

Attachment 10 – Recommended Conditions

Consent has been granted subject to the following conditions:

The development proposed is Integrated Development and approval is required from the approval bodies listed below:

WaterNSW - Water Management Act 2000

Pursuant to s91 - authorisation under the Water Management Act 2000 - General Terms of Approval issued by WaterNSW dated 20 September 2022 as attached shall form part of this Notice of Determination.

Conditions imposed by Council as part of this Integrated Development Consent are:

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Dated
AR-DA-A-00-09	6	Proposed Site Plan	BVN	24 June 2022
AR-DA-A-00-12	4	Site Setback	BVN	24 June 2022
AR-DA-A-00-13	3	Site LEP Building Separation	BVN	24 June 2022
AR-DA-A-00-14	3	Site Awnings	BVN	24 June 2022
AR-DA-B-10-01	21	Level – Basement +12.00 RL	BVN	24 June 2022
AR-DA-B-10-02	21	Level – Lower Ground +15.00 RL	BVN	24 June 2022
AR-DA-B-10-03	20	Level – Ground +18.00 RL	BVN	24 June 2022
AR-DA-B-10-04	14	Level 01 + 21.00 RL	BVN	24 June 2022
AR-DA-B-10-05	17	Level 02	BVN	6 October 2022
AR-DA-B-10-06	16	Level 03	BVN	24 June 2022
AR-DA-B-10-07	16	Level 04	BVN	24 June 2022
AR-DA-B-10-08	17	Level 05	BVN	28 September 2022
AR-DA-B-10-09	16	Level 06	BVN	24 June 2022
AR-DA-B-10-10	16	Level 07	BVN	24 June 2022
AR-DA-B-10-11	16	Level 08	BVN	24 June 2022

AR-DA-B-10-12	15	Level 09	BVN	24 June 2022
AR-DA-B-10-13	15	Level 10	BVN	24 June 2022
AR-DA-B-10-14	15	Level 11	BVN	24 June 2022
AR-DA-B-10-15	15	Level 12	BVN	24 June 2022
AR-DA-B-10-16	15	Level 13	BVN	24 June 2022
AR-DA-B-10-17	15	Level 14	BVN	24 June 2022
AR-DA-B-10-18	15	Level 15	BVN	24 June 2022
AR-DA-B-10-19	14	Level 16	BVN	24 June 2022
AR-DA-B-10-20	14	Level 17	BVN	24 June 2022
AR-DA-B-10-21	14	Level 18	BVN	24 June 2022
AR-DA-B-10-22	13	Level 19	BVN	24 June 2022
AR-DA-B-10-23	13	Level 20	BVN	24 June 2022
AR-DA-B-10-24	6	Level 21	BVN	24 June 2022
AR-DA-B-10-25	13	Level 22	BVN	24 June 2022
AR-DA-B-10-26	13	Level 23, 24 and 25	BVN	24 June 2022
AR-DA-B-10-27	13	Level 26 and 27	BVN	24 June 2022
AR-DA-B-10-28	13	Level 28 and 29	BVN	24 June 2022
AR-DA-B-10-29	13	Level 30 and 31	BVN	24 June 2022
AR-DA-B-10-30	13	Level 32 and 33	BVN	24 June 2022
AR-DA-B-10-31	13	Level 34 and 35	BVN	24 June 2022
AR-DA-B-10-32	13	Level 36, 37 and 38	BVN	24 June 2022
AR-DA-B-10-33	2	Roof Plan	BVN	24 June 2022
AR-DA-B-20-01	4	Tower 1_Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-02	4	Tower 1_Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-03	4	Tower 1_Typical Floor Plans	BVN	24 June 2022

AR-DA-B-20-04	4	Tower 1_Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-05	4	Tower 1_Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-11	4	Towers 2 & 3 – Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-12	4	Towers 2 & 3 – Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-13	4	Towers 2 & 3 – Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-14	2	Towers 2 & 3 – Typical Floor Plans	BVN	24 June 2022
AR-DA-B-20-15	2	Towers 2 & 3 – Typical Floor Plans	BVN	24 June 2022
AR-DA-B-21-01	5	Demolition Site Plan	BVN	24 June 2022
AR-DA-B-22-01	4	Demolition Elevations 1	BVN	24 June 2022
AR-DA-B-22-02	4	Demolition Elevations 2	BVN	24 June 2022
AR-DA-C-10-00	4	Material and Finish Board	BVN	24 June 2022
AR-DA-C-10-01	8	Streetscape Elevations	BVN	24 June 2022
AR-DA-C-10-02	7	Streetscape Elevations	BVN	24 June 2022
AR-DA-C-10-03	9	Burelli Street Elevation	BVN	24 June 2022
AR-DA-C-10-04	9	Atchison Street Elevation	BVN	24 June 2022
AR-DA-C-10-05	9	Crown Street Elevation	BVN	24 June 2022
AR-DA-C-10-06	9	Keira Street Elevation	BVN	24 June 2022
AR-DA-C-20-10	5	Tower 1 Elevations	BVN	28 September 2022
AR-DA-C-20-11	4	Tower 1 Elevations	BVN	24 June 2022
AR-DA-C-20-20	9	Tower 2 Elevations	BVN	24 June 2022
AR-DA-C-20-30	9	Tower 3 Elevations	BVN	24 June 2022
AR-DA-C-20-40	4	Pool & Gym Elevations	BVN	24 June 2022
AR-DA-C-20-50	4	Commercial Elevations	BVN	24 June 2022
AR-DA-C-20-60	4	Grand Hotel Elevations	BVN	24 June 2022
AR-DA-C-20-70	1	Through Site Link Elevations	BVN	28 September 2022

AR-DA-C-20-71	1	T2 and T3 Through Site Link Elevations	BVN	28 September 2022
AR-DA-C-20-72	1	C1 Through Site Link Elevations	BVN	28 September 2022
AR-DA-C-30-10	5	Façade Details Tower 1 South	BVN	24 June 2022
AR-DA-C-30-11	6	Façade Details Tower 1 North	BVN	24 June 2022
AR-DA-C-30-20	6	Façade Details Towers 2 and 3	BVN	24 June 2022
AR-DA-C-30-21	6	Façade Details Towers 2 and 3	BVN	24 June 2022
AR-DA-C-30-22	6	Façade Details Towers 2 and 3	BVN	24 June 2022
AR-DA-C-30-23	6	Façade Details Towers 2 and 3	BVN	24 June 2022
AR-DA-C-30-30	5	Façade Details Pool	BVN	24 June 2022
AR-DA-C-30-31	5	Façade Details Gym	BVN	24 June 2022
AR-DA-C-30-32	5	Façade Details Marcus Clark	BVN	24 June 2022
AR-DA-C-30-40	5	Façade Details Comercial Tower	BVN	24 June 2022
AR-DA-C-30-41	2	Façade Details Comercial Podium	BVN	24 June 2022
AR-DA-C-30-50	4	Façade Details Cinema/Pub	BVN	24 June 2022
AR-DA-D-10-01	9	Site Section NS 1	BVN	24 June 2022
AR-DA-D-10-02	9	Site Section NS 2	BVN	24 June 2022
AR-DA-D-10-03	9	Site Section NS 3	BVN	24 June 2022
AR-DA-D-10-04	9	Site Section NS 4	BVN	24 June 2022
AR-DA-D-10-05	9	Site Section EW 1	BVN	24 June 2022
AR-DA-D-10-06	7	Site Section WE 1	BVN	24 June 2022
AR-DA-T-20-01	6	ADG Part 2C – Building Height	BVN	24 June 2022
AR-DA-T-20-02	6	ADG Part 2C – Levels Diagram	BVN	24 June 2022
AR-DA-T-30-03	6	ADG Part 3E – Deep Soil	BVN	24 June 2022
AR-DA-T-50-01	4	Adaptable Units – Tower 1	BVN	17 June 2022
AR-DA-T-50-02	4	Adaptable Units – Towers 2 & 3	BVN	17 June 2022

AR-DA-T-50-03	4	Livable Units – Tower 1	BVN	17 June 2022
AR-DA-T-50-04	4	Livable Units – Towers 2 & 3	BVN	17 June 2022
6919 Sheet SK01	1	Road Frontage Design General Arrangement Plan	KG	10/20
6919 Sheet SK02	1	Road Frontage Design Longitudinal Sections Bdy – Sheet 1	KG	10/20
6919 Sheet SK03	1	Road Frontage Design Longitudinal Sections Bdy – Sheet 2	KG	10/20
6919 Sheet SK04	1	Road Frontage Design Longitudinal Sections Bdy – Sheet 3	KG	10/20
6919 Sheet SK05	1	Road Frontage Design Longitudinal Sections Bdy – Sheet 4	KG	10/20
6919 Sheet SK06	1	Road Frontage Design Longitudinal Sections MC01 – Sheet 1	KG	10/20
6919 Sheet SK07	1	Road Frontage Design Longitudinal Sections MC01 – Sheet 2	KG	10/20
6919 Sheet SK08	1	Road Frontage Design Longitudinal Sections MC01 – Sheet 3	KG	10/20
6919 Sheet SK09	1	Road Frontage Design Longitudinal Sections MC01 – Sheet 4	KG	10/20
6919 Sheet SK10	1	Road Frontage Design Cross Sections MC01 – Sheet 1	KG	10/20
6919 Sheet SK11	1	Road Frontage Design Cross Sections MC01 – Sheet 2	KG	10/20
6919 Sheet SK12	1	Road Frontage Design Cross Sections MC01 – Sheet 3	KG	10/20

Document Title	Version No	Prepared By	Dated
Development Application Acoustic Assessment	2004138	RWDI	27 June 2022
Transport Impact Assessment	D	Stantec	27 June 2022
Access Review	FINAL v2	Morris Goding Access Consulting	18 June 2021
Preliminary Geotechnical Investigation	4	Douglas Partners	23 June 2022
Public Art Plan		Art Pharmacy	June 2022
Historical Archaeological Assessment	2	Austral Archaeology	24 June 2022

View Impact Assessment Report	2	Urbis	23 June 2022
Construction Management Plan			June 2022
Preliminary (Subsurface) Contaminated Land Investigation	4	Douglas Partners	23 June 2022
Economic Impact Assessment	2	Urbis	June 2022
Water Sensitive Urban Design Report	002	Stantec	24 June 2022
Pedestrian Wind Study	2004138	RWDI	24 June 2022
Amended Heritage Impact Statement		Weir Phillips Heritage and Planning	June 2022
Heritage Interpretation Strategy		Weir Phillips Heritage and Planning	June 2022
Arboricultural Impact Assessment Tree Protection Specification	E	Tree iQ	23 June 2022
Green Travel Plan	D	Stantec	24 June 2022
Environmentally Sustainable Design DA Report Part 1 of 2	E	Cundall	24 June 2022
Environmentally Sustainable Design DA Report Part 2 of 2	D	Cundall	27 June 2022
Early Work Report for WIN Grand		Bangawarra	
CPTED Report	2	Urbis	21 June 2021
Schedule of Conservation Works		Weir Phillips Heritage and Planning	June 2022
Regulatory Compliance Report	03	McKenzie Group	27 June 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

General Conditions

2. Transport for NSW (TfNSW)

Requirements issued by TfNSW dated 1 November 2022 as attached shall form part of this Notice of Determination.

3. Sydney Water

Requirements issued by Sydney Water dated 25 August 2022 as attached shall form part of this Notice of Determination.

4. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

5. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

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 Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

7. Heritage Documents Local Studies Library

A bound hard copy and digital copy of all heritage documents related to this development application must be provided to Councils Heritage Staff for inclusion in the local studies library. The documents must be included as one document with an index page. Document required include but are not limited to:

- Heritage Impact Statement
- Historic Archaeological Assessment;
- Archaeological Research Design;
- Final Excavation Report;
- Designing with Country Guidelines;
- Photographic Recording; and
- Heritage Interpretation Plan.

8. Tree Retention

The developer shall retain the six (6) existing street tree(s) on Burelli and Atchison Streets indicated on Landscape Plans, Oculus, 03 dated 29 September 2022 and Arboricultural Impact Assessment by Tree IQ dated 23 June 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.

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

All recommendations in the Arboricultural Impact Assessment by Tree IQ dated 23 June 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.

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.

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.

10. Supplementary Detail Site Investigation

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 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.

After site remediation a Validation Report (Stage IV) is required stating that the site is suitable for the proposed land uses.

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.

11. Separate Consent for Uses within the Grand Hotel

This consent does not approve specific uses or operational requirements within The Grand Hotel. Separate development consent will be required for the live music venue, the pub and the exhibition space.

12. Geotechnical Requirements

- a. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- b. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c. The retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner(s).
- d. No damages to adjacent structures 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.
- e. An earthworks plan is to be developed by the geotechnical consultant prior to the start of earthworks.
- 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.
- g. Hard bedrock, where encountered, will be difficult to excavate. Alternative excavation methods must be considered to minimise noise and vibration.
- h. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- 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.
- 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 or amended by the structural engineer based on the works-as-executed geotechnical report.

- 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.

13. Advertising, Business Identification and Building Identification signage not approved

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.

14. Water Supply Work Approval Required

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.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

15. Maintenance of Access to Adjoining Properties

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.

16. Mailboxes and Street Numbering

The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. 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.

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.

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

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

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

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

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

19. Payment of Building and Construction Industry Long Service Levy

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

20. Food and Health Premises

If required, separate approval must be obtained for any proposed use involving the handling of food for sale or skin penetration procedures.

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.

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-regulations/health-and-safety-rules>

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

22A. Public Art Plan

The development is to be carried out generally in accordance with the Public Art Plan prepared by Art Pharmacy and in consultation with Council.

Before the Issue of a Construction Certificate

23. Design Amendments

Before the issue of the relevant Construction Certificate/s, the Certifier must ensure the approved Construction Certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation:

- a Louvres to breezeway of residential towers must remain open:
The louvres to the open corridors for all towers must be designed and installed so they cannot be fully closed.

Reason: So that cross ventilation is not compromised for the adjoining units that rely on this space to be open.
- 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.
- 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.
- d Openings to plaza:
The commercial tenancies between Towers 2 and 3 at plaza level are to include additional windows and/or large glazed doors facing the plaza to provide better activation and surveillance of that space.
- 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. This requirement must be shown on the Construction Certificate plans.

- 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.
- g. Ceiling Fans:
Ceiling fans must be provided in all bedrooms within levels 2-4 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.
- 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.
- i. Bathrooms not to open directly into kitchen/dining areas
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.
- j. Window treatments to bedrooms
Alternative window design and/or treatments must be provided to the bedrooms for Unit Types 2B, 2C-1 and 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.

Reason: To improve amenity and outlook from these rooms.

24. Basement Reconfiguration

The basement car parking is to be redesigned to accommodate the following:

- 70 residential visitor car parking spaces with direct lift access to Towers 1, 2 and 3.
- 16 commercial motorbike parking spaces.
- 95 commercial bicycle spaces (Security Class B)
- A minimum of 30 commercial visitor bicycle spaces (Security Class C)
- 16 accessible non-residential visitor car parking spaces in close proximity to lifts up to the plaza level.
- A minimum of 350 residential car parking spaces
- A minimum of 49 commercial car parking spaces
- A minimum of 130 residential bicycle spaces (Security Class B)
- A minimum of 33 residential visitor bicycle spaces (Security Class C)
- 26 residential motorbike spaces
- Compliant provision of waste storage (including general, recyclable, FOGO and bulk waste) and residential storage.

The amended plan(s) are to be submitted to Council for endorsement prior to the issue of the first Construction Certificate. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

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.

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 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.

24B. Parking dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

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

24C. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

24D. Barriers, line-marking and signage

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

24E. Stacked parking

The stacked parking spaces must comply with the requirements of Chapter E3 of Wollongong Development Control Plan 2009. Each stacked parking arrangement must be allocated to the same retail or commercial tenancy or residential dwelling within the development.

24F. Roller Shutter

The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

24G. Traffic Committee

Any proposed sign or line-marking outside the site boundary must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Construction Certificate.

24H. Signage at entrance

The applicant must provide signage at the entrance of the site which clearly shows that there is no public parking on site, and that the car parking areas are for access to accessible car parking spaces only (Blue Badge Holders). These details shall be reflected on the Construction Certificate plans.

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.

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:

- 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
- 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
- iv. The design, form and materiality must be effectively integrated into the overall design of the buildings.

Details and revised plans demonstrating the above requirements have been met must be submitted to Council's written satisfaction prior to the issue of the relevant Construction Certificate/s.

27. Property Addressing Policy Compliance

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a *General Property Addressing Request* through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

28. External Finishes - External Areas

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

29. Finish of Vehicular Entries

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

30. Placement of Air Conditioning Units

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.

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 relevant Construction Certificate/s and must comply with the applicable standards and the previous condition.

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.

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.

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 the provisions of *AS 4299:1995 Adaptable Housing Standards*.

The nominated adaptable units within the development must be designed and constructed so as to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the *Australian Adaptable Housing Standard (AS 4299:1995)*, which includes “pre-adaptation” design details to ensure visitability is achieved. Level access is required to be provided between the internal living space and balcony of the adaptable units and sufficient circulation space is required throughout.

36. Fire Egress Doors

The doors from Commercial 61 and commercial 63 to the residential lobby corridor are to be for fire egress only.

37. Connection with Country

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.

38. Accessibility of Communal Open Space Areas

Communal open space areas within the residential towers must provide level access throughout. This is to be reflected in the relevant Construction Certificate/s.

39. Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) for approval of both the Principal Certifier and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742 - Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a. Proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - “Traffic Control at Work Sites Manual” and the Australian Standard AS 1742: “Manual of Uniform Traffic Control Devices” and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and

- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The traffic control plan endorsed by Council shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

40. Sydney Water Requirements

The Sydney Water requirements in the letter dated 25 August 2022 and attached to this consent are to be complied with.

41. Utilities and Services

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

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 relevant Construction Certificate/s together with written evidence that the reflectivity of the glass is 20 per cent or less.

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.
- 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:

- 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.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

45. Waste Management Plan

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 and the following requirements before it is provided to and approved by the certifier:

- a. Council's Waste Management Development Control Plan.

OR

- b. details the following:
 - the contact details of the person(s) removing the waste
 - 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

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

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 relevant Construction Certificate.

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 be provided prior to issue of the first Construction Certificate.

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:

- Council's development control plan,
- 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).

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)

Prior to issue of the first Construction Certificate, a detailed CEMP must be prepared which addresses but is not limited to, the following issues:

- a. Introduction.
- b. Project Description.
This section must 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 must state what the CEMP is trying to achieve.
- d. Context of the CEMP.
This section must 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 must identify all EIA documentation related to this project.
- g. Environmental Aspects.
This section must reference or describe the aspects and impacts associated with the construction activities. Each impact must be assigned a risk ranking of low, medium or high. Control measures must be selected for all impacts ranked as medium or high. Low risk impacts must be monitored to ensure that they do not increase.
- h. Legal and Other Requirements.
This section must detail the legislative requirements of the work, and all other specifications.
- i. Supplementary Environmental Plans.
These include:
 - i. Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
 - ii. Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" Landcom, 2004.
 - iii. Noise and Vibration Management Plan.
 - iv. Landscaping and Revegetation Plan.
 - v. Flora and Fauna Management Plan.
 - vi. Traffic Management Plan/Traffic Control Plan (TCP).
 - vii. Air Quality Management Plan.
 - viii. Waste Management Plan.
 - ix. Acid Sulfate Soil Management Plan (ASSMP).
 - x. Indigenous and European Heritage Plan.
 - xi. Contaminated Soil Management Plan.
- j. Implementation.
- k. On-site Structure and Responsibility.

This section must state the duties and responsibilities of all contractors and sub-contractors working on site and the relationship between these parties.

I. Training, Awareness and Competence.

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

- i. Knowledge and understanding of the CEMP.
- ii. Site induction, and may include:
 - Emergency response training.
 - Familiarisation with site environmental controls.
 - Erosion and sediment control training.

m. Communication.

This section must 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 must identify and list details for relevant external stakeholders such as:

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

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

n. Emergency Planning and Response.

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

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

Emergency Response Contacts must be listed in table form.

o. Auditing and Monitoring.

p. Environmental Action Monitoring.

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

q. Auditing.

This section must detail audit criteria, frequency and scope.

- r. **Non-Conformance and Corrective and Preventive Action.**
This section must state how these items should be addressed.
- s. **Review of CEMP.**
This section must detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.
- t. **Appendix 1 - Environmental Action Table.**
The Environmental Action Table must provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table must 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 must 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.

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.

51. Airborne Rail and Road Traffic Noise of Residential units of Towers 1, 2 and 3

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:

- a. LAeq 35dBA in any bedroom in the building at any time between 10pm and 7am.
- b. LAeq 40dBA anywhere else in the building (other than a garage, kitchen, bathroom or hallway): at any time between 10pm and 7am.
- c. LAMax 50dBA in any bedroom in the building between 10pm and 7am

This requirement shall be reflected on the relevant Construction Certificate plans and supporting documentation for the endorsement by the Principal Certifier, prior to the issue of the Construction Certificate

52. Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate for the corresponding component of the development. The final Landscape Plan shall address the following requirements:

- a. Be generally consistent with the landscape plans submitted within this application, being drawings numbered L001, L200, L201, L203, L204 (Revision 3 dated 28 September 2022), L202 (revision 3 dated 4 October 2022), L702 to L703 (revision 2, dated 8 June 2022), L721 to L722 (revision 2, dated 8 June 2022), L725 (revision 2, dated 23 June 2022), L723 (Rev 3 dated 17 October 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
- 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 2022, consisting of tree(s) numbered 1,2,3,4,5 and 6.

- c. planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.
- d. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- e. the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- f. any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.
- g. 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*, *Tristania laurina*, *Waterhousea floribunda*.
- 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. Suitable species selection for the publicly accessible areas are required to ensure vegetation does not compromise sightlines.
- j. The location of bicycle racks within the footpath is to be resolved in consultation with Council.

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

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 relevant Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

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 relevant Construction Certificate.

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.

56. Footpath Paving City Centre

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

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from 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.

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

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

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

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

57. Council Footpath Reserve Works – Driveways and Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the relevant 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 the relevant Construction Certificate. The design and materiality of the screen must sensitively respond to the heritage significance of the Marcus Clark 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 any Construction Certificate relating to works for the Marcus Clark Building and/or Tower 1

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 any Construction Certificate relating to works for the Marcus Clark Building and/or Tower 1.

60. Heritage - Demolition Plan

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 works demolition works commencing.. The demolition plan must be integrated into and speak to the recommendations of the Schedule of Conservation Works.

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 publicly 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 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.

The Plan must also be updated to integrate the recommendations of the Designing With Country Strategy prepared by Bangawarra.

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 works 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. .

62. Heritage - Schedule of Conservation Works

The applicant is to provide an updated Schedule of Conservation Works detailing works to the Marcus Clark Building as well as conservation works to be undertaken for the Grand Hotel, the Schedule prepared by Weir Phillips dated June 2022 is not considered adequate.

The schedule must 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 any demolition work commencing.

63. Heritage - Construction Management Plan

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 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 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 must 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 archaeological report is to be provided to Council as soon as reasonably practical after completion.

65. Heritage - Photographic Recording

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 must 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 must include evidence of consultation with the Illawarra Local Aboriginal Land Council.

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.

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 outline what mitigation measures are proposed to avoid harm to any significant deposits, should they be identified during works.

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.

68. CCTV

A CCTV plan is to be developed in consultation with Wollongong Police and Council. The system must run concurrently with the Wollongong City Council system. The capability of CCTV must enable clear night-time footage for person identification.

69. Site and Security Management Plan

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:

- A CCTV plan is to be developed in consultation with Wollongong Police and Council. The system must run concurrently with the Wollongong City Council system. The capability of CCTV must enable clear night-time footage for person identification and ensure all pedestrian linkages to the street frontages have full coverage;
- 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.

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.

70. Depth and Location of Services

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

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 relevant Construction Certificate plans and supporting documentation.

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 relevant Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. A plan of the wall showing location and proximity to property boundaries;
- b. An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. Details of fencing or handrails to be erected on top of the wall;
- d. Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. The assumed loading used by the engineer for the wall design.
- 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.

73. Sizing of Drainage

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 relevant Construction Certificate plans.

74. Stormwater Drainage Design

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

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

- Stormwater Drainage Level 01, Job no. 301348203, Drawing no. CI-520-01, Revision C, by Stantec, Dated 27/06/22;
 - Stormwater Drainage Lower Ground Floor, Job no. 301348203, Drawing no. CI-520-02, Revision C, by Stantec, Dated 27/06/22.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
 - c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
 - d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.
 - e. The detailed stormwater design for the development must ensure that post development flows to each discharge location are equal to 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.

75. No Adverse Run-off Impacts on Adjoining Properties

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.

76. Keira, Crown, Burelli and Atchinson St – Detailed Civil Engineering Design – Council Land

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:

- 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

The Construction Certificate plans must include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards

- c. 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.
- d. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- e. Details are to be provided regarding the type of materials used for construction. They must 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.
- 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.

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.

77. Coordination of Footpath Works

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 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 Council's Manager of Development Engineering to obtain the design levels.

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.

78. Pump System

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

79. Basement Waterproofing

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

80. Excavation and Retaining Structures adjacent to Public Roads

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. 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. The application must be made via Council's website www.wollongong.nsw.gov.au through the "Frontage Levels" application, and must be supported by:

- 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.
- 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. Lighting Plan

- 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.
- b. Suitable lighting of all pedestrian links must be provided and maintained at all times.
- c. The lighting must be operational prior to issue of the relevant Occupation Certificate and remain operational in perpetuity.
- d. Publicly accessible laneways are to be lit at night.
- e. Lighting must be provided under all awnings to street frontages.
- f. All security lighting is to be consistent with AS4282 (1997) The Control of the Obtrusive Effect of Outdoor Lighting.

82. CCTV Infrastructure on Council land

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.

83. 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 relevant Construction Certificate.

Before the Commencement of Building Work

84. 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.

For the duration of the site works noise and vibration must be managed in accordance with the approved Construction Noise and Vibration Management Plan.

85. 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.

86. Works in Road Reserve - Major Works

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

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

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

Restoration must be in accordance with the following requirements:

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

87. Appointment of Principal Certifier

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days notice is required).

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

88. Home Building Act Requirements

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

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

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

89. 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.

90. 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.

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:

- 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;
- 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.

This plan shall be kept on site for the duration of demolition works.

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

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

92. Tree Protection

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

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

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

93. 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.

94. 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.

95. Demolition Works

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of 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 application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

96. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

97. Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a. a standard flushing toilet; and
- b. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - ii. an accredited sewage management facility or

- iii. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

98. 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.

99. 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.

100. 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.

101. 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.

102. Site Management Program - Sediment and Erosion Control Measures

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

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.

103. Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with 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.

104. Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient:

- a. A hoarding or fence must be erected between the work site and the public place;
- b. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d. Safe pedestrian access must be maintained at all times;
- e. Any such hoarding, fence or awning is to be removed when the work has been completed.

105. Structural Engineer's Details

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

106. Waste Management

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

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

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

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

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

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

109. Notification to SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (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**110. 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.

111. 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

112. 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:

- a. All footings/foundations
- b. At other stages of construction - any marks that are required by the Principal Certifier.

113. 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.

114. Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by class 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication

only and you are advised that you may encounter Acid Sulfate Soils during the excavation for the proposed development.

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

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

115. Implementation of BASIX Commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

116. 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).

117. 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.

118. 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.

119. Control of Access to Prevent Tracking of Sediment

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

120. 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.

121. 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.

122. 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.

123. Excavation Protection and Notification

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and

- c. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

124. 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.

125. 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.

126. 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).

127. 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 and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

128. 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>).

129. 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.

130. 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:

- a. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and
- c. The pH of the water to be discharged is between 6.5 and 8.5; and
- d. The water to be discharged contains no visible oil or grease; and
- e. 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
- f. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- g. 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
- h. 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 8 Written permission is obtained from Council's Environment Planning Team prior to any discharge.

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

131. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

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.

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.

Any variation to the hours of work requires Council's approval.

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

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

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

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

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

133. 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.

134. 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.

135. 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.

136. Dust Suppression Measures

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

137. Imported Fill Material

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.

138. Excess Excavated Material - Disposal

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

139. 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:

- 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.

140. Unexpected Finds of Aboriginal Cultural Heritage

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

- No further harm is undertaken to the object(s).
- Immediately cease all work at the particular location.
- Secure the area so as to avoid further harm to the Aboriginal object(s).
- Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location.
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.

Wollongong City Council's Heritage Staff must also be notified by calling 4227 7111.

141. Unexpected Archaeological Finds of Relics

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.

Council's Heritage Staff must also be notified of the find concurrently.

142. No Adverse Run-off Impacts on Adjoining Properties

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

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

Before the Issue of Occupation Certificates

143. Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of an 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.

144. Works-as-Executed (WAE) Plans – Works within Council Land

The submission of a WAE plan for works within Council land must be submitted to Council's Development Engineering Manager for assessment, prior to the release of the relevant occupation Certificate. The WAE 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 WAE dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- Final locations and levels for all works associated with the development within Council land;
- the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

145. Completion of Engineering Works

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

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:

- Provides suitable vehicular and pedestrian access;
- Provides suitable infrastructure connections for stormwater and relevant services;
- Does not introduce any safety issues within the public realm.

146. Completion Report for Excavation adjacent to a Public Road

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

- a. Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2012/001.
- b. Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- c. Provides a post construction dilapidation survey including CCTV of public Stormwater infrastructure within the frontage of the development

147. 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 for the Marcus Clark Building.

148. 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 for the Marcus Clark Building.

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

Prior to the issue of the relevant Occupation Certificate for the Marcus Clark Building, 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:

- 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 for the Marcus Clark building and/or Tower 1.

150. Heritage Interpretation Works

Prior to the release of the 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.

151. Arborist Verification – Street Tree Installation

Prior to the issue of the 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:

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

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.

152. Completion of Landscape Works on Council Owned or Controlled Land

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the relevant Occupation Certificate.

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.

153. Completion of Landscape and Tree Works

Before the issue of 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.

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.

153A. Positive Covenant (Section 88F of the Conveyancing Act 1919)

Prior to the issue of the Occupation Certificate, an 88F Instrument creating a positive covenant under the Conveyancing Act 1919 is to be created requiring the property owner(s) to undertake the ongoing maintenance and management of the landscaping 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.

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

154. Completion of Public Utility Services

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.

Before the issue of the Occupation Certificate, the certifier must require written confirmation from the relevant authority that the relevant services have been completed.

155. Preservation of Survey Marks

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

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

156. Site Contamination Validation Report

A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Occupation Certificate. The report shall verify that:

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

The validation report must be prepared by an accredited contaminated land consultant who is a member of one of the following certification schemes:

- the Site Contamination Practitioners Australia (SCPA);
- the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certification Environmental Practitioner (CLA Specialist CEnvP); or
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM).

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

157. 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 any relevant Occupation Certificate.

158. Climate Active Certification

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.

159. Lot Consolidation and Easements Extinguished

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 the relevant Occupation Certificate.

160. Extinguishment of Easements/Restrictions

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 the final Occupation Certificate.

It is noted that there are various private and public easements affecting the development site and Wollongong City Council 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.

161. Repair of Infrastructure

Before the issue of 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.

Note: If the Council is not satisfied, the applicant is responsible for any payments required for rectification works.

162. 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.

163. 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.

164. Loading Dock Delivery, Servicing and Waste Management Plan

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. All 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 three (3) turning movements. This Plan must be submitted to Council's satisfaction and written approval prior to the issue of any Occupation Certificate.

165. Acoustic Master Plan

An Acoustic Masterplan must be developed for the precinct to address cumulative noise emissions from the food and beverage tenancies prior to the issue of any Occupation Certificate. The Acoustic Masterplan must be prepared by a suitably qualified acoustic consultant that is a member of the AAAC.

Occupation and Ongoing Use**165A. Hours of Operation**

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. Any operation outside these hours will require separate development consent.

166. 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.

167. Graffiti Removal

Any graffiti shall be removed immediately from the exterior of the building or any associated structures including any fences, site services and retaining/planter bed walls.

168. Strata Plan Requirements

Should a Strata Plan be prepared for this development in the future, the following matters must be addressed:

- a. Garbage and recycling rooms must be contained within the common area;
- b. Motorbike and bicycle storage areas and visitor car parking must be contained within the common area; and
- c. Appropriate allocation of car parking and storage areas to the dwellings.

169. Residential Storage

Each residential unit shall be allocated storage within the residential storage areas provided within the basement. The residential storage area shall be appropriately secured and fitted with CCTV surveillance. This requirement shall be reflected on the Construction Certificate plans.

170. 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.

171. Green Travel Plan

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.

172. 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.

173. Access to Accessible Parking Spaces

Suitable means of access to the commercial visitor accessible car parking spaces is required which does not rely on pre-booking/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).

174. 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.

175. Mechanical Plant and Equipment Noise

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:

- a. 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
- b. 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.

Reasons

The reasons for the imposition of the conditions are:

1. To minimise any likely adverse environmental impact of the proposed development.
2. To ensure the protection of the amenity and character of land adjoining and in the locality.
3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure the development does not conflict with the public interest.

Notes

1. This consent becomes effective and operates from the date the consent is uploaded to the NSW Planning Portal. The consent will lapse unless development is commenced within five (5) years from the date the consent was uploaded to the NSW Planning Portal.
2. Section 8.7 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date this notice was uploaded to the NSW Planning Portal.
3. Section 8.3 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review of the determination must be made within six (6) months from the date this notice was uploaded to the NSW Planning Portal. In the absence of a pending appeal before the Land and Environment Court, the request for review, and the review by Council, must all be completed within the abovementioned six (6) month time period.

Accordingly, applicants are advised to provide Council with sufficient time to complete the review within this period, failing which the determination cannot be reviewed. The request must be accompanied by the fees set by the Environmental Planning and Assessment Regulation.

A right of review of determination does not exist for a determination made in respect of a Designated Development.

4. The holder of a Development Consent that is being acted upon must also hold a current:
 - a. Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
5. Where the **consent** is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
6. A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.
7. In this consent the developer means the applicant for Development Consent and any person or corporation who carries out the development pursuant to that consent.
8. Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website www.wires.org.au for more information.
9. Before undertaking renovation or demolition work or removing materials from site during development works refer to Council's website for further information regarding the responsible disposal of waste during demolition and building works.

10. Prolonged Rainfall Events

The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

11. Wollongong City Centre

The Wollongong City Centre plays a key role in accommodation, cultural, sporting and business uses.

A key to the revitalisation of these centres is to build on these aspects through greater activation and investment beyond 5pm through an evening economy.

You should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.

encl



Contact: Mandy Phyland
Email: mandy.phyland@waterNSW.com.au

General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG NSW 2500

Our Ref: IDAS1141680
Our File: A-32261

Attention: Rebecca Walsh

20 September 2022

Dear Rebecca

Re: **Integrated Development Referral – General Terms of Approval**
DA-2021/957
Description: 80mm submersible pump
Location: 216-222 Keira Street, Wollongong NSW 2500

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer.

WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

The attached GTA 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.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website.
www.watnsw.com.au > [Customer Services](#) > [Applications & Fees](#)

WaterNSW requests that Council provide a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EP&A Act.

Information to the proponent:

- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided for any further application related to the subject property – the Minimum requirements for building site groundwater investigations and reporting (DPIE, 2021) identify what data needs to be collected and supplied.
- An extraction limit will be determined by the Department of Planning and Environment following a hydrogeological assessment using the detailed information and that will be included on the conditions applied to the approval for the dewatering activity.
- The approval will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of permission for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

Yours sincerely



Mandy Phyland
Water Regulation Officer
DENILQUIN



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1141680
Issue date of GTA: 20 September 2022
Type of Approval: Water Supply Work
Description: 80mm submersible pump
Location of work/activity: 216-222 Keira Street Wollongong NSW 2500
DA Number: DA-2021/957
LGA: Wollongong City Council
Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
Dewatering	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

Level 14, 169 Macquarie Street, Parramatta, NSW 2150 | PO BOX 398, Parramatta, NSW 2124
water.enquiries@waterNSW.com.au | www.waterNSW.com.au



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1141680

Issue date of GTA: 20 September 2022

Type of Approval: Water Supply Work

Description: 80mm submersible pump

Location of work/activity: 216-222 Keira Street Wollongong NSW 2500

DA Number: DA-2021/957

LGA: Wollongong City Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2011

- the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion

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water.enquiries@waterNSW.com.au | www.waterNSW.com.au



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1141680
Issue date of GTA:	20 September 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	216-222 Keira Street Wollongong NSW 2500
DA Number:	DA-2021/957
LGA:	Wollongong City Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

	of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA-2021/957 as provided by Council:

- Douglas Partners Pty Ltd(2021) Report on Hydrogeological Investigation. Proposed Mixed Use Development WIN Grand, Wollongong. Prepared for Birketu Pty Ltd. Ref: Project 89584.02. Dated June 2022.

DA-2021/957, MIXED USE DEVELOPMENT, 216-222 KEIRA STREET WOLLONGONG

Prior to the issuing of the Construction Certificate, the developer must:

1. Provide and obtain TfNSW and Council written acceptance to a revised strategic design of the Crown Street public domain. This design must identify:
 - An acceptably sized bus zone and bus passenger waiting area on Crown Street. This must consist of:
 - A bus zone at least 55m in length to provide sufficient length for three buses to utilise the bus stop at the same time, including any of the three buses to exit upon completion of boarding. This 55m includes a minimum 6m draw out length at the start of the bus zone (the eastern end).
 - A widened public domain area to cater for and appropriately separate pedestrians from passengers waiting to board buses. TfNSW requires the start of this widened area to commence at the western end of the bus zone and extend to the end eastern end of the bus zone, or as close to the eastern end as reasonably practical. The depth of the public domain area at the bus stops (i.e. the space from the kerb to the property boundary allocated for bus passengers and the space allocated for pedestrians) must be a minimum of 5.3m.
 - Any changes to the kerb alignment at the corner of Crown and Keira Street, ensuring a 12.5m bus can perform the left turn from the kerb side bus lane.
 - The necessary property boundary adjustments on Crown Street, or other legally binding mechanism, to formalise public access to the property required by the bus waiting area and pedestrian thoroughfare.
 - All changes to signage and linemarking.
 - The extent of outdoor dining proposed. A clear 3.0m wide walkway for pedestrians will be required on Crown Street outside of the bus zone.
2. Lodge the necessary application with supporting document/s to formalise the property boundary adjustments on Crown Street or other legally binding mechanism as agreed to by TfNSW and Council.
3. Provide and obtain TfNSW and Council written acceptance of a construction management plan with proposed bus stop impacts and mitigation measures.
4. Provide, and obtain TfNSW and Council written acceptance to, a strategic design for the changes to the signalised intersection of Burelli Street, Kenny Street and Findlay Place. These designs must identify an appropriate arrangement, such as easements on private property, to enable TfNSW to maintain all signal related infrastructure. Following TfNSW approval of the strategic design, the developer is to lodge the necessary application and supporting document/s to formalise the easement to legally enable TfNSW ongoing of access for maintenance. The design is to include an exclusive pedestrian phase and a right turn ban for the movement from Burelli Street into the site.

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5. Enter into a Works Authorisation Deed (WAD) with TfNSW for all works on Crown Street and works relating to the signalised intersection of Burelli Street, Keira Street and Findlay Place.

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road and/or install traffic signals.
 - To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.south@transport.nsw.gov.au
 - All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html>
 - Any new services or modifications to existing services associated with this development application that involve works on, over or under Crown Street (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
 - More information on WADs can be found at:
<https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/private-development/road/wad.html>
6. Provide details of the excavation adjacent to Crown Street, and where required, provide the proposed plan to manage the excavation and in either case, obtain TfNSW's written acceptance of the proposed arrangements. In doing so, where a plan is required, TfNSW's requirements will be incorporated in the WAD and the developer must:
- Detail how the excavation adjacent to Crown Street will comply with TfNSW Technical Direction GTD 2020/001 – Excavation adjacent to TfNSW infrastructure.
 - Detail the proposed detailed design and supporting geotechnical report which considers the impact of the excavation on the structural stability of Crown Street and identifies appropriate supporting structures.
 - Detail the proposed monitoring of the excavation and supporting structures for settlement and other issues which could compromise the structural stability of Crown Street.
7. Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Crown Street drainage system, does not exceed the pre-development application discharge.
8. Liaise with Australia Post and obtain written acceptance of a relocated post box location, noting that an appropriate mail zone will also be required and shown on the Civil Public Domain plan.

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Prior to the commencing works within the road reserve, the developer must:

1. Obtain TfNSW acceptance to the detailed design, TfNSW consent under Section 138 of the Roads Act for all works within the Crown Street road reserve and TfNSW consent for all works relating to traffic signals under Section 87 of the Roads Act, 1993.

Notes:

- *In relation to the works on Crown Street, TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.*
2. Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW and Council.
 3. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

Notes:

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

Prior to the issuing of the Occupation Certificate, the developer must:

1. Finalise the property boundary adjustments on Crown Street or other legally binding mechanism to enable sufficient space for bus passengers and pedestrians to the satisfaction of TfNSW and Council.
2. Finalise the creation of an easement in favour of TfNSW, or other legally binding mechanism, to enable TfNSW ongoing access for maintenance of traffic signal related infrastructure at the intersection of Burelli Street, Kenny Street and Findlay Place, to the satisfaction of TfNSW.
3. Construct the footpath along Crown Street to the satisfaction of TfNSW and Council.
4. Construct the northern and southern pedestrian blisters on Crown Street and all associated changes to signage and linemarking on Crown Street, to the satisfaction of TfNSW, Austroads Guide to Road Design and other relevant standards.

Notes:

- *The pavement design on Crown Street must be in accordance with Austroads standards. All pavement joins must be outside of wheel paths.*

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- *Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.*
 - *All works need to be completed at no cost to TfNSW.*
5. Complete all traffic signal upgrade works at the intersection of Burelli Street, Kenny Street and Findlay Place to the satisfaction of TfNSW, Austroads Guide to Road Design and other relevant standards.

Notes:

- *The pavement design associated with the signals, i.e. pavement to support the detectors, must be in accordance with Austroads standards.*
- *Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.*
- *All works need to be completed at no cost to TfNSW.*

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Sydney Water's letter dated 25 August 2022: Attachments 1 and 2



Attachment 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

Attachment 2

Requirements for Business Customers for Commercial and Industrial Property Developments.

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.