

Urbis Pty Ltd
Tower 2 Darling Park LEVEL 23 201 Sussex St
SYDNEY NSW 2000

APPLICATION		DA-2021/1279
Determination	Conditionally Approved	
Approval Authority	Wollongong City Council	
Endorsement Date	22 August 2022	

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Proposal	Demolition of existing structures and construction of community centre and library
Location	Lot 1 DP 515419 Lot 39 DP 18875 Lot 42 DP 18875 Warrawong Community Hall Lot 37 DP 18875, Lot 38 DP 18875 Lot 40 DP 18875 Lot 41 DP 18875 54-68 King Street & Warrawong Community Hall, 7-9 Greene Street, WARRAWONG NSW 2502

Consent has been granted subject to the following conditions:

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
DA1200	05	Site Plan	fjmt studio	5 May 2022
DA2000	05	Ground Floor General Arrangement Plan	fjmt studio	5 May 2022
DA2001	05	First Floor General Arrangement Plan	fjmt studio	5 May 2022
DA2002	05	Level 2 General Arrangement Plan	fjmt studio	5 May 2022
DA2003	05	Roof General Arrangement Plan	fjmt studio	5 May 2022

Plan No	Revision No	Plan Title	Drawn By	Dated
DA2100	02	Demolition Plan (1)	fjmt studio	28 September 2021
DA3000	05	Elevations	fjmt studio	5 May 2022
DA3001	05	Elevations	fjmt studio	5 May 2022
DA4000	05	Sections	fjmt studio	5 May 2022
DA8000	05	Landscape Plan	fjmt studio	5 May 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. 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.

3. 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.

4. Separate Consent Required for Advertising Signage

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under an Environmental Planning Instrument.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.

5. Design and Construction of Food Premises

The construction and fit out must comply with *AS 4674:2004 - Design, Construction and Fit-Out of Food Premises*.

6. Tree Retention/Removal

This consent permits the removal of trees numbered 2638, 2637, and 2636 (street trees) and 2721 and 47833 on the subject site as indicated on the Tree Inventory by Wollongong City Council AQF5 Arborist. No other trees shall be removed without prior written approval of Council.

7. Street Tree Removal

The developer shall remove existing the street tree(s) indicated on the Tree Inventory by Wollongong City Council AQF5 Arborist consisting of tree(s) numbered 2638, 2637, and 2636.

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

The developer must apply for (and be granted) permission under section 138 of the roads act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

8. Number of Persons Accomodated

The number of persons accommodated during the use of the premises shall be limited to the following:

Room/Area	Number of People
Level 2 (assembly)	320
TOTAL CAPACITY (level 2 Assembly)	320

Install a sign displayed in a prominent position in the building stating the maximum number of persons, as specified above, that are permitted in the building.

9. Geotechnical requirements

Works are to be undertaken in accordance with the recommendations contained in the Report on Geotechnical Investigation dated May 2021 prepared by Douglas Partners.

Before the Issue of a Construction Certificate

10. 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 and that Endeavour Energy assets are not impacted.
- 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.

11. Car Parking and Access

The development shall make provision for a total of 34 car parking spaces, including two accessible spaces, and two motorbike spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a Section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

12. Parking Dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

13. Disabled Person Parking Space Dimensions

Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

14. Final Landscape Plan Requirements

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

- a 40 per cent of the seating shall include armrests, on site and within the streetscape.
- b Trees in pavement shall be provided tree pits with a soil volume suitable to support their size at maturity.
- 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.
- d A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- e a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- f the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;

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

15. Footpath Paving

The developer is responsible for the construction of footpath paving for the entire frontage of the development. The type of paving for this development is to match the Warrawong Town Centre Masterplan. A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to be broom finished concrete to match the footpath 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 Engineering Development.

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

16. Street Trees Commercial Village Centres

The developer must address the street frontages by installing street tree planting with edging/tree grate and tree guards. In keeping with the surrounding commercial precinct and the Warrawong Town Centre Masterplan, the number for this development is eight 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. The tree species and tree guards

and grate shall be nominated by the Wollongong City Council Design and Technical Services Landscape Section.

Trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must have adequate soil volume to support the trees at maturity, be adequately mulched, plants installed, and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Parks and Open Space.

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

17. Landscaping

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

18. Certification for Landscape and Drainage

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

19. Landscape Maintenance Plan

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

20. Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development is 8, (species to be endorsed by Council in consultation with Transport for NSW), 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of minimum 3 x 2400 x 50 x 50mm hardwood stakes driven minimum 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

21. Planting to Child Care Centres, Schools or near Playgrounds

The developer shall ensure that proposed planting is child friendly and must not include any of the types of plants listed below:

- a. Plants known to produce toxins;
- b. plant with high allergen properties;
- c. plants with profuse scented flowers or known to attract high numbers of bees, spiders, and insects;
- d. species which produce small nuts or fruits;
- e. plants with thorns or spiky foliage and branches; and
- f. any weed or potential weed species.

- g. Avoid planting plants such as Asthma weed (*Parietaria judaica*), Rhus (*Toxicodendron succedaneum*), Yellow oleander (*Thevetia peruviana*), Cactus, chillies, Dumb cane (*Diffenbachia*), Mushrooms, Angels Trumpet (*Brumansia*), Cycads, Grevilleas, Oleander (*Nerium oleander*), Poinsettia, Rhubarb, White cedar (*Melia azederach*), Yesterday Today Tomorrow (*Brunsfelsia*), Agapanthus, Amaryllis, Arum Lily, Azaleas and Rhododendrons, Daffodils, Foxgloves, Lily of the Valley and any other species that have the characteristics listed above which could place children at risk. The developer shall consult and undertake further research to ensure the most up to date information is available to determine plant suitability.

22. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Builders and Developers” section of the web site www.sydneywater.com.au then search to “Find a Water Servicing Coordinator”. Alternatively, telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the Construction Certificate.

23. Transfer toilets

There are to be an even number of LH and RH transfer toilets within the development. At present all accessible toilets are LH transfer. These should alternate from one level to the next i.e. Ground LH transfer, Level 1 RH transfer and Level 2 will have both a LH and RH transfer.

24. Accessible toilets

The design of each accessible toilet is to be amended to achieve compliance with AS1428.1

25. Depth and Location of Services

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

26. Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

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

- f. The assumed loading used by the engineer for the wall design.
- 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.

27. Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, Reference No191837 Dwg No. SKC03 Revision P3 by TTW.
- 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.

28. Flood Level Requirements

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

- a. Habitable floor levels must be constructed at a minimum of RL of the highest adjacent 1% AEP Flood Level as determined by a suitably qualified engineer.
- b. Any portion of the building or structure below the highest adjacent 1% AEP flood level plus 500mm freeboard, as determined by a suitably qualified engineer, must be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- c. The proposed building must be designed to withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent PMF as determined by a suitably qualified engineer plus freeboard 500mm freeboard.

29. Council Footpath Reserve Works – Driveways and Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays'

are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

30. No Adverse Runoff Impacts on Adjoining Properties

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

31. Flood Proofing

The premises must be flood proofed up to a minimum of the highest adjacent 1% AEP flood level as determined by a suitably qualified engineer plus 500mms freeboard (1% AEP plus 0.5m freeboard). The term 'flood proofed' is intended to mean any combination of measures necessary to ensure that flood water will not physically enter the premises in the event of a flood. In satisfying this requirement, consideration shall be given to the structural soundness and flood compatibility of the proposed building structures including walls, doors, weepholes, vents, etc. Flood proofing is required to be designed by a suitably qualified civil (structural) engineer.

- a All premises that are located below the adjoining 1% AEP flood level plus 500mm freeboard (being the flood planning level), must be also suitably protected by a flood barrier system that will operate automatically in the event of a flood and will not require manual intervention to be activated. The flood barrier system must be designed such that:
 - i It is suitable for a flash flooding catchment
 - ii Will not unnecessarily activate during smaller storm events and or periods of increased groundwater
 - iii Must be able to be regularly tested to ensure its operational performance
 - iv Must be capable of regular maintenance
- c) The design of entrance doors for any entrance or doorway that is below the adjoining 1% AEP flood level plus 500mm freeboard (being the flood planning level), must be floodproofed.
- d) A maintenance schedule for the flood proofing provided must be included in the construction certificate plans and documentation. The maintenance schedule must include the frequency of inspections, testing, responsibility, maintenance and procedure. For propriety flood proofing products (flood proof doors, flood gates, etc) maintenance must be undertaken in accordance with the manufacturers recommendations and the maintenance requirements must be included in the schedule. The maintenance schedule must be included on construction certificate plans and documentation prior to the release of the construction certificate.

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

32. King Street requirements

- a Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the King Street drainage system, does not exceed the pre-development application discharge.
- b Demonstrate to the satisfaction of Council that the proposed development will comply with the Technical Direction: Excavation adjacent to Transport for NSW Infrastructure guidelines.
- c Submit a plan to Transport for NSW and gain approval for any proposed street trees on King Street, which includes details such as species and offset from the road.

33. End of trip facilities

Two showers and associated locker facilities are to be provided and accessible for staff of the facility.

Before the Commencement of Building Work

34. 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.

35. 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.

- a. Each toilet provided must be:
 - b. a standard flushing toilet; and
 - c. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - 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.

36. 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.

37. Demolition Works

The demolition of the existing 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 SafeWork NSW.

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

38. 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.

39. 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.

40. 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.

41. 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.

42. Sustainability

The development is to be constructed consistent with the recommendations contained in the ESD DA Report dated 5 May 2022 prepared by Cundall.

While Building Work is Being Carried Out

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

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

44. 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.

45. 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.

46. Screen Planting

To mitigate impact to adjoining development a continuous hedge is to be established along the western boundary for the length of property boundary.

Recommended species:

- a. *Murraya paniculata*, *Photinia* "Red Robin",
- b. *Viburnum tinus*, *Syzygium australe* "Aussie Southern",
- c. *Syzygium australe* "Aussie Compact",
- d. *Syzygium luehmannii* x *S.wilsonii* "Cascade",
- e. *Westringia fruticosa*.

Minimum spacing 900mm.

Minimum pot size 5 lt.

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

47. Survey Report for Floor Levels

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

48. Flood Compatible Materials - Electrical

All power service (metering) equipment, power outlets, switches etc. shall be located above the highest adjacent 1% AEP flood level as determined by a qualified engineer plus 500mm freeboard. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below the determined level should be capable of disconnection by a single plug and socket assembly.

49. Fences

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

Before the Issue of an Occupation Certificate

50. Registration

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

51. Completion of landscape and tree works

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

52. Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

53. Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent Probable Maximum Flood (PMF) level as determined by a qualified engineer, plus 500mm freeboard.

54. Flood Affection Certification

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

55. Flood Proofing Certification

The submission of a certificate from a suitably qualified practicing civil engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the flood proofing and associated works has been constructed in accordance with the approved Construction Certificate plans.

56. Restriction on use – Flood Proofing

The applicant shall create a restriction on use under the Conveyancing Act 1919 over the flood proofing for commercial premises and driveways as identified on the construction certificate plans. The following terms shall be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any flood proofing systems on the lot(s) that will compromise the integrity, performance, and intent of those systems. The expression flood proofing shall include all flood proofing measures installed onsite and associated infrastructure including but not limited to flood gates, flood proof doors, etc. Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, shall be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

57. Flood Emergency Response Plan

An effective Flood Emergency Response Plan (FERP) must be prepared for the proposed development such that all staff and customers will remain on-site during significant flood events up to and including the Probable Maximum Flood (PMF). The FERP shall include details of the following:

- person(s) responsible for maintaining the FERP and any associate equipment;
- persons(s) responsible for implementing the FERP in the event of a flood;
- location of designated flood refuge area(s);
- method of monitoring flood water levels during flood events;
- trigger flood water level for implementation of the FERP;
- how site personnel will be alerted once the trigger flood water level has been reached (including during non-daylight hours); and

- any ongoing/routine maintenance and/or staff training required to ensure that the FERP will be effective when needed (e.g. maintenance flood monitoring equipment).

The FERP shall be prepared by a suitably qualified and experienced civil engineer and submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate and commencement of use. A copy of the FERP shall be maintained on site at all times and included in the management plan/strata management plan for the site. A copy of the FERP shall also be provided to Council for record keeping purposes.

58. Green Travel Plan

The proposed Green Travel Plan developed by Taylor Thomson Whitting Pty Ltd, Project 191837 TAAA, Revision 2, Dated 6/10/2021, is to be implemented by the applicant prior to occupation of the development. The Community Centre Operator shall ensure that the mode share targets listed under Section 4.2 of the document are reviewed annually, and that the recommended actions under Section 5 and Strategies under Section 5.1, 5.2, 5.3 and 5.4 of the document are implemented in accordance with the recommended timeframes.

Occupation and Ongoing Use

59. Maintenance of access

The existing road reserve should remain open for pedestrian and emergency vehicular access, and also allow access for utility vehicles to maintain services within the road reserve (e.g. Sydney Water).

60. Pedestrian paths of travel

A clear pedestrian path of travel is to be maintained along the terrace area past the café from Greene Street to the entry at all times.

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 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. Persons benefiting from this Development Consent are advised that between the 17-25 September 2022 Wollongong will host the UCI Road World Championships. This is one of the biggest annual cycling events in the world and will generate international visitation and focus. The event will require temporary road closures which will limit access to construction sites, residences and businesses at times. The event may also generate noise, odour, traffic and have longer hours of operation.

When planning any construction or business/residential activity, we suggest you keep this period in mind to minimise disruptions that may impact on you. Further detail on routes and anticipated road impacts will be available from 2022.

11. 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.

12. 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.

This letter is authorised by

Nigel Lamb

Senior Development Project Officer

Wollongong City Council
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