

Attachment 8 – Draft Conditions

The development application has been determined by granting deferred commencement consent subject to the following conditions:

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

- (a) A stormwater concept plan, including on-site stormwater detention (OSD), shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP2009 and submitted to Council for assessment.
- (b) The stormwater concept plan must include a plan showing the pre and post development catchment areas draining to each stormwater disposal point and an outflow analysis demonstrating each of the following:
 - Post development discharges from the development site to the existing stormwater system within the adjoining land (Lot 301 DP 709353) must not exceed pre development values.
 - Minor system (piped) discharges from the development site to the street kerb must not exceed 55 L/s to each street frontage.
 - Total site discharges from the development must not exceed pre development values.
- (c) The design storage volumes and permissible discharge values for the OSD system must be provided on the stormwater concept plan.
- (d) Calculations/modelling shall be provided demonstrating that the proposed OSD design storage volume will be sufficient to limit site discharges in accordance with the criteria specified in item (b).
- (e) Overflows from the OSD system must be conveyed to Council's existing stormwater drainage system in a controlled manner via a dedicated overflow path.
- (f) The stormwater concept plan must include details of any existing stormwater system through which stormwater from the development will be conveyed. These details must extend downstream to the point of connection to Council's existing stormwater drainage system.
- (g) Provision must be made in the stormwater design to maintain the function of the existing stormwater pits on the adjoining land (Lot 301 DP 709353), which drain stormwater from existing landscaped and paved areas within Lot 301 DP 709353 and Lot 201 DP 706250.
- (h) Detailed construction plans are required to be submitted to Council for approval in relation to the following:-
 - The spacing, orientation and depth of the shading devices/ sun blades. The sun blades/ shading devices shall be designed and shall operate so as to function well as solar control devices;
 - The use of high performance glazing will be required in areas where shading devices are not employed (for example, the northeast and northwest corners of the tower);
 - Details of the design of the outer skin/ glazing treatment and the apartment facades to the Levels 11 and 12 residential apartments;
 - The solid balustrades to the roof openings on the northern side of the building, as seen in Section C-C, should be open railings, to admit more winter sun to the Living Area of the upper unit;

- The top of the awnings to be provided along the Burelli Street frontage of the building shall be cladded to cover the exposed framing and to produce a wing-like form.
- (i) A modification of consent shall be sought and approved in relation to DA-2007/675 to amend the approved Level 1 floor plan to ensure that the physical construction and landscaping works to the rear of the building approved as part of DA-2007/675 (being part of the required pedestrian link from Burelli Street through to Stewart Street) are undertaken as part of the construction of the development approved pursuant to Development Consent DA-2007/675. The modification application lodged pursuant to Section 96 of the Environmental Planning & Assessment Act 1979 shall be accompanied by a detailed landscape plan illustrating landscaping works and finishes consistent with that proposed for the pedestrian plaza proposed in this development.
 - ii The information specified in Condition (i) must be received and must satisfactorily address the above matters (to Council's satisfaction) within 12 months of the date shown on the top of this consent.
 - iii If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

Approved Plans and Specifications

- 1 The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp:

Plans and Specifications	TO BE INSERTED ONCE READY FOR DETERMINATION
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General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.
- 4 **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 AS1428.1 – 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.

- 5 **Compliance with Statutory Authorities / Government Departments**
Compliance with the requirements of any Statutory Authorities or Government Departments such as, but not limited to:-
- NSW Workcover Authority;
 - NSW Roads & Maritime Services;
 - NSW Environment Protection Authority;
 - NSW Police Service; and
 - NSW Fire Brigades.
- 6 **Street tree removal**
The developer shall remove existing street trees indicated on the Landscape Concept Plan by Ochre Landscape Architects dated 10.10.11.
- 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 OH&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 OH&S policies.
- The developer must apply for (and be granted) permission under Section 138 of the Roads Act 1993 to work within the road reserve. Tree removal must be carried out to the satisfaction of Wollongong City Council's Manager of Works.
- 7 **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 Certifying Authority indicating agreement by the affected property owners.
- 8 **Site contamination assessment, site remediation and validation**
The HLA report (J1877-006, dated January 2002) identified an underground storage tank (UST) within the site. The UST must be removed and the UST pit and ground water must be investigated for any potential contamination. If any site remediation is required, at its completion, a site validation certificate must be issued by an independent site auditor. This shall be provided to Council prior to the release of an Occupation Certificate.
- 9 **Ground Floor Café/ Coffee Shop**
A coffee shop or café (food and drink premises) shall be provided within the north-eastern corner of the ground floor of the development as shown on the approved ground floor plan. The premises shall remain open between 8.30am and 5.00pm Monday to Friday (except on public holidays).
- 10 **Separate Consent Required for the Fitout of the Coffee Shop/ Café**
Separate development consent will be required for the fitout of the coffee shop/ café (food and drink premises) to be located in the north-eastern corner of the ground floor of the building. The development application for the fitout shall be accompanied by all required details necessary to determine compliance with the requirements of the Food Safety Standards and AS4674-2004: Design, construction and fit out of food premises.
- 11 **Relocation of Services**
The cost of relocation of any public utilities must be borne by the applicant.
- 12 **Geotechnical**
- 12.1 Foundation systems are to be designed for Class P soils. Other foundation systems may be acceptable if supported by appropriate geotechnical advice.
 - 12.2 All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
 - 12.3 An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks.

- 12.4 All recommendations of the geotechnical consultant in their report commissioned for Condition 12.3 are to be accommodated in the earthworks plan.
- 12.5 The earthworks plan is also to incorporate all the geotechnical recommendations of Douglas Partners as contained in their report dated 13 September 2010 with respect to acid sulphate soils and groundwater.
- 12.6 Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- 12.7 All earthworks, drainage, retaining wall and footing construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.

13 **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

14 **Re-subdivision of Allotments**

The plan of re-subdivision of the subject allotments shall be registered prior to the issue of a Construction Certificate in respect of the building.

15 **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 Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or 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 Certifying Authority prior to issue of the construction certificate.

16 **Integral Energy Requirements**

The submission of documentary evidence from Integral Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Integral Energy PO Box 6366, Blacktown 2148.

17 **Telecommunications**

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

18 **Utility Services**

Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

- 19 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate.
- 20 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, stormwater etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 21 **Fire Safety Schedule**
When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.
- 22 **Provision of a Fire Hydrant**
The provision of a fire hydrant in accordance with AS2419 (1994) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.
- 23 **Landscaping**
The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape DCP 2009 Chapter E6 Landscape and in accordance with the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate.
- 24 The provision of common tap(s) 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 indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.
- 25 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 26 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 Certifying Authority prior to release of the Construction Certificate.
- 27 **Footpath Paving**
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 is Basalt paving units, 300 x 600mm in accordance with the Wollongong City Council's Public Domain Technical Manual. A nominal two percent (2%) minimum 1%, maximum two and a half (2.5%) cross fall to be provided from property line to back of kerb.

Driveway entry threshold finish from property boundary line to face of kerb: To match footpath and be designed to withstand predicted traffic loadings.

Driveway threshold finish within property boundary line: To contrast with driveway entry.

Footpath must be installed to the satisfaction of Wollongong City Council's Manager of Works.

A Landscape Plan is to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.
- 28 **Street Trees**
The developer must address the street frontage by installing street tree planting. The number and species for this development are five (5) *Ulmus parvifolia* 200 litre on Burelli Street and two (2) *Lophostemon confertus*, 400 litre size in accordance with the Wollongong City Council Public

Domain Technical Manual. *Dial before you Dig* must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be installed to the satisfaction of Wollongong City Council's Manager of Works.

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

29 **Podium Planting**

All podium planting areas to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding to be installed to protect membrane from damage. All podium planting areas to be provided with an adequate drainage system connected to stormwater drainage system. Planter box 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.

This requirement shall be reflected on the Construction Certificate plans and any supporting documentation

30 **Plant and Equipment - Noise Emission Levels**

The operating noise level ($L_{Aeq(15min)}$) of the plant and equipment shall not exceed 5dB(A) above the background noise level ($L_{A90(15min)}$) when measured at the boundaries of the site. An acoustic engineer's report is to be obtained detailing the measures required to ensure compliance with this condition of consent. This report is to be submitted to the Principal Certifying Authority, prior to the release of the Construction Certificate. The approved noise attenuation measures are to be implemented prior to the issue of any Occupation Certificate.

31 **Basement Ventilation**

Exhausts associated with mechanical ventilation from the basement are to be conveyed to the top of the building for discharge. Measures must be adopted to mitigate potential noise and amenity issues associated with the mechanical ventilation system/s. In this respect, noise generated by the system/s must not exceed 5dB(A) above the ambient background noise level.

Details of the basement ventilation are to indicated on plans submitted to the Principal Certifying Authority with the Construction Certificate application.

32 **Provision for Mechanical Ventilation/ Exhaust System for the Food and Drink Premises**

Provision shall be made within the building for a mechanical ventilation or exhaust system to service the ground floor food and drink premises (coffee shop/ café). The system shall be designed to comply with AS1668 (Mechanical Ventilation Code) Details of the exhaust system shall be detailed in the Construction Certificate plans.

33 **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 integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.

34 **Air Conditioning Units**

Air conditioning systems are to not to be located where they are visible from either Kembla or Burelli Streets.

In addition, commercial air conditioning systems are not to be located where they could generate amenity impacts for neighbouring residents. Plans submitted to the Principal Certifying Authority prior to issue of the Construction Certificate are to identify external components of a commercial air conditioning system that meets the requirements of this condition.

35 **External Finishes**

The development shall be constructed and finished in materials and colours consistent with the submitted schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

36 **Glass Reflectivity Index**

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the

- Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.
- 37 Pedestrian access ways, entry paths, lobbies and the pedestrian plaza 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.
- 38 **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.
- 39 **Treatment of Wall Surfaces to Minimise Vandalism/Graffiti**
Wall surfaces shall be painted or treated with anti-graffiti treatment to support the rapid removal of graffiti if it occurs.
- 40 **Use of Durable Materials within the Pedestrian Plaza**
All surfaces and materials chosen for use within the pedestrian plaza shall be durable so as to withstand use and potential graffiti or vandalism.
- 41 **Finish of Sculpture**
The sculpture to be placed/ erected within the pedestrian plaza is required to be constructed of hard wearing durable materials which are resistant to graffiti and vandalism and durable to cope with graffiti removal if required.
- 42 **Lighting**
Adequate lighting must be provided to all pedestrian accessways, parking areas, building entries and the pedestrian plaza. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance.
- 43 **Under Awning Lighting**
Under-awning lighting shall be provided to facilitate night use and improve public safety.
- 44 **Crime Prevention Through Environmental Design – Basement**
The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:
- 44.1 Ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5 m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.
- 44.2 The lift lobby areas located within Basement Levels 2, 3 and 4 are required to be enclosed with walls that are constructed in part of a clear/ transparent material to maintain visibility into the lobby areas.
- 44.3 The lift lobby area located within Basement Level 1 is required to be kept open at its northern and southern ends to maintain visibility into this space.
- 44.4 In order to maximise visibility in the basement carpark, the ceiling shall be painted white. These requirements shall be reflected on the Construction Certificate plans.
- 45 **Security System**
The submission of final design details of proposed security systems to be installed within the development to the Principal Certifying Authority, in order to minimise crime and vandalism related matters is required, prior to the release of the Construction Certificate.
- 46 The submission of documentary evidence to the Principal Certifying Authority from the NSW Fire Brigade, NSW Ambulance Service and the NSW Police Service verifying that each of the emergency service authorities are able to override the security system, in the event that a security intercom system is proposed to be installed within the development, prior to the release of the Construction Certificate.
- 47 **Security Gating of Pedestrian Plaza**
Security gates shall be provided at the northern end of the pedestrian plaza area. The gates shall be of an appropriate high quality design and finish so as to be commensurate with the city centre position of the site. The gate shall be designed in such a manner that it is able to be concealed

within the building when open. Details of the security gate shall be provided to Council for approval prior to the release of a Construction Certificate.

- 48 The security gate(s) referred to in Condition 47 shall be closed and the pedestrian plaza rendered inaccessible from either its northern or southern ends or via the ground floor lobby outside of the business hours of the adjacent ground floor tenancies.

49 **Water Conservation**

The development shall incorporate the following water saving measures:-

- all water fixtures (shower heads, taps, toilets, urinals, etc) are to be 3 stars or better rated;
- appliances are to be 3 stars or better rated with respect to water use efficiency;
- non-potable water should be used for watering gardens.

Details demonstrating compliance shall be submitted with the Construction Certificate application.

50 **Asbestos & Contaminated Building Materials**

Prior to the demolition of the existing structures within the site, an accredited hygienist must be engaged to investigate the site for asbestos contaminated building material, Lead paint, PBC containing fluorescent light or any other contaminant. This report shall be submitted to the Principal Certifying Authority for its separate approval prior to the issue of the Construction Certificate.

51 **Acid Sulphate Soil Management and Action Plan**

As the proposed development site overlays acid sulphate soil deposits, prior to site excavation, an Acid Sulphate Soil Management Plan must be prepared and submitted to Council for approval prior to the release of a Construction Certificate.

52 **Parking of Construction Vehicles**

A construction traffic management plan to be submitted to and approved by Council prior to the release of the Construction Certificate. The traffic management plan shall address the following issues:-

The developer is to ensure that all construction related vehicles (including but not limited to staff vehicles and machinery) are parked on the site or at another site which is approved for the parking of vehicles. The parking of construction related vehicles within surrounding streets is not permitted in order to minimise adverse impacts on surrounding residents and businesses.

In this respect, the developer to shall ensure that the construction program is staged to facilitate use of the basement car parking area for the parking of construction staff vehicles as soon as practicable and safe.

Further, the developer shall investigate and implement a range of options to reduce the generation of construction related vehicles, e.g. public transport passes, car pooling schemes and provision of mini-buses.

53 **Car Parking and Access**

The development shall make provision for a total of 206 car parking spaces (inclusive of disabled parking spaces), 60 bicycle spaces and 8 motorbike spaces. This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

A car parking allocation plan shall be prepared and implemented which is to include the use of signage to allocate car spaces to the relevant commercial spaces.

- 54 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 Australian Standard AS2890.1 (2004), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

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

- 56 Car parking, disabled parking, motorcycle parking and bicycle parking shall comply with the relevant Australian Standard. This requirement shall be reflected on the Construction Certificate plans.
- 57 **Driveways – Units and Commercial Developments**
All driveways within the development shall be constructed with a maximum vertical alignment as shown in draft Council Drawing No. 5000-C34-1 (Maximum Internal Grading – Units and Commercial Developments). This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
- 58 **Structures Adjacent to Driveway**
Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian / New Zealand Standard AS/NZ 2890.1 to provide for adequate 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.
- 59 **Designated Loading/Unloading Facility**
The designated interim loading/unloading facility shall be kept clear for that purpose at all times. The designated interim loading/unloading facility shall be shown on the Construction Certificate plans.

Once the building approved pursuant to Development Consent DA-2007/675 has been constructed, use of the interim loading/unloading facility shall cease and all loading and unloading activities shall take place within the loading area to be provided within the basement of the building approved pursuant to Development Consent DA-2007/675.
- 60 **Stormwater Management**
The edge of the driveway must be provided with a hob or dish drain to prevent surface water flows from entering the adjoining property. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.
- 61 The developer must obtain an easement to drain water over those parts of other land through which stormwater drainage from the land is to be conveyed. Evidence that the easement has been created must be submitted prior to the issue of the Construction Certificate.
- 62 Overflow paths must 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 must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 63 Provision shall be made along the boundary of the property at the vehicular crossing/s for a minimum 200 mm wide grated drain to prevent waste and surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.
- 64 Details of the proposed method of connection of each On-site Detention (OSD) facility to Council's drainage system must be provided with the detailed drainage design for the site. The details must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 65 The developer must provide on-site detention storage for stormwater runoff from the development. The design storage volumes and permissible discharge values for each on-site detention facility must be designed in accordance with the approved stormwater concept plan. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.
- 66 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

- 67 **Engineering Plans and Specifications - Retaining Wall Structures**
The submission of engineering plans and supporting documentation of all proposed retaining walls to the Principal Certifying Authority 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:
- 67.1 A plan of the wall showing location and proximity to property boundaries;
 - 67.2 an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
 - 67.3 details of fencing or handrails to be erected on top of the wall;
 - 67.4 sections of the wall showing wall and footing design, property boundaries 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 and footing structure must be contained wholly within the subject property;
 - 67.5 the proposed method of subsurface and surface drainage, including water disposal;
 - 67.6 reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
 - 67.7 the assumed traffic loading used by the engineer for the wall design.
- 68 **On-Site Detention – Structural Design**
Each on-site detention facility must be designed to withstand loadings occurring from any combination of hydrostatic, earth, traffic and buoyancy forces. Details must be provided demonstrating these requirements have been achieved prior to the issue of the Construction Certificate.
- 69 **On-Site Detention - Maintenance Schedule**
A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of the Wollongong DCP2009.
- 70 **Detailed Stormwater Design**
A detailed stormwater design for the development must be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP2009 and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 71 **On-Site Detention – Design Criteria**
Each on-site stormwater detention facility must incorporate minimum 900 mm square lockable grates for access and maintenance purposes, provision for safety, step irons, debris control screen and a suitably graded invert to the outlet to prevent ponding. Access grates shall be provided at the extremities of the tank at suitable locations to ensure a maximum distance of 3 m from any point within the tank to the edge of the nearest grate. Also, details of each orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.
- 72 **On-Site Detention – Identification**
The construction certificate plans are to detail a corrosion resistant identification plaque for location on or close to each on-site stormwater detention (OSD) facility. The plaque shall include the following information and must be installed prior to the issue of the occupation certificate:
- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number – DA-2010/1682.
 - Any specialist maintenance requirements.
- 73 **On-Site Detention – Orifice and Weir Calculations**
Orifice and weir calculations for each on-site detention facility must be provided on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

- 74 **Existing/Proposed Levels**
Existing and proposed levels to Australian Height Datum (AHD), including floor, ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 75 **Roofwater Drainage**
All roof gutters and downpipes shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 (2003) – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.
- 76 **Runoff from Vertical Surfaces**
The stormwater system shall be designed to cater for runoff from vertical surfaces (including walls/parapets) in accordance with AS 3500.3 (2003) – Plumbing and Drainage (Stormwater Drainage). This requirement shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.
- 77 **Pump System**
A pump system must be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

Prior to Issue of Engineering Construction Certificate

- 78 **Geotechnical Report – Construction Certificate**
The submission of a final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, to the Certifying Authority prior to the issue of the Construction Certificate.
- The report must cover, but not be limited to the following:
- 78.1. recommended Geotechnical testing requirements;
 - 78.2. required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - 78.3. compaction specification for all fill within private subdivisions;
 - 78.4. the level of risk to existing properties and the road as a result of a construction within the site;
 - 78.5. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - 78.6. the preferred treatment of any unstable areas within privately owned allotments;
 - 78.7. requirement for subsurface drainage lines;
 - 78.8. overall suitability of the engineering plans for the proposed development.
- 79 **Erosion and Sediment Control Plan (ESCP)**
An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the requirements set out in “Managing Urban Stormwater: Soils and Construction” NSW Dept of Housing, 4th Edition. The plan must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 80 **Fire Hydrants**
A fire hydrant must be provided in the proposed accessway. The hydrant is to be located such that all external walls of a structure built within the building area can be reached with a 70 metre long fire hose.

Prior to the Commencement of Works

81 **Appointment of Principal Certifying Authority**

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

- 81.1. appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment. Irrespective of whether Council or an accredited private certifier is appointed; and
- 81.2. notify Council in writing of their intention to commence works (at least 2 days notice is required.).

You are advised that Wollongong City Council's type M10 form sets out the above requirements.

82 **Sign – Supervisor Contact Details**

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

- 82.1. stating that unauthorised entry to the work site is not permitted;
- 82.2. showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 82.3. showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

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

83 **Site Documentation**

The supervisor must have on-site at all times a copy of the following documents:

- 83.1. a copy of the Development Consent;
- 83.2. a copy of the Construction Certificate and approved drawings; and
- 83.3. a copy of the approved Environmental Management Plan (if required by the conditions of the Development Consent).

84 The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

85 **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:

- 85.1. a standard flushing toilet; and
- 85.2. connected to either:
 - 85.2.1. the Sydney Water Corporation Ltd sewerage system or
 - 85.2.2. an accredited sewage management facility or
 - 85.2.3. an approved chemical closet.

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

86 **Temporary Road Closure(s)**

If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to six weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742-Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

- 87 **Prior approval from Council for any works in Road Reserve**
Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Regulation and Enforcement Division prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.
- Note:** This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.
- 88 **Consent to Enter and Exit Demolition or Construction Site**
Any use of the footpath or road reserve for demolition or construction purposes requires Council consent under the Roads Act 1993.
- Where it is proposed to carry out demolition activities or construction vehicles entering and leaving the site from a public road reserve and/or installation of a fence or hoarding, a consent must be obtained from Council's Regulation and Enforcement Division prior to the works commencing.
- 89 **Road Occupancy Licence from the Roads and Traffic Authority**
Prior to any works commencing, the applicant shall obtain a road occupancy licence from the NSW Roads and Traffic Authority in conjunction with Council's permit under Section 138 of the Roads Act 1993.
- 90 **Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**
The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. 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 AS1742 - Traffic Control Devices for Works on Roads and the RTA 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 NSW Roads and Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "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 an accredited 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 approved plan 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.

91 Supervision of Works and Notification to Council of Works in Road Reserve

The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.

The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.

92 Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

93 Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

94 Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence to satisfy the requirements of the latest versions of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. An application must be lodged and a permit obtained from Council's Regulation and Enforcement Division before the erection of any such hoarding or fence. The applicant must ensure that any such Type A fencing only opens inwards into the private property.

Note: No building or construction work must commence before the hoarding or fence is erected.

95 Dilapidation Report

Prior to the commencement of works the applicant shall submit a dilapidation survey and report to the Principal Certifying Authority. The dilapidation survey and report shall accurately reflect the condition of existing infrastructure in the Roads adjacent to the site, including the point of connection of stormwater pipes adjacent to and within any proposed easements to drain water. Any damage to public or private infrastructure which is caused by the applicant shall be repaired to the satisfaction of the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

96 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.

97 Supervision of Works

A suitably qualified and experienced Civil Engineer, Registered Surveyor or experienced Civil Engineering Foreman must be appointed by the developer before any work commences. The

supervisor's name, address and contact telephone number must be submitted to the Principal Certifying Authority, two days prior to the commencement of any work.

98 Geotechnical Requirements During Construction

All works must be carried out in accordance with reports submitted in support of the Development Application and Construction Certificate Application.

99 Support for Neighbouring Buildings

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

100 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.

101 Erosion and Sediment Control Measures

Erosion and sedimentation control measures are to be established in accordance with the requirements of Council. All erosion and sedimentation control measures are to be in place, prior to the commencement of any works and shall be maintained for a minimum period of six (6) months after the completion of all works. Daily maintenance of the erosion and sedimentation control measures is to undertaken to ensure their effectiveness.

102 Deposited Materials on Roads

Any material deposited on public roads resulting from the works must be removed within the same day.

103 Dust Control

The emission of dust from the site must be controlled and in this regard watering equipment shall be kept on the site at all times for this purpose.

104 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 WorkCover 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 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.

105 Demolition Notification to Surrounding Property Owners/Occupants

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

106 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.

- 107 **Consultation with NSW WorkCover Authority**
Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.
- 108 **Consultation with NSW WorkCover Authority – Prior to Asbestos Removal**
The applicant or appointed contractor is to give NSW WorkCover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.
- 109 **Waste Management**
The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.
- 110 **Destination of Excavated Material**
The developer must ensure that all excavated material is utilised/disposed of at a site that is approved for the use / disposal of fill material. Written evidence must be presented to the Principal Certifying Authority prior to the commencement of any excavation, that demonstrates that a suitable destination is available and further confirmation must be submitted to the Principal Certifying Authority that demonstrates that the fill has been disposed of to the approved destination prior to the issue of an Occupation Certificate.
- 111 **Construction of New Vehicular Crossing**
The applicant shall construct a new concrete vehicular crossing to service the development in accordance with Council's current policies and standards.

The applicant shall arrange, through Council's Regulation and Enforcement Division for a Council qualified concrete contractor to carry out the works.

A copy of the approval shall be submitted to the Principal Certifying Authority prior to the works commencing. The entire length of any vehicular crossings must be constructed:
- a) to Council's currently adopted standard drawings;
 - b) for the full width of the footpath; and
 - c) by one of Council's qualified concrete contractors at the developer's expense.
- 112 **Footpath Levels**
Footpath levels must be obtained from Council's Regulation and Enforcement Division prior to the works commencing. This can be achieved by filling out an application form and payment of the relevant fees.

All such structures and internal driveways shall be constructed to these approved levels.

The longitudinal grade of the footpath must be parallel to the top of kerb level and all building entrance adjustments for level access to building floor levels must be developed within the private property of the building in accordance with the requirements of the latest versions of AS1428.1, the Building Code of Australia and the Disability Discrimination Act. No adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted for access points to buildings.

A copy of the approved levels shall be submitted to the Principal Certifying Authority prior to works commencing.

During Demolition, Excavation or Construction

- 113 **Implementation of Construction Traffic Management Plan**
The construction traffic management plan required by Condition 52 shall be implemented during all stages of construction of the development.

The developer is to ensure that all construction related vehicles (including but not limited to staff vehicles and machinery) are parked on the site or at another site which is approved for the parking of vehicles. The parking of construction related vehicles within surrounding streets is not permitted in order to minimise adverse impacts on surrounding residents and businesses.

In this respect, the developer shall ensure that the construction program is staged to facilitate use of the basement car parking area for the parking of construction staff vehicles as soon as practicable and safe.

Further, the developer shall investigate and implement a range of options to reduce the generation of construction related vehicles, e.g. public transport passes, car pooling schemes and provision of mini-buses

114 On-going Consultation with Surrounding Property Owners/Occupants Regarding Construction Works

A notice board must be displayed at the Burelli and Kembla Street frontages of the site throughout the construction works that includes written details of at least the following information:

- 114.1. a summary of the work plan and a timetable for completion of works (including stages), including construction hours, transport routes, interruptions to traffic flow etc;
- 114.2. details of the primary contractor and/or company conducting the construction works; and
- 114.3. 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.

The notice board must be regularly updated and kept in a tidy and clear manner.

115 Removal of Asbestos and Other Demolition Materials

Based on the findings of the hygienist and the HLA report prepared in respect of 71-77 Kembla Street, Wollongong, asbestos-related building material must be removed by an approved asbestos removalist in accordance with WorkCover guidelines. All such wastes must be disposed of to a DECCW/ EPA approved waste disposal depot. Invoices/receipts must be provided to Council to be kept on the property file.

All concrete slabs, bricks, timbers tiles and corrugated roofing material must be removed from the site and transferred to a DECWW approved recycling depot.

116 Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by an Approved Contractor

The removal of any asbestos material must be carried out by an approved contractor if over 10 square metres in area in strict accordance with WorkCover Authority requirements.

117 Asbestos waste must be prepared in accordance with WorkCover requirements and disposed of to an EPA licensed landfill site.

118 Acid Sulphate Soil (ASS) Management

Any excavation spoil to be exported off site must be properly treated to neutralize the acidity prior to off-site disposal. The Principal Certifying Authority must certify the acid neutralization process and the final pH. The Acid Sulphate Soil Management Plan must be implemented during excavation and construction.

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

The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

120 Noise Control – Construction Works

The construction works shall comply with the Australian Standard AS 2436- 1981 “Guide to Noise Control on Construction, Maintenance & Demolition Sites” and any other requirements as specified by Council or the NSW Environment Protection Authority.

121 Restricted Work Hours of Operation

The developer must not carry out any work (other than emergency procedures to control dust or sediment laden runoff) outside the normal working hours, namely 7.00 am to 5.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday, without the prior written consent of the Principal Certifying Authority. No work is permitted on Sundays or Public Holidays.

Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing, detailing:

- 121.1. the variation in hours required
- 121.2. the reason for that variation; and
- 121.3. the type of work and machinery to be used.

122 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

123 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.

124 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.

125 **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.

126 **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, or have the potential for conflict between pedestrians and vehicles:

- 126.1 A hoarding or fence must be erected between the work site and the public place;
- 126.2 an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- 126.3 the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- 126.4 safe pedestrian access must be maintained at all times;
- 126.5 any such hoarding, fence or awning is to be removed when the work has been completed.

127 **Excavations**

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:

- 127.1 must preserve and protect the adjoining building from damage; and
- 127.2 if necessary, must underpin and support the building in an approved manner; and
- 127.3 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.

128 All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

129 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.

130 **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing civil engineer.

131 **Notification to Adjoining Property Owners Prior to Commencement of Works**

The contractor shall be mindful of maintaining access to existing properties fronting the drainage works. It would be prudent to provide some form of notification to the affected properties prior to commencement of works. This is particularly the case if any disruption to access will be required as a consequence of the works.

- 132 **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to Council's existing stormwater drainage system or as shown on the approved stormwater concept plan. Prior to undertaking the connection the developer shall obtain a permit from and arrange inspections with Council's Regulation and Enforcement Division.
- 133 **No Adverse Run-off Impacts on Adjoining Properties**
The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.
- 134 **Re-direction or Treatment of Stormwater 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.
- 135 **Pipe Connections**
All pipe connections to existing stormwater pits must be constructed flush with the pit wall in accordance with good engineering practice. The developer must ensure that the condition of the pit is not compromised and that the service life of the pit is not reduced as a result of the connection.
- 136 **Reconstruction of Existing Pram Ramps**
The developer must reconstruct the existing pram ramps along the frontage of the development at the south east corner of Burelli and Kembla Streets in accordance with latest version of Wollongong City Council's standard drawings.

The new pram ramps must form a smooth junction with both existing infrastructure and the proposed new footpath paving to be constructed in conjunction with this development. The work shall be completed prior to the issue of an Occupation Certificate.
- 137 **Redundant Crossings**
Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council qualified concrete contractor at the developer's expense, prior to the issue of an Occupation Certificate.
- 138 **BASIX**
All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:
- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

Prior to the Issue of the Occupation Certificate

- 139 **Fire Safety Certificate**
A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:
- 139.1. Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
 - 139.2. must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- 140 **Drainage**
The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements as stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 141 **Restriction on use – On-site Detention System**
The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must 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 on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

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, must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.
- 142 **Retaining Wall Certification**
The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority 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 Certifying Authority.
- 143 **BASIX**
A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority 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.
- 144 **Positive Covenant – On-Site Detention Maintenance Schedule**
A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.
- 145 **On-Site Detention – Structural Certification**
The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.
- 146 **Mailboxes**
The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5 of Chapter D13 of Wollongong Development Control Plan 2009. The mailboxes must be

provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like.

Prior to Issue Subdivision Certificate

147 **Final Geotechnical Report - Subdivision Certificate**

The submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to the Principal Certifying Authority, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:

- 147.1. All earthwork operations;
- 147.2. A fill plan showing extent and depth of fill;
- 147.3. Certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied;
- 147.4. The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of subsurface drainage lines, which shall be burdened with a restriction-as-to-user within the Section 88B Instrument;
- 147.5. identification of all land affected by landslip or instability constraints (if applicable)

148 **Works-As-Executed Plans**

The submission of two sets (minimum) of Works-As-Executed (WAE) plans to the Principal Certifying Authority, prior to the release of the Subdivision Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- Final locations and levels for all works associated with the subdivision which also indicates the final volume of the on-site detention and subsoil drainage locations;
- a separate conduit plan showing the location of all conduits laid beneath the constructed road system;
- a separate fill plan showing extent and depth of filling;
- a separate plan which indicates the extent of flood inundation for 1% AEP and PMF storm event;
- the location of the on-site detention identification plaque; and
- the plan(s) must include but not be limited to the requirements stated in the On- Site Stormwater Detention Code.

149 **Compliance Certificates – Subdivision Works**

Where an accredited Private Certifying Authority has been appointed to carry out inspections, a Compliance Certificate must be submitted stating that all work has been constructed in accordance with:

- the Development Consent;
- the approved Construction Certificate;
- the Wollongong City Council Subdivision Code.

150 **Registered Surveyors Certification**

A Registered Surveyor must certify in writing that all stormwater pits and pipelines, services and vehicular accessways are located wholly in an appropriate easement on the final plan of subdivision. This certification must be submitted with the Subdivision Certificate application.

151 **Existing Easements**

All existing easements must be acknowledged on the final subdivision plan.

152 **Existing Restriction as to Use**

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

- 153 **Encroaching Pipes**
A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.
- 154 **Encroaching Services**
A minimum one (1) metre wide easement for services must be created over any encroaching utility service.
- 155 **Section 88B Instrument**
The submission of a Final Section 88B Instrument to Council/Principal Certifying Authority, which incorporates the necessary restrictions, rights of carriageway, easements and covenants, where applicable.
- 156 **88B Instrument Easements/Restrictions**
Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by the Land and Property Information Office.
- 157 **Final Documentation Required Prior to Issue of Subdivision Certificate**
The submission of the following information/documentation to the Principal Certifying Authority, prior to the issue of a Subdivision Certificate:
- 157.1. Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
 - 157.2. Original Construction Certificates and approved drawings (where issued by an accredited Private Certifying Authority);
 - 157.3. Final plan of Subdivision prepared by a registered surveyor plus four (4) equivalent size paper copies of the plan;
 - 157.4. Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
 - 157.5. Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
 - 157.6. Original Notification of Arrangement from an Integral Energy regarding the supply of underground electricity to the proposed allotments;
 - 157.7. Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.

Operational Phases of the Development/Use of the Site

- 158 **Security Gating of Pedestrian Plaza**
The security gate(s) referred to in Condition 47 above shall be closed and the pedestrian plaza rendered inaccessible from either its northern or southern ends or via the ground floor lobby outside of the business hours of the adjacent ground floor tenancies.
- 159 **Removal of Graffiti and Rectification of Vandalism**
Any evidence of graffiti or vandalism shall be rectified within 48 hours of such vandalism or graffiti taking place.
- 160 **Discharge of Ground Water from the Basement Car park**
Discharge of the ground water from the basement levels into the street drain is conditional upon water quality parameters. Any water pumped from any subsurface collection pits into the public stormwater drainage system must be free of oil, grease and suspended solids.
- 161 **Clothes Drying on Balconies/Terrace Areas Prohibited**
The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.
- 162 **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 or complying development.

163 Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site.

164 Strata Plan Requirements

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

164.1 Garbage and recycling rooms must be contained within the common area;

164.2 Motorbike and bicycle storage areas must be contained within the common area; and

164.3 Appropriate allocation of carparking to the residential and commercial components of the building.