Payment of building and construction industry long service levy</p> <p>Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.</p>	Noted		



Council condition	Proposed amendment	Comment	Council's response
(20) Food and Health Premises Separate development consent must be obtained for any proposed use involving the handling of food for sale or skin penetration procedures.	<i>If required, separate development consent approval must be obtained for any proposed use involving the handling of food for sale or skin penetration procedures.</i>	Skin penetration premises may not require a DA.	Applicant's changes accepted
(21) Health The use of the swimming pool/spa shall comply with the Public Health Act 2010 and Public Health Regulation 2012 - Schedule 1 and NSW Health Public Swimming Pool and Spa Advisory Document.	Noted		
(22) Registration The swimming pool/spa is required to be registered with Council. The notification must be submitted prior to business operations commencing. The notification can be completed online on Councils' webpage by visiting: https://www.wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-wollongong/business-permits-and-regulations/health-and-safety-rules Alternately, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a notification form.	Noted		
			New Condition as per the Panel's recommendation 22A Public Art Plan <i>The development is to be carried out generally in accordance with the Public Art Plan prepared by Art Pharmacy and in consultation with Council.</i>



Council condition	Proposed amendment	Comment	Council's response
Before the Issue of a Construction Certificate			
<p>(23) Design Amendments</p> <p>Before the issue of a Construction Certificate, the Certifier must ensure the approved Construction Certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation:</p> <p>(a) Louvres to breezeway of residential towers must remain open:</p> <p>The louvres to the open corridors for all towers must be designed and installed so they cannot be fully closed.</p> <p>Reason: So that cross ventilation is not compromised for the adjoining units that rely on this space to open.</p> <p>(b) Window to northern elevation of Tower 1 lift corridor: A window is to be installed to the northern elevation of the Tower 1 lift corridor at level 4 to provide a visual link from the corridor to the communal open space area.</p> <p>(c) Separate waste chutes for Tower 2 and 3: Separate waste chutes for general waste and recyclables must be provided to Towers 2 and 3 to replace the e-diverter system. This is required to minimise contamination of recyclable materials and divert waste from landfill.</p> <p>(d) Openings to plaza: The commercial tenancies between Towers 2 and 3 at plaza level are to include additional windows and/or large</p>	<p>Update condition:</p> <p><i>Before the issue of a the relevant Construction Certificate, the Certifier must ensure the approved Construction Certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation:</i></p> <p>(a) <i>Louvres to breezeway of residential towers must remain open:</i></p> <p><i>The louvres to the open corridors for all towers must be designed and installed so they cannot be fully closed with exemption of towers 2 and 3 from level 6 through to all upper levels where louvres are only provided on one end of the corridor. Where permitted to remain open in a fire situation, louvres shall be designed and installed so they cannot be fully closed.</i></p>	<p>Update condition to allow multiple CCs and reflect fire engineering advice.</p> <p>Reason:</p> <p>a. This will prevent smoke being pushed from the corridor into the non-fire affected units under inclement wind conditions. Where permitted to remain open in a fire situation, louvres shall be designed and installed so they cannot be fully closed:</p>	<p>Applicant's change to 'the relevant' CC accepted.</p> <p>Applicant's change not accepted – breezeways are the parts of the corridors that are open on both sides connecting the separate tower forms (i.e. no breezeways above L5)</p> <p>Additional conditions 'i' and 'j' inserted as recommended by the Panel:</p> <p><i>ibathrooms not to open directly into kitchen/dining areas:</i></p> <p><i>The bathroom doors for Unit Types 1A-1 and 1A-2 must be relocated so that they do not open directly into the kitchen/dining areas.</i></p> <p><i>j. Window treatments to bedrooms:</i></p> <p><i>Alternative window design and/or treatments must be provided to the bedrooms for Unit Types 2B, 2C-1 and</i></p>



Council condition	Proposed amendment	Comment	Council's response
<p>glazed doors facing the plaza to provide better activation and surveillance of that space.</p> <p>(e) Continuation of awning along Keira Street: In order to provide improved weather protection for pedestrians, the awning on the commercial building must be extended for the full length of the Keira Street elevation, a minimum of 2.4m deep with a minimum soffit height of 3.3m.</p>			<p><i>2C-2 that do not include screens. The window design and treatment must limit direct lines of sight to neighbouring residential buildings given the reduced building separation.</i></p> <p><i>Reason: To improve amenity and outlook from these rooms.</i></p>
<p>This requirement must be shown on the Construction Certificate plans.</p> <p>(f) Provision of commercial lift access: A lift is to be provided between the space noted as "Commercial 61" at RL21 and the commercial space below at RL17.</p> <p>(g) Ceiling Fans: Ceiling fans must be provided in all bedrooms within levels 24 of Tower 2 and 3 that have acoustically sealed windows and/or privacy screens. Fans must be installed to the satisfaction of the principal certifier prior to the issue of the Occupation Certificate.</p> <p>(h) Lift lobby access adjacent to Grand Hotel Doors must be provided to the lift lobby adjacent to the Grand Hotel at RL 21.0, RL 18.0 and RL 15.0 to allow that space to be secured. Detail of responsibility for opening and closing that space is to form part of the Site and Security Management Plan.</p>			
<p>(24) Basement reconfiguration The basement car parking is to be redesigned to accommodate the following:</p>	<p>(24) Basement reconfiguration <i>The basement car parking is to be redesigned to accommodate the following:</i></p>	Refer to Cover Letter	<p>Applicant's requested change regarding parking numbers is not accepted for the</p>



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> 70 residential visitor spaces with direct lift access to Towers 1, 2 and 3. 16 commercial motorbike parking spaces 95 secure commercial bicycle spaces End of trip facilities comprised of 4 male and 4 female with 75 lockers adjacent the secure bicycle spaces. 16 accessible non-residential car parking spaces in close proximity to lifts up to the plaza level. A minimum of 350 residential car parking spaces. Compliant provision of waste storage (including general, recyclable, FOGO and bulk waste), 	<ul style="list-style-type: none"> 70-43 residential visitor spaces with direct lift access to Towers 1, 2 and 3. 16 commercial motorbike parking spaces 95 secure commercial bicycle spaces End of trip facilities comprised of 4 male and 4 female with 75 lockers adjacent the secure bicycle spaces. 16 accessible non-residential car parking spaces in close proximity to lifts up to the plaza level. 		<p>reasons outlined in the report under Chapter E3 (pp123-133).</p> <p>End of trip facilities has been removed from this condition to allow flexibility in where additional facilities are provided.</p> <p>Applicant's requested change for this plan to go to the PCA is also not accepted. This will be required to be submitted to Council prior to issue of the first Construction Certificate.</p>
<p>residential storage, residential motorbike spaces, and secure residential bicycle spaces.</p> <p>The amended plan(s) are to be submitted to Council for endorsement prior to the issue of the Construction Certificate.</p> <p>Reason: In order to address the residential visitor car parking, commercial motorbike and secure bicycle shortfall, along with additional conveniently located end of trip facilities.</p>	<ul style="list-style-type: none"> A minimum of 350-380 residential car parking spaces. Compliant provision of waste storage (including general, recyclable, FOGO and bulk waste), residential storage, residential motorbike spaces, and secure residential bicycle spaces. <p>The amended plan(s) are to be submitted to Council The Principal Certifying Authority for endorsement prior to the issue of the relevant Construction Certificate</p> <p>Reason: In order to address the residential visitor car parking, commercial motorbike and secure bicycle shortfall, along with additional conveniently located end of trip facilities.</p>		<p>Council identified that not all standard car parking conditions were included in the recommended condition document. These standard conditions have been included as part of this condition and at 24B-24H.</p>
	<ul style="list-style-type: none"> 		<p>NEW CONDITION 24A as per Panel's recommendation for end-of-trip facilities to be provided elsewhere to Council's satisfaction:</p> <p>24A. End of trip facilities Additional end of trip facilities comprising a minimum of 4 male and 4 female with 75 lockers must be provided in a location that</p>



Council condition	Proposed amendment	Comment	Council's response
			<i>is convenient for likely users of the office building. Details and amended plans demonstrating this requirement has been met must be submitted to Council's satisfaction prior to issue of any Construction Certificate.</i>
(25) External Finishes – Building The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours except where amended by conditions of this consent. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.	Noted.		
(26) Solar access – Additional windows for Towers 2 and 3 (a) To improve solar access to apartments within Towers 2 and 3, additional windows are to be provided to living rooms on the eastern and western elevations on Levels 2-4 for the following units: (i) Tower 2: 2.1, 2.5, 2.6, 3.1, 3.5, 3.6, 4.1, 4.5 and 4.6 (ii) Tower 3: 2.01, 3.01, 3.02, 4.01 and 4.02 (b) The windows must be in accordance with the following requirements:	Update condition: ... <i>Details and revised plans demonstrating the above requirements have been met must be submitted to Council's written satisfaction prior to the issue of a the relevant Construction Certificate.</i>		Applicant's requested change accepted
(i) Windows to the eastern and western elevations are to be high sill, slot or 'pop-out' windows that allow sunlight access into the living rooms of these units while restricting any direct sightlines between neighbouring buildings and/or apartments; and (ii) All windows the subject of this condition are to be acoustically treated for residents to manage acoustic impacts; and			



Council condition	Proposed amendment	Comment	Council's response
<p>(iii) Windows to the units that open onto the narrow slot within Tower 3 (3.02 and 4.02) must be permanently fixed (i.e. not operable) given the proximity to the window of the opposite units; and</p> <p>(iv) The design, form and materiality must be effectively integrated into the overall design of the buildings.</p> <p>Details and revised plans demonstrating the above requirements have been met must be submitted to Council's written satisfaction prior to the issue of a Construction Certificate.</p>			
<p>(27) Property Addressing Policy Compliance</p> <p>Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's Property Addressing Policy (as amended). Where appropriate, the developer must also lodge a General Property Addressing Request through Online Services on Council's Website (https://www.wollongong.nsw.gov.au/book-and-apply/onlineservices), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.</p>	Noted		
<p>(28) External Finishes – External Areas</p> <p>Pedestrian access ways, entry paths, arcades and lobbies must be constructed with durable materials commensurate</p>	Noted		
<p>with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours.</p>			
<p>(29) Finishes of Vehicular Entries</p> <p>Vehicular entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No ducts or pipes are to be visible from the street.</p>	Noted		
<p>(30) Placement of Air Condition Units</p>	Noted		



Council condition	Proposed amendment	Comment	Council's response
Air conditioning systems are to be set back from balcony edges to minimise visual impact.			
(31) Integration of Rooftop Structures in Approved Building Envelope All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be screened and integrated within the approved rooftop envelope as indicated on the approved plans. This requirement shall be reflected on the Construction Certificate plans.	Noted		
(32) Mechanical Ventilation of the Car Park The car park shall be mechanically ventilated. Location of service ducts and discharge points are to be shown on the Construction Certificate and must comply with the applicable standards and the previous condition.	Update condition: <i>The car park shall be mechanically ventilated. Location of service ducts and discharge points are to be shown on the relevant Construction Certificate and must comply with the applicable standards and the previous condition.</i>	xxx	Applicant's change accepted
(33) Permeable Garage Shutter Any shutters provided within the basement car parks shall be permeable so as to improve basement ventilation, as per the requirements of 3J-4 of the Apartment Design Guide.	Noted		
(34) Light spill and glare Any lighting of external areas within the development such as the communal open space areas, driveways and car parking entries, shall be designed and located in a manner to prevent light spill and/or glare impacts to residents of the development and neighbouring properties. Light placement and design shall be indicated on the construction certificate drawings.	Noted		
(35) Adaptable Units Before the issue of a relevant construction certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with	Noted		



Council condition	Proposed amendment	Comment	Council's response
<p>the provisions of AS 4299-1995 Adaptable Housing Standards.</p> <p>The nominated adaptable units within the development must be designed and constructed so as to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre- adaptation” design details to ensure visitability is achieved. Level access is required to be provided between the internal living space and balcony of the adaptable units and sufficient circulation space is required throughout.</p>			
<p>(36) Fire egress doors</p> <p>The doors from Commercial 61 and commercial 63 to the residential lobby corridor are to be for fire egress only.</p>	Noted		
<p>(37) Connection with Country</p> <p>A final Connection with Country strategy is to be developed prior to the issue of the CC in consultation with Bangawarra and provided to Council.</p>	Noted		
<p>(38) Accessibility of communal open space areas</p> <p>Communal open space areas within the residential towers must provide level access throughout. This is to be reflected on the Construction Certificate.</p>	<p>Update condition:</p> <p><i>Communal open space areas within the residential towers must provide level access throughout. This is to be reflected in the relevant Construction Certificate.</i></p>		Applicant's change accepted
<p>(39) Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)</p> <p>The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) for approval of both the Principal Certifier and</p>	Noted		



Council condition	Proposed amendment	Comment	Council's response
<p>Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742 - Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.</p> <p>This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development.</p> <p>This plan shall include the following aspects:</p> <ul style="list-style-type: none"> (a) Proposed ingress and egress points for vehicles to/from the construction site; (b) proposed protection of pedestrians, adjacent to the construction site; (c) proposed pedestrian management whilst vehicles are entering/exiting the construction site; (d) proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant 			
<p>and materials delivery and static load from cranes, concrete pumps and the like;</p> <ul style="list-style-type: none"> (e) proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site; (f) proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period; (g) proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in 			



Council condition	Proposed amendment	Comment	Council's response
<p>accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);</p> <p>(h) proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and</p> <p>(i) proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway. The traffic control plan endorsed by Council shall be implemented, prior to the commencement of any works upon the construction site.</p> <p>Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.</p>			
<p>(40) Sydney Water Requirements</p> <p>The Sydney Water requirements in the letter dated 25 August 2022 and attached to this consent are to be complied with.</p>	Noted		
<p>(41) Utilities and Services</p> <p>Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:</p> <p>(a) a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity</p> <p>(b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.</p>	Noted		



Council condition	Proposed amendment	Comment	Council's response
(c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.			
(42) Glass Reflectivity Index The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.	Update condition: <i>The details and samples of the glass to be used are to be submitted with the relevant Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less</i>		Applicant's change accepted.
(43) Electric Vehicle and Bicycle Charging Infrastructure The following Electric Vehicle Infrastructure is to be shown on the Construction Certificate Plans: (a) 100 per cent of resident car spaces to be electric vehicle ready, i.e. with appropriate electrical cabling to the parking space; (b) 10 per cent of residential car spaces are to accommodate complete electric vehicle charging infrastructure; (c) Two residential visitor car spaces accommodating complete electric vehicle charging; (d) Two non-residential car spaces accommodating complete electric vehicle charging; (e) One electric bike charging facility is to be provided within each residential bicycle storage area.	Noted.		
(f) A minimum of 10% of commercial bicycle parking must include charging points.			
(44) Construction Site Management Plan Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:	Noted		



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> location and materials for protective fencing and hoardings to the perimeter of the site provisions for public safety pedestrian and vehicular site access points and construction activity zones details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site protective measures for on-site tree preservation (including in accordance with AS 4970- 2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable) details of any bulk earthworks to be carried out location of site storage areas and sheds equipment used to carry out all works a garbage container with a tight-fitting lid • dust, noise and vibration control measures location of temporary toilets. <p>The applicant must ensure a copy of the approved construction site management plan is kept on- site at all times during construction.</p>			
<p>(45) Waste Management Plan</p> <p>Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines</p>	Noted.		
<p>and the following requirements before it is provided to and approved by the certifier:</p> <p>(a) Council's Waste Management Development Control Plan.</p> <p>OR</p> <p>(b) details the following:</p> <ul style="list-style-type: none"> the contact details of the person(s) removing the waste 			



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill the address of the disposal location(s) where the waste is to be taken <p>The applicant must ensure the waste management plan is referred to in the construction site management plan and kept onsite at all times during construction.</p>			
(46) Problem Waste Room The problem waste room in the basement (RL 12.0) must have suitable bunding, ventilation and fire suppression to minimise risk and pollution impacts. Details outlining these measures must be submitted with the Construction Certificate.	Update condition: ... <i>Details outlining these measures must be submitted with the relevant Construction Certificate.</i>		Applicant's change accepted
(47) Wind Mitigation Measures Details demonstrating all the recommendations of the Pedestrian Wind Study (#2004138 dated 24 June 2022 prepared by RWDI) have been incorporated in the design must accompany the Construction Certificate.	Update condition: <i>Details demonstrating all the recommendations of the Pedestrian Wind Study (#2004138 dated 24 June 2022 prepared by RWDI) have been incorporated in the design must accompany the relevant Construction Certificate.</i>		Applicant's change not accepted. Condition changed for this information to be provided prior to issue of the first Construction Certificate as the recommendations relate to numerous buildings and also the internal plaza areas.
(48) Erosion and Sediment Control Plan Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier: <ul style="list-style-type: none"> Council's development control plan, 	Noted		
<ul style="list-style-type: none"> the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). 			



Council condition	Proposed amendment	Comment	Council's response
The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.			
(49) Construction Environmental Management Plan (CEMP) The submission of a detailed CEMP which addresses but is not limited to, the following issues: (a) Introduction. (b) Project Description. This section should include: (i) Timing and duration of works. (ii) location of work sites offices, compounds, stockpiles and refuelling areas. (iii) a description of the site and surrounds and location of environmentally sensitive areas. (c) Objectives of the CEMP. This section should state what the CEMP is trying to achieve. (d) Context of the CEMP. This section should specify how the CEMP fits into the planning process of the project. (e) Planning Project Environmental Actions. (f) Environmental Impact Assessment (EIA) Obligations. This section should identify all EIA documentation related to this project. (g) Environmental Aspects. This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.	Update condition: The submission of a Prior to the issue of the first construction certificate, a detailed CEMP must be prepared <i>which addresses but is not limited to, the following issues:</i> ...		Applicant's change accepted. Also all references to 'should' replaced with 'must' as per the Panel's recommendations.
(h) Legal and Other Requirements. This section should detail the legislative requirements of the work, and all other specifications. (i) Supplementary Environmental Plans.			



Council condition	Proposed amendment	Comment	Council's response
<p>These include:</p> <ul style="list-style-type: none"> (i) Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP). (ii) Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" Landcom, 2004. (iii) Noise and Vibration Management Plan. (iv) Landscaping and Revegetation Plan. (v) Flora and Fauna Management Plan. (vi) Traffic Management Plan/Traffic Control Plan (TCP). (vii) Air Quality Management Plan. (viii) Waste Management Plan. (ix) Acid Sulfate Soil Management Plan (ASSMP). (x) Indigenous and European Heritage Plan. (xi) Contaminated Soil Management Plan. <p>(j) Implementation.</p> <p>(k) On-site Structure and Responsibility. This section should state the duties and responsibilities of all contractors and sub- contractors working on site and the relationship between these parties.</p> <p>(l) Training, Awareness and Competence. This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:</p> <ul style="list-style-type: none"> (i) Knowledge and understanding of the CEMP. (ii) Site induction, and may include: <ul style="list-style-type: none"> • Emergency response training. • Familiarisation with site environmental controls. • Erosion and sediment control training. <p>(m) Communication. This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency. This section</p>			
<p>should identify and list details for relevant external stakeholders such as:</p> <ul style="list-style-type: none"> (i) EPA. (ii) NPWS. 			



Council condition	Proposed amendment	Comment	Council's response
<p>(iii) NSW Fisheries. (iv) DPE. (v) Aboriginal Groups. (vi) Council.</p> <p>This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.</p> <p>(n) Emergency Planning and Response. This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:</p> <ul style="list-style-type: none"> (i) The names of key emergency response personnel. (ii) Personnel responsibilities and contact details. (iii) Contact details for emergency services (ambulance, fire brigade, spill clean up services) (iv) The location of on-site information on hazardous materials, including SDSs and spill containment material. (v) The procedure to follow to minimise/control the emergency. (vi) Procedures for notifying the Superintendent, the public and/or EPA. <p>Emergency Response Contacts should be listed in table form.</p> <p>(o) Auditing and Monitoring. (p) Environmental Action Monitoring. This section should detail how all environmental actions identified in Section 2 are going to be monitored and verified. This section should also detail or refer to a procedure to ensure that all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.</p> <p>(q) Auditing.</p>			
<p>This section should detail audit criteria, frequency and scope.</p>			



Council condition	Proposed amendment	Comment	Council's response
<p>(r) Non-Conformance and Corrective and Preventive Action. This section should state how these items should be addressed.</p> <p>(s) Review of CEMP. This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.</p> <p>(t) Appendix 1 - Environmental Action Table. The Environmental Action Table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table should include all environmental actions that were identified in Section 2.0 of the CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it. (u) Appendix 2 - Environmental Action Monitoring Table. This section should detail how all of the environmental actions listed in Appendix 1 are going to be monitored and verified. The monitoring must clearly convey what monitoring is required, when the monitoring is to take place and who is to do it.</p>			
<p>(50) 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.</p>	Noted.		
<p>(51) Airborne Rail and Road Traffic Noise of Residential units of Towers 1, 2 and 3</p>	Update condition: ...		Applicant's change accepted.



Council condition	Proposed amendment	Comment	Council's response
<p>Noise Mitigation Measures as outlined in acoustic report prepared by RWDI Australia Pty Ltd dated 27 June 2022 shall be implemented to ensure that the following noise goals are achieved:</p> <p>(a) LAeq 35dBA in any bedroom in the building at any time between 10pm and 7am</p> <p>(b) LAeq 40dBA anywhere else in the building (other than a garage, kitchen, bathroom or hallway): at any time between 10pm and 7am.</p> <p>(c) LAMax 50dBA in any bedroom in the building between 10pm and 7.am</p> <p>This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Private Principal Certifier, prior to the issue of the Construction Certificate</p>	<p><i>This requirement shall be reflected on the relevant Construction Certificate plans and supporting documentation for the endorsement by the Private Principal Certifier, prior to the issue of the Construction Certificate</i></p>		
<p>(52) Final Landscape Plan Requirements</p> <p>The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:</p> <p>(a) Be generally consistent with the landscape plans submitted within this application, being drawings numbered L200 (Rev 2, dated 23 June 2022), L201 to L204 (revision 3, dated 28 September 2022), L702 to L703 (revision 2, dated 8 June 2022), L721 to L724 (Revision 2, dated 8 June 2022), L725 (revision 2, dated 23 June 2022), L726 to L727 (revision 2, dated 8 June 2022), L731 to L737 (revision 2, dated 8 June 2022) and L738 (revision 2, dated 23 June 2022) prepared by Oculus, incorporating any amendments required by these conditions of consent</p> <p>(b) planting of indigenous plant species native to the Illawarra</p>	<p>Update condition:</p> <p><i>The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the relevant Construction Certificate.</i></p> <p>...</p> <p><i>(a) Be generally consistent with the landscape plans submitted within this application, being drawings numbered L200 (Rev 23, dated 23 June 2022 29 September 2022), L201, L203 and to L204 (revision 3, dated 28 September 2022), L202 (Rev 3, dated 4 October 2022), L702 to L703 (revision 2, dated 8 June 2022), L721 and L722 (Revision 2, dated 8 June 2022), L723 (Revision 3, dated 17 October 2022), to L724, (Revision 2, dated 8 June 2022), L725 (revision 2, dated 23 June 2022), L726 to L727 (revision 2, dated 8 June 2022), L731 to L737 (revision 2, dated 8 June 2022) and L738 (revision 2, dated 23 June 2022) prepared by Oculus, incorporating any amendments required by these conditions of consent</i></p>	<p>Reason:</p> <p>Incorrect drawing revision reference</p>	<p>Requirement for Final Landscape plan/s to be submitted prior to release of the Construction Certificate for the corresponding component of the development.</p> <p>Plan references updated.</p> <p>Council added the following condition as the current landscape plans do not include a notation that all 6 street trees are to be retained (eg Dwg no.s L201 and L203 Issue 03)</p> <p><i>b. The six (6) x existing street tree(s) on Burelli and Atchison Streets required to be retained must be clearly identified on the final landscape plans as being retained, as referenced in the Arboricultural Impact Assessment by Tree IQ dated 23 June</i></p>



Council condition	Proposed amendment	Comment	Council's response
<p>Region such as: Syzygium smithii (syn Acmena smithii) Lilly pilly, Archontophoenix cunninghamiana Bangalow palm, Backhousia myrtifolia Grey myrtle, Elaeocarpus reticulatus Blueberry ash, Glochidion ferdinandii Cheese tree, Livistona australis Cabbage palm tree, Syzygium paniculatum Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.</p> <p>(c) Verge planting (shrub/ groundcovers) on Crown Street on the frontage of the Marcus Clarke building must be deleted and replaced with public domain paving.</p> <p>(e) 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;</p> <p>(f) 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</p> <p>(g) 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.</p> <p>(h) Of the trees shown within the plaza landscaped areas fifteen (15) must be a minimum 200 litre container mature plant stock size. Suggested species are Livistona australis, Brachychiton acerifolius, Tristaniopsis laurina, Waterhousia floribunda.</p> <p>(i) Details of the species, soil depths, and mechanisms for ongoing maintenance for the integrated planting to the concrete podium structure for Tower 1.</p> <p>(j) Suitable species selection for the publicly accessible areas are required to ensure vegetation does not compromise sightlines.</p> <p>The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.</p>	<p><i>The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of the final Occupation Certificate.</i></p> <p>Comment (c) has already been addressed in the current landscape plans and should be deleted from the final condition.</p>		<p><i>2022, consisting of tree(s) numbered 1,2,3,4,5 and 6.</i></p> <p>Applicant's request to delete 52(c) is accepted as the updated landscape plan (issue 03) has removed these elements.</p> <p>Condition 52(h) amended to include a reference to plantings on awnings as recommended by the Panel:</p> <p><i>h. Details of the species, soil depths, and mechanisms for ongoing maintenance for the integrated planting to the concrete podium structure for Tower 1 and for the planting shown on awning structures.</i></p> <p>Condition 52(j) added as the Panel identified that this requirement was discussed in the DRP response section of the report but had been omitted from the conditions:</p> <p><i>j. The location of bicycle racks within the footpath is to be resolved in consultation with Council.</i></p> <p>Applicant's suggested wording of requiring the landscape works to be completed prior to issue of 'the final' OC is not accepted. The landscaping for each relevant CC should be completed prior to</p>



Council condition	Proposed amendment	Comment	Council's response
			issue of the OC for the corresponding component of the development (eg. Landscaped areas associated with each residential tower).
(53) Certification for Landscape and Drainage The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.	Update condition: <i>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 relevant Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.</i>		Applicant's change accepted.
(54) Landscape Maintenance Plan The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.	Update condition: <i>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 relevant Construction Certificate.</i>		Applicant's change accepted.
(55) Tree Protection and Management The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following: (a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>(56) Footpath Paving City Centre</p> <p>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.</p> <p>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 with the property boundary.</p> <p>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.</p> <p>The driveway threshold finish within property boundary line is to contrast with driveway entry.</p> <p>The footpath and driveway entry on the Council property must be installed to the satisfaction of WCC Manager of Works.</p> <p>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.</p>	<p>Update condition:</p> <p><i>A Landscape Plan is to be submitted to Council for approval prior to the issue of the relevant Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.</i></p>	<p>As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.</p>	<p>Applicant's change not accepted. This information should be submitted prior to the <u>first</u> Construction Certificate issued for the development as it relates to multiple buildings and public domain areas.</p> <p>The final Landscape Plan is required prior to issue of the first CC.</p> <p>See previous comments on Planning Agreement.</p> <p>For clarity of intent, it is recommended the second paragraph of this condition be amended as indicated below.</p> <p>(56) Footpath Paving City Centre</p> <p>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.</p> <p>A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from the building line to the back of kerb. Any changes of level, ramp or stairs and associated tactile markers and handrails are to be contained behind the building line.</p>



Council condition	Proposed amendment	Comment	Council's response
			<p>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.</p> <p>The driveway threshold finish within property boundary line is to contrast with driveway entry.</p> <p>The footpath and driveway entry on the Council property must be installed to the satisfaction of WCC Manager of Works.</p> <p>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.</p>
<p>(57) Council Footpath Reserve Works – Driveways and Crossings</p> <p>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.</p> <p>All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council</p>	<p>Update condition:</p> <p>...</p> <p><i>Details and locations are to be shown on the relevant Construction Certificate Plans.</i></p>	<p>As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.</p>	<p>Applicant's wording change accepted.</p> <p>See previous comments on Planning Agreement</p>



Council condition	Proposed amendment	Comment	Council's response
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.			
(58) Heritage – Windbreak to Communal Open Space Area for Tower 1 A screen to mitigate wind impacts to the Communal open space area is required as shown on Plan 'Tower 1 Elevations' Dwg AR-DA-C-20-10. Detailed plans and external materials/finishes of the windbreak are required to be submitted prior to issue of a Construction Certificate. The design and materiality of the screen must sensitively respond to the heritage significance of the Marcus Clarke building and be informed/endorsed by an appropriately qualified heritage consultant. Written approval from Council for the design of the screen must be obtained prior to issue of the Construction Certificate.	Update condition: ... Written approval from Council for the design of the screen must be obtained prior to issue of the relevant Construction Certificate.		Applicant's change partly accepted. Council recommends additional wording for 2nd paragraph of this condition to clarify the timing of this information: <i>Written approval from Council for the design of the screen must be obtained prior to issue of the any Construction Certificate relating to works for the Marcus Clark Building and/or Tower 1.</i>
(59) Heritage – Strata Funding Mechanism The applicant is to provide details of how the future strata arrangement and ownership of the development will provide for a funding mechanism that allows for ongoing implementation of the costed schedule of ongoing maintenance for the Marcus Clarke building, funded by the Strata Corporation in perpetuity to the written satisfaction of Council prior to the release of the Construction certificate.	Update condition: ... <i>funded by the Strata Corporation in perpetuity to the written satisfaction of Council prior to the release of the relevant Construction certificate.</i>		Applicant's change not accepted. Council recommends changes to this condition to clarify the timing of this information: <i>....to the written satisfaction of Council prior to the release of any Construction Certificate relating to works for the Marcus Clark Building and/or Tower 1.</i>
(60) Heritage – Demolition Plan	Update condition:		Applicant's change not accepted.



Council condition	Proposed amendment	Comment	Council's response
A detailed updated Demolition Plan that shows retention of the facade details of the Marcus Clarke Building and Grand Hotel is to be prepared and provided to Council for written approval prior to the release of Construction Certificate. The demolition plan should be integrated into and speak to the recommendations of the Schedule of Conservation Works.	... <i>A detailed updated Demolition Plan that shows retention of the facade details of the Marcus Clarke Building and Grand Hotel is to be prepared and provided to Council for written approval prior to the release of the relevant Construction Certificate.</i>		Council recommends changes to this condition to clarify the timing of this information: <i>A detailed updated Demolition Plan that shows retention of the facade details of the Marcus Clarke Building and Grand Hotel is to be prepared and provided to Council for written approval prior to any demolition works commencing. The demolition plan must be integrated into and speak to the recommendations of the Schedule of Conservation Works.</i>
(61) Heritage – Interpretation Plan An updated Heritage Interpretation Plan is to be provided to Council for written approval to guide appropriate delivery of onsite heritage interpretation material that is both within publically accessible internal spaces and includes exterior signage and other innovative interpretive devices, to reference the history of the site and its significance in the development of Crown Street, its past ownership and the existing heritage item. The details of the proposed plan are to be provided to Council for written approval prior to release of Construction Certificate. The plan must also reference the archaeological investigation undertaken on the site. In the event that relics or archaeology are located during the course of the works these relics and details of the archaeological find are to be considered for inclusion in the interpretative plan and any resulting interpretation material.	Update condition: ... <i>The details of the proposed plan are to be provided to Council for written approval prior to release of the relevant Construction Certificate.</i> ... <i>The plan must be prepared by a suitably qualified and experienced heritage consultant and is to be provided to Council for written endorsement prior to the release of the relevant Construction Certificate.</i>		Applicant's change not accepted. Council recommends changes to this condition to clarify the timing of this information as this is information that needs to occur before works commencing and should inform the CC documentation: <i>The plan must be prepared by a suitably qualified and experienced heritage consultant and is to be provided to Council for written endorsement prior to any demolition works commencing or prior to the first Construction Certificate being issued (whichever occurs first). The requirements of the endorsed Plan must be reflected in any relevant Construction Certificate/s.</i>



Council condition	Proposed amendment	Comment	Council's response
<p>The Plan should also be updated to integrate the recommendations of the Designing With Country Strategy prepared by Bangawarra.</p> <p>The plan must be prepared by a suitably qualified and experienced heritage consultant and is to be provided to Council for written endorsement prior to the release of the Construction Certificate.</p>			
<p>(62) Heritage – Schedule of Conservation Works</p> <p>The applicant is to provide an updated Schedule of Conservation Works detailing works to the internal spaces of the Marcus Clarke Building as well as conservation works to be undertaken on the exterior of the building and the Grand Hotel, the Schedule prepared by Weir Phillips dated June 2022 is not considered adequate.</p> <p>The schedule should provide detailed recommendations for both buildings such as removal of any unsympathetic signage, investigate the removal of white paint from the Grand Hotel facade, reinstate the original door, window and awning arrangements, repair and inspect all significant elements to be retained. The Schedule is to be prepared by a suitably qualified heritage consultant and provided to Council for written approval prior to the release of the Construction Certificate.</p>	<p>Updated condition:</p> <p><i>The applicant is to provide an updated Schedule of Conservation Works detailing works to the internal spaces of the Marcus Clarke Building as well as conservation works to be undertaken for on the exterior of the building and the Grand Hotel, the Schedule prepared by Weir Phillips dated June 2022 is not considered adequate.</i></p> <p><i>The schedule should provide detailed recommendations for both buildings such as removal of any unsympathetic signage, investigate the removal of white paint from the Grand Hotel facade, reinstate the original door, window and awning arrangements, repair and inspect all significant elements to be retained. The Schedule is to be prepared by a suitably qualified heritage consultant and provided to Council for written approval prior to the release of the relevant Construction Certificate.</i></p>	<p>The interior of Marcus Clark is not proposed to be retained as part of the proposed development.</p>	<p>Applicant's changes to first paragraph have been accepted by Council's Heritage staff.</p> <p>Applicant's requested change referencing 'relevant' CC not supported and therefore re-worded so that this information is provided prior to any demolition works commencing rather than prior to issue of a CC</p>
<p>(63) Heritage Construction Management Plan</p> <p>A Heritage Management Plan or Construction Management Plan, that includes a structural assessment and suitable control measures that will ensure the protection of the heritage item from inadvertent damage, during the demolition and construction phases of the</p>	<p>Updated condition:</p> <p>...</p> <p><i>The plan is to be provided to Council for written approval prior to release of the relevant Construction Certificate.</i></p>		<p>Applicant's change not accepted.</p> <p>Council recommends changes to this condition to clarify the timing of this information:</p>



Council condition	Proposed amendment	Comment	Council's response
development is to be prepared prior to the commencement of works, and all recommended actions implemented during the course of the demolition and construction works. The plan is to be provided to Council for written approval prior to release of the Construction Certificate.			The plan is to be provided to Council for written approval prior to any demolition work commencing and reflected in any Construction Certificate/s relating to the Marcus Clark Building.
(64) Heritage – Excavation Permit The applicant must obtain an excavation permit from the NSW Heritage under Section 139-140 of the NSW Heritage Act 1977 before any works commence. A copy of the Permit and Archaeological Research Design Report should be provided to Council's Heritage Staff for their information. This application will need to clearly outline what mitigation measures are proposed to avoid harm to any significant deposits, should they be identified during works. A copy of the final test excavation report is to be provided to Council as soon as reasonably practical after completion.	Update condition: ... <i>This application will need to clearly outline what mitigation measures are proposed to avoid harm to any State significant deposits, should they be identified during works.</i> A copy of the final test excavation archaeological report is to be provided to Council as soon as reasonably practical after completion.	Reason: Advice from Austral is to adjust the wording of the condition to relate to standard conditions within Section 140 permits issued by Heritage NSW. Specifically, that additional mitigation measures are normally required when archaeological remains are encountered of State significance. The archaeological assessment has identified that locally significant archaeological remains are likely to occur and that the best means of managing these is for these to be investigated and recorded as part of an archaeological program. Section 140 permits require the preparation of interim and final archaeological reports, therefore the wording has been adjusted to reflect this and remove any ambiguity.	Heritage division do not support the introduction of the term “State”. Locally significant archaeology should not be ignored. Mitigation measures may include appropriate interpretive responses and/or re-use of/display of locally significant archaeology. Council is not only concerned with “state” significant archaeology. Applicant's second change accepted
(65) Heritage – Photographic Recording	Noted.		'should' changed to 'must' as per Panel's recommendation



Council condition	Proposed amendment	Comment	Council's response
Prior to the commencement of works the existing building condition is to be documented through a photographic recording prepared in accordance with the NSW Heritage Branch Guidelines for the Marcus Clarke Building, the Grand Hotel and the row of commercial shops known as 230-236 Keira Street and their context on the site. Measured drawings should also be included for each building. A copy of the recording is to be provided to Council for written approval prior to the commencement of works. A copy of the final recording is to be provided to Wollongong City Council for inclusion in the local studies collection of the Wollongong City Library.			
(66) Heritage – Aboriginal Heritage Due Diligence Assessment Prior to the commencement of works an Aboriginal heritage Due Diligence Assessment is required to be prepared as per the Code of Practice for the 2010 Protection of Aboriginal Objects. This assessment is to be provided to Council for written approval prior to ground disturbance. The Assessment should include evidence of consultation with the local Aboriginal Community. It is noted that depending on the outcomes of the Assessment if any Potential Areas of Aboriginal Deposits (PADs) or Aboriginal Sites are identified that require additional investigation, an Aboriginal Heritage Impact Permit (AHIP) under s 90 of the NSW National Parks and Wildlife Act 1974 may be required, which will significantly delay the commencement of works	Update condition: <i>Prior to the commencement of works an Aboriginal heritage Due Diligence Assessment is required to be prepared as per the Code of Practice for the 2010 Protection of Aboriginal Objects. This assessment is to be provided to Council for written approval prior to ground disturbance. The Assessment should include evidence of consultation with the Illawarra Local Aboriginal Land Council Community.</i>	Reason: Advice from Austral is that consultation with the Illawarra Local Aboriginal Land Council is a standard, best practice approach to consultation as part of Aboriginal Cultural Heritage Due Diligence Assessments. If this assessment determines that further investigation is required, then formal consultation will take place as part of an Aboriginal Cultural Heritage Assessment.	Applicant's request to change the wording to refer to consultation with the Illawarra Local Aboriginal Land Council is accepted. The term "community" is no longer needed in the revised wording. 'should' changed to 'must' as per Panel's recommendation
(67) Heritage NSW Prior to any ground disturbance works, the Applicant shall ensure an approval under s.139 of the Heritage Act 1977 has been obtained. This application will need to clearly	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>outline what mitigation measures are proposed to avoid harm to any significant deposits, should they be identified during works.</p> <p>The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Reasons: Works associated with this application have potential to encounter historical archaeological relics, which are protected under s.139 of the Heritage Act 1977.</p>			
<p>(68) CCTV</p> <p>A CCTV plan is to be developed in consultation with Wollongong Police and Council. The system should run concurrently with the Wollongong City Council system. The capability of CCTV should enable clear night-time footage for person identification.</p>	Noted.		'should' changed to 'must' as per Panel's recommendation
<p>(69) Site and Security Management Plan</p> <p>A Site and Security Management Plan that clearly outlines how the publicly accessible internal plaza will be maintained as a safe and secure area at all times will need to be prepared and submitted to Council's satisfaction prior to issue of the Occupation Certificate. At a minimum, the Plan must incorporate the following elements:</p> <ul style="list-style-type: none"> A CCTV plan is to be developed in consultation with Wollongong Police and Council. The system should run concurrently with the Wollongong City Council system. The capability of CCTV should enable clear night-time footage for person identification and ensure all pedestrian linkages to the street frontages have full coverage; 	Noted.		'should' changed to 'must' as per Panel's recommendation



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> identify day-to-day policies such as measures and protocols for managing specific situations the hours that security personnel are physically onsite (recommend 24/7 or Friday and sat nights and other peak times when the area is likely to be highly activated e.g. NYE, Australia Day); identify how on-site residents and members of the public can contact the relevant security personnel in real time; outline how incidents will be reported and recorded; incorporate annual review of the Plan in consultation with on-site residents and relevant emergency services. Management of publicly accessible amenities including security, cleaning, hours open. graffiti management intoxication public urination homelessness noise concerns general complaints management process <p>The Site and Security Management Plan will be required to be submitted to Council's written satisfaction prior to issue of an Occupation Certificate. This Site and Security Management Plan must demonstrate that it has been prepared in consultation with Wollongong Police.</p>			
<p>(70) Depth and Location of Services</p> <p>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.</p>	<p>Update condition:</p> <p><i>The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) within the property boundary must be ascertained and reflected on the relevant Construction Certificate plans and supporting documentation.</i></p>		<p>The applicant's change to reference works within the property boundary is not accepted as footpath works are required as well as street tree planting for which the location and depth of services need to be ascertained. This Applicant's request change to 'relevant' accepted.</p>



Council condition	Proposed amendment	Comment	Council's response
(71) Details of Proposed Pit and Pipeline Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.	Update condition: ... <i>This requirement shall be reflected on the relevant Construction Certificate plans and supporting documentation.</i>		Applicant's change accepted.
(72) Engineering Plans and Specifications – Retaining Wall Structures Greater than One (1) Metre The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following: a. A plan of the wall showing location and proximity to property boundaries; b. An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall; c. Details of fencing or handrails to be erected on top of the wall; d. Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on	Update condition: ... <i>The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.</i>		Applicant's change accepted.



Council condition	Proposed amendment	Comment	Council's response
<p>existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;</p> <p>e. The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;</p> <p>f. The assumed loading used by the engineer for the wall design.</p> <p>g. Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.</p>			
<p>(73) Sizing of Drainage</p> <p>All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3: Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.</p>	<p>Update condition:</p> <p>...</p> <p><i>Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the relevant Construction Certificate plans.</i></p>		Applicant's change accepted.
<p>(74) Stormwater Drainage Design</p> <p>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:</p>	<p>Update condition:</p> <p><i>A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the relevant Construction Certificate.</i></p>		Applicant's change accepted.



Council condition	Proposed amendment	Comment	Council's response
<p>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 plan/s lodged for development approval, being the following:</p> <p>o Stormwater Drainage Level 01, Job no. 301348203, Drawing no. CI-520-01, Revision C, by Stantec, Dated 27/06/22</p> <p>o Stormwater Drainage Lower Ground Floor, Job no. 301348203, Drawing no. CI-520-02, Revision C, by Stantec, Dated 27/06/22</p> <p>b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system</p> <p>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.</p> <p>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</p>			



Council condition	Proposed amendment	Comment	Council's response
<p>concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.</p> <p>e. The detailed stormwater design for the development must ensure that post development flows to each discharge location are equal too or less than pre development flows in the minor and major storm events. Calculations and details must be shown on the construction certificate plans demonstrating compliance with the above requirements. Certification must be provided from a suitably qualified Civil engineer that the above requirements have been achieved prior to approval of the construction certificate.</p>			
<p>(75) No Adverse Run-off Impacts on Adjoining Properties</p> <p>The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.</p>	Noted.		
<p>(76) Keira, Crown, Burelli and Atchinson St – Detailed Civil Engineering Design – Council Land</p> <p>A detailed civil engineering design shall be provided for the proposed footpath works within the road reserve and/or Council land. The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified Civil Engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the following:</p>	<p>Update condition:</p> <p><i>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 any the relevant Construction Certificate for the development.</i></p>	<p>As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.</p>	<p>Applicant's change not accepted. The frontage design is required prior to issue of the any construction certificate as it relates to the entire site frontage. Also, see Council comments at condition 18. There is a major risk that building levels will not be set appropriately. Council approval for the entire frontage works must be issued first, then subsequent CC's for buildings can be issued that integrate with those approved 'frontage' plans.</p>



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> Wollongong City Council Road Frontage Design Drawing no. 6919 Issue SK01_12_1 dated October 2020. Public Domain Works Street Frontage Plan Sheet 1, Job no. 301348203, Drawing no. CI- PD-400-01, Revision C, by Stantec, Dated 27/06/22 Public Domain Works Street Frontage Plan Sheet 2, Job no. 301348203, Drawing no. CI- PD-400-02, Revision B, by Stantec, Dated 20/06/22 <p>The construction certificate plans must include:</p> <ol style="list-style-type: none"> 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. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards 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. All construction must be in accordance with the requirements of Council's Subdivision Code. 			



Council condition	Proposed amendment	Comment	Council's response
<p>Evidence that this requirement has been met must be detailed on the engineering drawings.</p> <p>e. 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.</p> <p>f. Crown Street tree planting within blisters in the parking lane. The number and species for this development is five (5) Zelkova serrata 'Green Vase' 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use. Street trees are to be installed in tree vaults in accordance with the City Centre 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.</p> <p>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 any Construction Certificate for the development. The application must be made via Council's website www.wollongong.nsw.gov.au through the "Frontage Levels" application.</p>			
<p>(77) Coordination of Footpath Works</p> <p>The developer must make arrangements with Council with regards to the coordination of the footpath works required by the conditions of this consent with Council's proposed roadworks adjacent to the site. These works are likely to involve raising of the road, kerb and guttering. The</p>	<p>Update condition:</p> <p><i>The design levels from Council shall be reflected in the Construction Certificate Plans and any supporting documentation prior to the release of the relevant Construction Certificate.</i></p>		<p>Applicant's change accepted.</p> <p>Further clarification recommended in regard to works that may be carried out by Council as below.</p>



Council condition	Proposed amendment	Comment	Council's response
<p>developer must contact Councils manager of Development Engineering to obtain the design levels.</p> <p>The design levels from Council shall be reflected in the Construction Certificate Plans and any supporting documentation prior to the release of the Construction Certificate.</p>			<p>77) Coordination of Footpath Works</p> <p>The developer must make arrangements with Council with regards to the coordination of the footpath works required by the conditions of this consent with any Council's proposed roadworks by Council adjacent to the site. These works are likely to involve raising of the road, kerb and guttering. The developer must contact Councils manager of Development Engineering to obtain the design levels.</p> <p>The design levels from Council shall be reflected in the Construction Certificate Plans and any supporting documentation prior to the release of the relevant Construction Certificate.</p>
<p>(78) Pump System</p> <p>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.</p>	<p>Update condition:</p> <p>...</p> <p><i>The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the relevant Construction Certificate plans and supporting documentation.</i></p>		<p>Applicant's change accepted.</p>
<p>(79) Basement Waterproofing</p> <p>Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal</p>	<p>Update condition:</p> <p>(79) Basement Dewatering Waterproofing</p>	<p>Reason:</p> <p>To reflect the nature of the proposal which includes a drained basement</p>	<p>Applicant's change to condition heading not accepted.</p>



Council condition	Proposed amendment	Comment	Council's response
<p>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 oneway valve system.</p>	<p><i>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 relevant Construction Certificate.</i></p>	<p>as supported by the Hydrological Report prepared by Douglas Partners and included as part of the submission (Appendix AA to submission).</p>	<p>Applicant's request to change heading is not considered necessary as this condition relates to ingress of stormwater whereas the drained basement is a matter for WaterNSW in relation to dewatering requirements (i.e. ingress of groundwater).</p> <p>Change to 'relevant' CC accepted.</p>
<p>(80) Excavation and Retaining Structures adjacent to public roads</p> <p>Permanent ground anchors are not permitted within the road.</p> <p>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. If temporary anchors are proposed within the road reserve they must be submitted to and approved by Wollongong City Council prior to the issue of the construction certificate. The application must be made via Council's website www.wollongong.nsw.gov.au through the "Frontage Levels" application, and must be supported by:</p> <ul style="list-style-type: none"> ○ A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001. ○ A dilapidation survey of the existing Council infrastructure within the zone of influence of the proposed excavation including CCTV of all stormwater pits and pipes and a photographic record of the road pavement, footpath area and associated civil assets 	<p>Update condition:</p> <p>...</p> <p><i>If temporary anchors are proposed within the road reserve they must be submitted to and approved by Wollongong City Council prior to the issue of the relevant construction certificate.</i></p>		<p>Applicant's change accepted.</p>



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> ○ A dial before you dig confirming all service providers in the road. ○ A letter from Sydney Water, Telstra, Endeavour, Jemena, and any other service providers with services in the road, providing written support of the proposed temporary anchors which references the relevant structural plans which they support. ○ A detailed structural design of the proposed temporary anchors prepared by a Chartered Civil Engineer (Structural) that referenced the relevant geotechnical investigation, and includes cross sections every 5m within the road frontage that shows the depth and clearance of the temporary anchors to all services, road pavements, stormwater pits and pipes and related assets based on surveyed levels. 			
(81) 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.	It is requested this condition is deleted.	Reason: Condition (81) is captured as part of condition (80)	Applicant's request to delete this condition is accepted as this is a duplication of the previous condition. <i>NB – the deletion impacts on condition re-numbering from this point.</i>
(82) Lighting Plan Lighting to the publicly accessible areas of the internal plaza, including all through links must be provided as part of the development generally in accordance with the Lighting Plan contained in the Design Report dated 17 June 2022. Suitable lighting of all pedestrian links must be provided and maintained at all times. The lighting must be	Update condition: ... <i>The lighting must be operational prior to issue of the relevant occupation certificate and remain operational in perpetuity.</i>		Applicant's change accepted. Condition requirements have been numbered and include an additional requirement for under-awning lighting as recommended by the Panel: 81. Lighting Plan



Council condition	Proposed amendment	Comment	Council's response
<p>operational prior to issue of the occupation certificate and remain operational in perpetuity. Publicly accessible laneways are to be lit at night.</p> <p>All security lighting is to be consistent with AS4282 (1997) The Control of the Obtrusive Effect of Outdoor Lighting.</p>			<p><i>a. Lighting to the publicly accessible areas of the internal plaza, including all through links must be provided as part of the development generally in accordance with the Lighting Plan contained in the Design Report dated 17 June 2022.</i></p> <p><i>b. Suitable lighting of all pedestrian links must be provided and maintained at all times.</i></p> <p><i>c. The lighting must be operational prior to issue of the relevant Occupation Certificate and remain operational in perpetuity.</i></p> <p><i>d. Publicly accessible laneways are to be lit at night.</i></p> <p><i>e. Lighting must be provided under all awnings to street frontages.</i></p> <p><i>f. All security lighting is to be consistent with AS4282 (1997) The Control of the Obtrusive Effect of Outdoor Lighting.</i></p>
<p>(83) CCTV Infrastructure on Council Lan</p> <p>Prior to any work being carried out to the CCTV Cabinet / Switch located on the Burelli Street footpath (adjacent to the Grand Hotel), consultation with Council's Information Management Division is required to check their requirements. All conduits and cables associated with the CCTV must be mapped and managed as part of the foot path renewal.</p>	<p>Update condition:</p> <p><i>Prior to any work being carried out to the CCTV Cabinet / Switch located on the Burelli Street footpath (adjacent to the Grand Hotel), consultation with Council's Information Management Division is required to check their requirements. All conduits and cables associated with the CCTV must be mapped and managed as part of the foot path renewal within the site boundary.</i></p>		<p>Applicant's changes not accepted as this includes works affected by footpath upgrades.</p>



Council condition	Proposed amendment	Comment	Council's response
(84) Protection of Buildings from Ingress of Stormwater Runoff Detailed design of the development shall ensure that there will be no ingress of surface stormwater runoff into the proposed buildings. All building entrances shall be provided with a suitable freeboard above the adjacent local blocked pipe situation 100 year ARI water surface level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.	Noted. Update condition: ... <i>These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the relevant Construction Certificate.</i>		Applicant's change accepted.
Before the Commencement of Building Work			
(85) Demolition and Construction Noise and Vibration Management Prior to the commencement of any site works, the Proponent shall undertake a noise and vibration assessment to identify all sensitive receivers where the construction noise and vibration levels exceed the ICNG construction noise goals for that receiver. The findings, recommendations and management controls from the assessment shall be documented in a Noise and Vibration Management Plan prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical Consultants) and submitted to the Certifying Authority for approval prior to the release of the Construction Certificate. The Plan shall be incorporated into the site CEMP.	Noted.		



Council condition	Proposed amendment	Comment	Council's response
For the duration of the site works noise and vibration must be managed in accordance with the approved Construction Noise and Vibration Management Plan.			
(86) Road Occupancy Licence (ROL) from Transport for NSW (TfNSW) Prior to any works commencing, the applicant shall obtain a ROL from TfNSW in conjunction with Council's permit under Section 138 of the Roads Act 1993. The developer shall apply for a ROL from the TfNSW 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 two (2) weeks prior to commencement of work to process the ROL. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.	Noted.		
(87) 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	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:</p> <ul style="list-style-type: none"> a. Digging or disruption to footpath/road reserve surface; b. Loading or unloading machinery/equipment/deliveries; 			
<ul style="list-style-type: none"> 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; a. Carrying out demolition works. <p>Restoration must be in accordance with the following requirements:</p> <ul style="list-style-type: none"> 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. 			
(88) Appointment of Principal Certifier	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:</p> <ul style="list-style-type: none">a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; andb. notify Council in writing of their intention to commence work (at least two [2] days notice is required). <p>The Principal Certifier must determine when inspections and compliance certificates are required.</p>			
<p>(89) Home Building Act Requirements Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information –</p> <ul style="list-style-type: none">a. In the case of work for which a principal contractor is required to be appointed -<ul style="list-style-type: none">i. the name and licence number of the principal contractor, andii. the name of the insurer by which the work is insured under Part 6 of that Act,b. In the case of work to be done by an owner-builder -<ul style="list-style-type: none">i. the name of the owner-builder, andii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
development to which the work relates (not being the Council) has given the Council written notice of the updated information.			
(90) Unexpected Contaminated Land and Asbestos Finds Procedure The consent holder must ensure an Unexpected Contaminated Land and Asbestos Finds Procedure is prepared and submitted to the Principal Certifier before the commencement of any works. The Unexpected Contaminated Land and Asbestos Finds Procedure must be followed should unexpected, contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during excavation and construction. This shall be incorporated into the CEMP.	Noted.		
(91) Hazardous Material Survey At least one week prior to demolition, a pre-demolition hazardous building materials survey is required to be undertaken prior to the demolition of the site structures. This shall be done in accordance with the recommendations of the Detailed Site Investigation prepared by Douglas Partners dated November 2019. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: <ul style="list-style-type: none"> the location of hazardous materials throughout the site; a description of the hazardous material; the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust; 	Update condition: <i>At least one week prior to demolition, a pre-demolition hazardous building materials survey is required to be undertaken prior to the demolition of the site structures. This shall be done in accordance with the recommendations of the Detailed Site Investigation prepared by Douglas Partners dated November 2019.</i>	Reason: Invalid reference to Detail Site Investigation not appropriate for this condition.	Applicant's request to delete this sentence is accepted as reference is outdated and covered elsewhere.



Council condition	Proposed amendment	Comment	Council's response
<ul style="list-style-type: none"> an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight; a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines; identification of the disposal sites to which the hazardous materials will be taken. <p>This plan shall be kept on site for the duration of demolition works.</p>			
<p>(92) Certification from Arborist – Adequate Protection of Trees to be Retained</p> <p>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.</p>	Noted.		
<p>(93) Tree Protection</p> <p>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).</p> <p>Tree Protection Zones must be established prior to the commencement of any work associated with this approved development.</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
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.			
(94) Tree Protection Measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.	Noted.		
(95) 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.	Noted.		
(96) Demolition Works The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of 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. Hazardous and/or intractable wastes shall be disposed of in accordance with the Hazardous Materials Assessment and to the satisfaction of Council. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate	Noted.		



Council condition	Proposed amendment	Comment	Council's response
application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.			
<p>(97) Signs On Site</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"> a. showing the name, address and telephone number of the Principal Certifier for the work, and b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c. stating that unauthorised entry to the worksite is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p>	Noted.		
<p>(98) Temporary Toilet/Closet Facilities</p> <p>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.</p> <ul style="list-style-type: none"> a. Each toilet provided must be: b. a standard flushing toilet; and c. connected to either: i. the Sydney Water Corporation Ltd sewerage system or 	Noted.		



Council condition	Proposed amendment	Comment	Council's response
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.			
(99) 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.	Noted.		
(100) Demolition Notification to Surrounding Residents and Businesses Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents and businesses of the date on which demolition works will commence.	Noted.		
101. 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.	Noted.		
102. Contaminated Roof Dust Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.	Noted.		
103. Site Management Program - Sediment and Erosion Control Measures	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.</p> <p>The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.</p>			
<p>104. Hoardings (within any Public Road Reserve)</p> <p>The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Work Health and Safety Act, the Work Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.</p>	Noted.		<p>This condition needs to be amended to the following:</p> <p>104. Hoardings (within any Public Road Reserve)</p> <p>The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with Safe Work NSW requirements and must satisfy the requirements of the Work Health and Safety Act, the Work Health and Safety Regulations and Australian Standard AS 2601. Approval must be obtained under S138 of the Roads Act 1993, before the erection of any such hoarding or fence.</p>
<p>105. Protection of Public Places</p> <p>If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient:</p> <p>a. A hoarding or fence must be erected between the work site and the public place;</p> <p>b. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;</p>			
<p>c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;</p> <p>d. Safe pedestrian access must be maintained at all times;</p> <p>e. Any such hoarding, fence or awning is to be removed when the work has been completed.</p>			
<p>106. Structural Engineer's Details</p> <p>Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.</p>	Noted.		
<p>107. Waste Management</p> <p>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.</p>	Noted.		Change 'should' to 'must' as per the Panel's recommendations.
<p>108. Notification to Council of any Damage to Council's Infrastructure</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.			
109. Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works At least five (5) days notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information: <ol style="list-style-type: none"> a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc; details of the primary contractor and/or company conducting the demolition works; the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works. 	Noted.		
110. 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	Noted.		



Council condition	Proposed amendment	Comment	Council's response
six (6) 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.			
While Building Work is Being Carried Out			
111. Procedure for critical stage inspections While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.	Noted.		
112. Implementation of the site management plans While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request	Noted.		
113. Surveys by a registered surveyor While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier - All footings/foundations At other stages of construction - any marks that are required by the principal certifier	Noted.		



Council condition	Proposed amendment	Comment	Council's response
114. Lighting not to cause Nuisance The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.	Noted.		
115. Acid Sulfate Soils The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter Acid Sulfate Soils during the excavation for the proposed development. Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) be the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete. Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.	It is requested that the condition is reassessed with specific consideration of the findings in the Douglas Partners report (Appendix H section 4 and 8.3 of the submission) where it is noted the site is not affected by acid sulfate soils and therefore this condition appears to be out of context. Refer excerpt below from the report: “8.3 Acid Sulfate Soils <i>The residual soils encountered within the boreholes, the topographical and geological setting are inconsistent with the occurrence of acid sulfate soil conditions. As such, it is considered that there is negligible risk (if any) of the presence of acid sulfate conditions with the natural soils. Investigation for acid sulfate soils (and the preparation of an acid sulfate soil management plan) is therefore not considered necessary for the proposed development.”</i>		Applicant's request to delete condition is not accepted. The site has a very low likelihood of ASS however this condition covers off on the possibility of any ASS being exposed and has no further implications. The site is only identified as having possible Class 5 ASS therefore reference to Class 3 and 4 should not be included in this condition and has been deleted.
116. Implementation of BASIX commitments	Noted.		



Council condition	Proposed amendment	Comment	Council's response
While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.			
117. Responsibility for changes to public infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerbs and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).	Noted.		
118. External Plant and Equipment External plant such as air conditioners, compressors and other machinery likely to emit noise shall be located so adjoining areas are not adversely affected.	Noted.		
119. Spillage of Material Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.	Noted.		
120. Control of Access to Prevent Tracking of Sediment	Noted.		



Council condition	Proposed amendment	Comment	Council's response
Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.			
121. Drains Maintained Free of Sediment Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.	Noted.		
122. Building Operations Not to Discharge Pollutants Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.	Noted.		
123. Trucks to be Covered Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.	Noted.		
124. Excavation Protection and Notification If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made: <ul style="list-style-type: none"> d. Must preserve and protect the adjoining building from damage; and e. if necessary, must underpin and support the building in an approved manner; and 	Noted.		



Council condition	Proposed amendment	Comment	Council's response
f. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.			
125. Safe Excavations and Backfilling All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.	Noted.		
126. Guarding of Excavations and Backfilling All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.	Noted.		
127. Asbestos Clearance Certificate The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of renovations (or prior to the Occupation Certificate being issued).	Noted.		
128. Tree Protection While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites and any arborist's report approved under this consent. This includes maintaining adequate soil grades	Noted.		



Council condition	Proposed amendment	Comment	Council's response
and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.			
129. 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 (https://www.safework.nsw.gov.au).	Noted.		
130. 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.	Noted.		
131. Unexpected Contaminated Land and Asbestos Finds Procedure The consent holder must ensure the Unexpected Contaminated Land and Asbestos Finds Procedure is implemented throughout the excavation and construction phases of the development.	It is requested condition 131 is deleted.	Reason: Condition 131 is captured within condition 90 and therefore should be deleted.	Applicant's request to deletion is supported as Condition 90 covers this requirement
132. Discharge of Accumulated Water Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless all the following criteria are met:	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>g. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and</p> <p>h. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and</p> <p>i. The pH of the water to be discharged is between 6.5 and 8.5; and</p> <p>j. The water to be discharged contains no visible oil or grease; and</p> <p>k. If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and</p> <p>l. The water to be discharged does not contain any substances known to be toxic to aquatic life; and</p> <p>m. The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and</p> <p>n. A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council's Environment Planning Team (phone 4227 7111; fax 4227 7277; email records@wollongong.nsw.gov.au, attention Environment Planning Team Manager); and</p> <p>8 Written permission is obtained from Council's Environment Planning Team prior to any discharge.</p>			
<p>Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.</p>			



Council condition	Proposed amendment	Comment	Council's response
<p>133. Hours of Work</p> <p>The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <p>✦ 7:00am to 5:00pm on Monday to Saturday</p> <p>The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p>Any variation to the hours of work requires Council's approval.</p> <p>Any request to vary the approved hours shall be submitted to the Council in writing detailing:</p> <ol style="list-style-type: none"> The variation in hours required (length of duration); the reason for that variation (scope of works; the type of work and machinery to be used; method of neighbour notification; supervisor contact number; and any proposed measures required to mitigate the impacts of the works <p>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.</p>	Noted.		
<p>134. Copy of Consent in the Possession of Person carrying out Tree Removal</p> <p>The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
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.			
135. 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.	Noted.		
136. 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.	Noted.		
137. Demolition Materials - Disposal All demolition materials not being reused on-site shall be disposed of only at a recycling or waste management facility that may lawfully receive that waste.	Noted.		
138. Dust Suppression Measures	Noted.		



Council condition	Proposed amendment	Comment	Council's response
Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.			
<p>139. Waste Classification of excavated soils</p> <p>Prior to disposal of excavated soils off site, these soils should be classified in accordance with the DECCW (2009) Waste Classification Guidelines and dispose accordingly to approved landfill facility. Toxicity characteristic leaching procedure analysis is required to be undertaken in accordance with the recommendations of the Detailed Site Investigation prepared by Douglas Partners dated November 2019.</p> <p>Prior to importing any soils to site for the purpose of backfilling also requires validation testing following the EPA (1995) Sampling Design Guidelines to confirm suitability for the proposed land use.</p>	It is requested that this condition is deleted based on inappropriate document reference and import testing. It is suggested that upon removing the incorrect referencing and testing, the intent of the condition is covered by condition 140.		<p>The request was reviewed by Council's Environmental experts. It is recommended that the condition be replaced with the following condition and retaining Condition 140:</p> <p><i>Imported Fill Material</i></p> <p><i>Any imported fill material brought onto the site shall be virgin excavated natural material as defined by the NSW Environment Protection Authority, that is natural material such as clay, gravel, sand, soil or rock fines that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and that does not contain sulfidic ores or soils, or any other waste including fragments or filaments of asbestos. A certificate from a suitably qualified environmental consultant confirming that any imported fill material is not contaminated shall be submitted to Council for its records.</i></p>
<p>140. Excess Excavated Material - Disposal</p> <p>Excess excavated material shall be classified according to the</p>	Noted.		Condition to be retained as per comments in relation to previous condition.



Council condition	Proposed amendment	Comment	Council's response
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.			
141. Waste management While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following: <ul style="list-style-type: none"> ✦ The contract details of the person(s) who removed the waste ✦ The waste carrier vehicle registration ✦ The date and time of waste collection ✦ A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill ✦ The address of the disposal location(s) where the waste was taken ✦ The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste. Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to the Order or Exemption and provide the records to the principal certifier and Council.	Noted.		
142. Unexpected Finds of Aboriginal Cultural Heritage	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must ensure:</p> <ul style="list-style-type: none"> ✦ No further harm is undertaken to the object(s) ✦ Immediately cease all work at the particular location 			<p>Changed 'should' to 'must' as per the Panel's recommendations</p>
<ul style="list-style-type: none"> ✦ Secure the area so as to avoid further harm to the Aboriginal object(s) ✦ Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location. ✦ Not recommence any work at the particular location unless authorised in writing by Heritage NSW. ✦ If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing. <p>Wollongong City Council's Heritage Staff should also be notified by calling 4117 7111.</p>			
<p>143. Unexpected Archaeological Finds of Relics</p> <p>The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Council's Heritage Staff must also be notified of the find concurrently.</p>	Noted.		



Council condition	Proposed amendment	Comment	Council's response
<p>144. No Adverse Run-off Impacts on Adjoining Properties</p> <p>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.</p> <p>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.</p>	Noted.		
Before the Issue of an Occupation Certificate			Applicant's requested change to Condition group heading accepted
<p>145. Retaining Wall Certification</p> <p>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.</p>	<p>Update condition:</p> <p><i>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 thean Occupation Certificate or commencement of the use.</i></p>		Applicant's change accepted.
<p>146. Works-as-Executed Plans – Works within Council Land</p> <p>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-AsExecuted 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</p>	<p>Update condition:</p> <p><i>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 relevant occupation Certificate</i></p>		Applicant's change accepted.



Council condition	Proposed amendment	Comment	Council's response
<p>the approved Construction Certificate plans. The Works-AsExecuted (WAE) plans must include:</p> <ul style="list-style-type: none"> ✦ Final locations and levels for all works associated with the development within Council land ✦ the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009. 			
<p>147. Completion of Engineering Works</p> <p>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.</p>	<p>Update condition:</p> <p>...</p> <p><i>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 relevant Occupation Certificate.</i></p>		<p>Applicant's change to include 'relevant' is accepted.</p> <p>However, given that the development involves numerous buildings being constructed in a staged manner, further clarification of 'relevant' was deemed necessary. This matter was reviewed by Council's Manager Development Engineering who recommended the following additional wording:</p> <p><i>As the buildings will be completed in a staged manner, prior to the issue of the Occupation Certificate for each building, written confirmation from Council is required as to the extent of necessary frontage works along with satisfaction that works are completed in a way that:</i></p> <ul style="list-style-type: none"> <i>a. Provides suitable vehicular and pedestrian access;</i> <i>b. Provides suitable infrastructure connections for stormwater and relevant services;</i>



Council condition	Proposed amendment	Comment	Council's response
			<i>c. Does not introduce any safety issues within the public realm.</i>
148. 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: <ul style="list-style-type: none"> o. 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. 	Update condition: <i>Prior to the issuing of the relevant Occupation certificate,...</i>		Applicant's change not accepted. Recommended that 'relevant' be replaced with 'each' as this report will be required for any building constructed as they are all adjacent to a public road.
<ul style="list-style-type: none"> p. Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001. q. Provides a post construction dilapidation survey including CCTV of public Stormwater infrastructure within the frontage of the development 			
149. Completion of Conservation Works The applicant is to undertake and complete all conservation works as detailed in the endorsed Schedule of Conservation Works to the written satisfaction of Council's Heritage Staff, prior to the release of the occupation certificate.	Update condition: <i>The applicant is to undertake and complete all conservation works as detailed in the endorsed Schedule of Conservation Works to the written satisfaction of Council's Heritage Staff, prior to the release of the relevant occupation certificate.</i>		Applicant's change not accepted. Council recommends the condition to be changed to provide more clarity to identify when this is required: <i>... prior to the release of the Occupation Certificate for the Marcus Clark Building.</i>



Council condition	Proposed amendment	Comment	Council's response
150. Schedule of Ongoing Maintenance Works The applicant is to prepare a costed Schedule of Ongoing Maintenance works detailing ongoing inspection and routine maintenance activities to the Marcus Clarke Building following implementation of the endorsed conservation works. The schedule is to be provided to Council's Heritage Staff for written approval prior to the release of the occupation certificate.	Update condition: ... <i>The schedule is to be provided to Council's Heritage Staff for written approval prior to the release of the relevant occupation certificate.</i>		Applicant's change not accepted. Council recommends the condition to be changed to provide more clarity to identify when this is required: <i>... prior to the release of the Occupation Certificate for the Marcus Clark Building.</i>
151. Positive Covenant (Section 88F of the Conveyancing Act 1919) Prior to the issue of any Occupation Certificate, an 88F Instrument creating a positive covenant under the Conveyancing Act 1919 is to be created requiring the property owner(s) to undertake the ongoing maintenance of and management of the heritage assets at the site, in accordance with:	Update condition: ... <i>The instrument, showing the positive covenant must be submitted to Council's Heritage Staff for endorsement prior to the issue of final Occupation Certificate and the use of the development.</i>		Applicant's suggestion for 'final' not accepted but clarify that this relates to the Marcus Clark building only, which also relates to Tower 1: <i>The instrument, showing the positive covenant must be submitted to Council's Heritage Staff for endorsement prior to the issue of any Occupation Certificate for the Marcus Clark building and/or Tower 1.</i>
✦ The endorsed Schedule of Conservation Works ✦ The endorsed Ongoing Schedule of Maintenance Works The covenant is to require the ongoing maintenance of the items as outlined in the above reports and any other relevant Heritage document approved by Wollongong City Council, in perpetuity. The instrument, showing the positive covenant must be submitted to Council's Heritage Staff for endorsement prior to the issue of any Occupation Certificate and the use of the development.			
152. Heritage Interpretation Works Prior to the release of the subdivision/occupation certificate, the applicant is to complete any works that are recommended and detailed in the endorsed Heritage Interpretation Plan to the written satisfaction of Council's Heritage Staff.	Update condition: <i>Prior to the release of the subdivision/occupation certificate, the applicant is to complete any works that are recommended and detailed in the endorsed Heritage Interpretation Plan to the written satisfaction of Council's Heritage Staff.</i>	It is recommended to remove reference to subdivision certificate to avoid uncertainty.	Applicant's change accepted.



Council condition	Proposed amendment	Comment	Council's response
<p>153. Arborist Verification – Street Tree Installation</p> <p>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:</p> <ul style="list-style-type: none"> r. The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use. s. 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. 	<p>Update condition:</p> <p><i>Prior to the issue of relevant 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:</i></p> <p>...</p>		<p>Applicant's change to include 'relevant' is accepted.</p> <p>However, given that the development involves numerous buildings being constructed in a staged manner, further clarification of 'relevant' was deemed necessary. The following additional wording is recommended:</p> <p><i>As the buildings will be completed in a staged manner, the extent of street tree installation for each Occupation Certificate will be determined by Council. Prior to issue of each Occupation Certificate, the Certifier must obtain written confirmation from Council that the street tree installation has been satisfactorily completed.</i></p>
<p>154. Completion of Landscape Works on Council Owned or Controlled Land</p> <p>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</p>	<p>Update condition:</p> <p><i>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 or subject to a future VPA 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.</i></p>	<p>As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.</p>	<p>Applicant's change to include reference to a future Planning Agreement is not accepted as any possible future PA is outside the reach of the current development application.</p> <p>Applicant's change to include 'relevant' is accepted.</p> <p>However, given that the development involves numerous buildings being constructed in a staged manner, further clarification of 'relevant' OC was</p>



Council condition	Proposed amendment	Comment	Council's response
requirement has been met must be satisfied prior to the issue of the Occupation Certificate.	<i>Evidence that this requirement has been met must be satisfied prior to the issue of the relevant Occupation Certificate.</i>		<p>deemed necessary. The following additional wording is recommended:</p> <p><i>As the buildings will be completed in a staged manner, the extent of landscape works on Council land for each Occupation Certificate will be determined by Council. Prior to issue of each Occupation Certificate, the Certifier must obtain written confirmation from Council that these landscape works have been satisfactorily completed.</i></p>
<p>155. Completion of landscape and tree works</p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p>	<p>Update condition:</p> <p><i>Before the issue of an the relevant occupation certificate, the principal certifier must be satisfied that all landscape and tree works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</i></p>		<p>Applicant's change to include 'the relevant' is accepted.</p> <p>However, given that the development involves numerous buildings being constructed in a staged manner, further clarification of 'the relevant' OC was deemed necessary. The following additional wording is recommended:</p> <p><i>As the buildings will be completed in a staged manner, the extent of landscape and tree works on Council land for each Occupation Certificate will be determined by Council. Prior to issue of each Occupation Certificate, the Certifier must obtain written confirmation from Council that these works have been satisfactorily completed.</i></p>
			New Condition 153A based on the Panel's recommendation to include a positive covenant for landscape works.



Council condition	Proposed amendment	Comment	Council's response
			<p><i>Positive Covenant (Section 88F of the Conveyancing Act 1919)</i></p> <p><i>Prior to the issue of the Occupation Certificate, an 88F Instrument creating a positive covenant under the Conveyancing Act 1919 is to be created requiring the property owner(s) to undertake the ongoing maintenance and management of the landscaping throughout the site, including but not limited to the internal plaza areas and plantings on awnings (but excluding landscaping associated with the residential towers in the event that these towers are strata subdivided). The covenant is to require the ongoing maintenance of the landscaping in accordance with the final landscape plans.</i></p> <p><i>The instrument, showing the positive covenant must be submitted to Council's satisfaction prior to the issue of the relevant Occupation Certificate.</i></p>
<p>156. Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.</p>	<p>Update condition:</p> <p><i>Before the issue of the relevant occupation certificate, the certifier must requires written confirmation from the relevant authority that the relevant services have been completed.</i></p>		<p>Applicant's change accepted.</p>



Council condition	Proposed amendment	Comment	Council's response
Before the issue of the occupation certificate, the certifier must requires written confirmation from the relevant authority that the relevant services have been completed.			
157. Preservation of survey marks Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: <ul style="list-style-type: none"> t. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaces, or u. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure. 	Update condition: <i>Before the issue of an an the relevant occupation certificate...</i>		Applicant's change accepted.
158. Site Contamination Validation Report and Site Contamination Audit Statement The submission of a site contamination validation report to the Principal Certifier and Council (in the event that Council is not the Principal Certifier for its records) is required, prior to the issue of an Occupation Certificate. This validation report shall verify that: <ul style="list-style-type: none"> a. all site contamination remediation works have been satisfactorily completed; b. the site is not affected by any soil strata and/or groundwater table contamination, above NSW EPA threshold limit criteria; and 	We would recommend deletion of this condition.	It is requested the condition is reassessed based on the findings of the Douglas Partners report (Appendix W of the DA submission) and in the context of SEPP 2021. It is considered that any soils impacted by residual contamination that may be present associated with the former land uses, will be excavated and removed from site as part of the proposed development.	Applicant's request to delete this condition entirely is not supported. Council's Environment Division have agreed that there is no need for a site audit, only a site validation report. The condition has been re-worded to reflect this.
c. the site is rendered suitable for the proposed development. The submission of a site audit statement/final clearance certificate is also required from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land			



Council condition	Proposed amendment	Comment	Council's response
Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.			
159. Acoustic Design Compliance Report A final acoustic design compliance report confirming compliance with the acoustic report prepared by RWDI Australia Pty Ltd dated 27 June 2022 (or additional measures required to satisfy the criteria outlined in the Condition above) shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical Consultants) and submitted to the Certifying Authority for approval prior to the release of the Occupation Certificate.	Update condition: <i>A final acoustic design compliance report confirming compliance with the acoustic report prepared by RWDI Australia Pty Ltd dated 27 June 2022 (or additional measures required to satisfy the criteria outlined in the Condition above) shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australasian Acoustical Consultants) and submitted to the Certifying Authority for approval prior to the release of the relevant Occupation Certificate.</i>		<p>Applicant's change partly accepted.</p> <p>As the recommendations relate to numerous buildings, the conditions should reference 'any' relevant Occupation Certificate.</p>
160. Climate Active Certification Prior to the release of the Occupation Certificate, evidence shall be provided to Council that the development has gained Carbon Neutral Precinct Certification through Climate Active.	Update condition: Prior to the release of the Occupation Certificate, <i>evidence shall be provided to Council that the development has gained-maintained Carbon Neutral Precinct Certification through Climate Active annually from the first year of operation.</i>	Reason: The Climate Active Carbon Neutral Standard for Precincts (Precinct Standard) is a voluntary standard to manage greenhouse gas emissions and to achieve carbon neutrality. WIN Grand precinct is committed to achieving Climate Active Carbon Neutral certification in operation. Achieving the 'Carbon Neutral' status through Climate Active requires annual assessment which only begins after one full year of operation. As such, this condition cannot be met and condition is	<p>Applicant's change considered reasonable and re-worded in consultation with Council's Environment Division as follows:</p> <p># Climate Active Certification</p> <p><i>Evidence shall be provided to Council that the development has Carbon Neutral Precinct Certification through Climate Active following its first year of operation. Evidence of this shall be provided to Council within 18 months from the issue of the final Occupation Certificate for the precinct and maintained annually thereafter.</i></p>



Council condition	Proposed amendment	Comment	Council's response
		proposed to be amended as noted above.	
<p>161. Dedication of Footpath on Crown Street</p> <p>Prior to the issue of an Occupation Certificate, the applicant must dedicate the area of land to be footpath as public road (at no cost to Council) as indicated on plan titled 'Existing site overlay drawing AR-SK-NL10000 dated 3 June 2022'.</p> <p>Those areas of footpath works and civil assets that will need to be dedicated as public road/public infrastructure will need to be in accordance with Council's public domain technical standard and specifications approved by Council's Development Engineering Manager and to Council's satisfaction.</p>	See comment	As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.	<p>In response to the Panel's request to address the applicant's comments Council has reconsidered the need for the dedication of land.</p> <p>The objective of widened footpaths was to facilitate pedestrian movement into and around the site along with outdoor dining (Crown Street frontage). The areas of widening are a response to the proposed development. These areas of land are not identified on any Council road widening or acquisition plans or Accordingly, this condition is proposed to be deleted.</p>
<p>162. Dedication of Footpath on Burelli Street</p> <p>Prior to the issue of an Occupation Certificate, the applicant must dedicate the area of land (as indicated on plan titled 'Existing site overlay drawing AR-SK-NL10000 dated 3 June 2022') as public road (at no cost to Council) as a stratum lot, limited in height to the underside of any proposed structures. This stratum lot to be dedicated as public road will be limited in height and unlimited in depth as part of the lot consolidation plan.</p> <p>Those areas of footpath works and civil assets that will need to be dedicated as public road/public infrastructure will need to be in accordance with Council's public domain technical standards and specifications approved by Council's Development Engineering Manager and to Council's satisfaction.</p>	See comment	As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.	<p>In response to the Panel's request to address the applicant's comments Council has reconsidered the need for the dedication of land.</p> <p>The objective of dedicating land to provide a widened footpath was to facilitate pedestrian movement into and around the site along with outdoor dining (Crown Street frontage). This can also be achieved without the need for dedication of land. The pedestrian environment may incorporate both public and private land as is the circumstance along many commercial frontages in the LGA. The design accommodates for this outcome with the setback of built form from the property boundary. The surface</p>



Council condition	Proposed amendment	Comment	Council's response
			<p>treatment will be contiguous and consistent across both parcels and within the interior outdoor areas of the site. The deletion of this conditions also serves to remove the need for creation of future stratum over public land where there are building overhangs and the potential point encroachment of the building on the Crown Street frontage.</p> <p>These areas of land are not identified on any Council road widening or acquisition plans. Accordingly, this condition is proposed to be deleted. Also see comments at condition 18.</p>
<p>163. Lot consolidation and easements extinguished</p> <p>All existing parcels of land must be consolidated into a single allotment. Documentation demonstrating registration of the consolidated lot and the existing easements extinguished must be submitted to Council's satisfaction prior to the issue of an Occupation Certificate.</p>	<p>Update condition:</p> <p><i>All existing parcels of land must be consolidated into a single allotment. Documentation demonstrating registration of the consolidated lot and the existing easements extinguished must be submitted to Council's satisfaction prior to the issue of an the relevant Occupation Certificate.</i></p>		<p>Applicant's change accepted.</p>
<p>164. Extinguishment of Easements/Restrictions</p> <p>Any easements or restrictions required to be modified, varied or extinguished that will become redundant as part of the proposed development and the consolidation of the various properties, will need to be extinguished, varied or modified prior to the issue of an Occupation Certificate and to Council's satisfaction.</p> <p>It is noted that there are various private and public easements affecting the development site and Wollongong City Council</p>	<p>Update condition:</p> <p><i>Any easements or restrictions required to be modified, varied or extinguished that will become redundant as part of the proposed development and the consolidation of the various properties, will need to be extinguished, varied or modified prior to the issue of an the final Occupation Certificate and to Council's satisfaction.</i></p>		<p>Applicant's change accepted. In addition, the requirement for this to be to Council's satisfaction is removed. Council will see future torrens or stratum subdivision applications where this can be further assessed.</p>



Council condition	Proposed amendment	Comment	Council's response
holds a Right of Carriageway variable width affecting part of the land over Findlay Place as described in DP 603753 and dealing S144464. Any request to release this easement to be extinguished will be at the applicants cost.			
165. Repair of infrastructure Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the applicant is responsible for any payments required for rectification works.	Update condition: <i>Before the issue of an the relevant occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</i>		Applicant's change accepted.
166. Journey Mapping and Wayfinding plan Pedestrian and cyclist signage is to be provided generally in accordance with the Journey Mapping and Wayfinding Plan attached to this consent.	Noted		
167. BASIX An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the final Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.	Noted		



Council condition	Proposed amendment	Comment	Council's response
			<p>New Condition 165A arising from Panel's recommendation for base hours of operation to be included as a condition of consent, excluding all uses within The Grand Hotel. The below hours are considered acceptable in the context of the city centre location and with regard to the SEPP (Exempt and Complying Code) provisions.</p> <p><i>165A. Hours of Operation</i> <i>The approved hours of operation for the non-residential uses as part of this consent is 6.00 am to 10.00 pm Monday to Saturday and 7.00 am to 10.00 pm on a Sunday or a public holiday. In addition, the cinema is permitted to operate up until 12 midnight 7 days a week.</i></p> <p><i>Any operation outside these hours will require separate development consent.</i></p>
<p>168. Loading Dock Delivery, Servicing and Waste Management Plan</p> <p>A Loading Dock Delivery and Waste Management Plan is to be provided which provides a way of scheduling the arrival and departure of large vehicles using the loading dock. The purpose of the plan is to coordinate the arrival and departure of large vehicles needing access to the loading dock. A key element of the Plan will be a booking system which ensures the availability of the different bays within the loading area. All</p>	<p>Update condition: <i>This Plan must be submitted for approval prior to the issue of the relevant Occupation Certificate.</i></p> <p>We also request removal of the reference to a booking system; this will be assessed as part of the Loading Dock Delivery and Waste Management Plan.</p>		<p><i>NB – now Condition 164.</i> <i>Council has changed the wording to require this Plan to be submitted to Council's satisfaction and written approval prior to issue of 'any' Occupation Certificate.</i></p> <p><i>Applicant's request to remove the reference to a booking system is</i></p>



Council condition	Proposed amendment	Comment	Council's response
commercial vehicles are able to enter the site and access the loading docks without being obstructed and turn and exit the site in a forward direction in no more than 3 turning movements. This Plan must be submitted for approval prior to the issue of the Occupation Certificate.			accepted given that this Plan will need to come back to Council and other options may be available.
169. Acoustic Master Plan An Acoustic Masterplan must be developed for the precinct to address cumulative noise emissions from the food and beverage tenancies to ensure prior to the issue of a Occupation Certificate. The Acoustic Masterplan should be prepared by a suitably qualified acoustic consultant that is a member of the AAAC prior to the issue of a construction certificate	Update condition: <i>An Acoustic Masterplan must be developed for the precinct to address cumulative noise emissions from the food and beverage tenancies to ensure prior to the issue of-a the relevant Occupation Certificate.</i>		NB - now Condition 165 Applicant's change not accepted. Council recommends the Acoustic Master Plan to be submitted prior to issue of 'any' Occupation Certificate. Reference to the Construction Certificate removed.
Occupation and Ongoing Use			
170. Storage and servicing of waste All waste and bins associated with the development shall be stored within the waste storage rooms at all times. No waste shall be allowed to accumulate or shall be stored on or adjacent to the street frontage of the site at any time. Waste servicing is to occur on site at all times.	Noted		
171. Graffiti Removal Any graffiti shall be removed immediately from the exterior of the building or any associated structures including any fences, site services and retaining/planter bed walls.	Noted		
172. Strata Plan Requirements	Noted		



Council condition	Proposed amendment	Comment	Council's response
Should a Strata Plan be prepared for this development in the future, the following matters must be addressed: v. Garbage and recycling rooms must be contained within the common area; w. Motorbike and bicycle storage areas and visitor car parking must be contained within the common area; and x. Appropriate allocation of car parking and storage areas to the dwellings.			
173. Residential Storage Each residential unit shall be allocated storage within the residential storage areas provided within the building. The residential storage area shall be appropriately secured and fitted with CCTV surveillance. This requirement shall be reflected on the Construction Certificate plans.	Update condition: <i>Each residential unit shall be allocated storage within the residential storage areas provided within the basement building.</i>	Reason: To reflect proposal that includes residential storage in the basement near the residential lobbies	Applicant's change accepted.
174. Noise limitations - Licenced venues The LA10* 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 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence. The LA10* 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 12:00 midnight and 7:00 am at the boundary of any affected residence. 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 12:00 midnight and 7:00 am.	Noted		
175. Green Travel Plan	Noted		



Council condition	Proposed amendment	Comment	Council's response
The Green Travel Plan (Revision D, Stantec, 24/6/2022) or as revised from time to time, shall be implemented in its entirety for the life of the development.			
176. Annual Climate Active Certification The development is required to maintain its Carbon Neutral Precinct Certification through Climate Active for a period of ten (10) years or longer. Evidence of annual certification renewal shall be provided to Council within 14 days of annual certification being achieved.	Noted		
177. Access to accessible parking spaces Suitable means of access to the commercial visitor accessible car parking spaces is required which does not rely on prebooking/mobile phone app or similar. Users of these spaces must be able to access the spaces without prior arrangement (for example, validation of ticket obtained on entry through the boom gate).	Noted		
178. Location of outdoor dining It is recommended any outdoor dining be located in a manner that enables a continuous path of travel along the line of the building in order to not obstruct those with vision impairments.	Noted		
179. Shopfront security grilles Security grilles are only permitted within retail shopfronts. Such grilles are to be transparent.	Noted		The Panel queried whether more prescriptive requirements be incorporated into this condition. Council's opinion is that there are a range of suitable designs that could be appropriate, noting that there are a range of building typologies that may warrant different design approaches. Given the development's emphasis on design quality, the risk of a substandard



Council condition	Proposed amendment	Comment	Council's response
			<p>security grille being installed is considered unlikely and unnecessary to be specifically addressed in a condition.</p> <p>Recommend deletion of this condition.</p>
<p>180. Mechanical Plant and Equipment Noise</p> <p>The operation of all mechanical plant including exhaust and supply fans, air conditioning units, condensers, pool pumps, etc singly and /or collectively, etc., shall not emit:</p> <ol style="list-style-type: none"> a noise level that is more than 5dBA above the ambient background noise level between 7:00 am and 10:00 pm on any day including Saturday, Sunday or public holiday measured at any property boundary or external apartment façade, and a noise level that is audible in habitable rooms of a residences between 10.pm and 7.00 am on any day including Saturday, Sunday or public holiday. 	Noted		
Water NSW letter	<p>Conditions contained in the WaterNSW letter are requested to be revised with specific reference to the Hydrological Report provided as part of the DA submission (Appendix AA).</p> <p>The proposal includes a drained basement as supported by the recommendation found in the report, however, it appears that the WaterNSW conditions may have not considered the specific findings.</p>	<p>Reason:</p> <p>The letter from Water NSW makes a request for a hydrological assessment, such assessment has been submitted to Council as part of the DA resubmission (Appendix AA in submission). Conditions GTO115-00001, GTO120, GTO121, GTO122 and GTO151 imply that the recommendations in the report prepared by Douglas Partners may have not been considered.</p>	<p>Council requested clarification from WaterNSW on this issue.</p> <p>Further advice from WaterNSW was received on 29/11/22 which forms Attachment 3 to the Addendum Report for the Panel's reference.</p> <p>This advice notes that only temporary dewatering is covered in the General Terms of Approval as there is some degree of uncertainty about the impacts of the excavation works on the groundwater (as outlined on page 9 under the heading 'Assessment of Development Application').</p>



Council condition	Proposed amendment	Comment	Council's response
TfNSW letter	See comment	As per our comments on Condition 18, the applicant wants to ensure that works in the public domain can potentially be the subject of a Planning Agreement.	See previous comments regarding any Planning Agreement process being separate to the current application.