

Attachment 5 – Draft Conditions

Approved Plans and Specifications

- 1 The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and Specifications	To be inserted once ready for determination
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General Matters

- 2 **Lot Consolidation**
The three (3) allotments shall be consolidated prior to the release of the Construction Certificate. Evidence of the registration of the plan of consolidation shall be provided to Council and the Private Certifying Authority prior to the release of the Construction Certificate.
- 3 **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.
- 4 **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.
- 5 **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.
- 6 **Protection of Public Infrastructure**
Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.
- 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 **Height Restriction**
The development shall be restricted to a maximum height of 32 metres AHD from the natural ground level (inclusive of any plant and lift overruns). Any alteration to the maximum height of the development will require further separate approval of Council.
- 9 **Fencing**
Any fencing erected in front of the building line shall have a maximum height of 1.2m measured from existing ground level.
- 10 **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.
- 11 **Adaptable Units**
The nominated adaptable units within the development must be designed and constructed so as to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visitability is achieved. Level access is required to be provided between the internal living space and balcony of the adaptable units and sufficient circulation space is required throughout.
- 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 geotechnical report commissioned for geotechnical Condition 3 are to be accommodated in the earthworks plan.
12.5 Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
12.6 All earthworks, drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. 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 **Heritage Act 1977 Requirements**
The applicant or developer must satisfy any requirements of the NSW Heritage Act 1977 and must ensure that the development programme proposed for the site complies with any conditions and requirements of the Heritage Council of NSW. In this regard the NSW Heritage Council has previously issued an Excavation Permit under Section 140 of the NSW Heritage Act 1977 (Permit Number 2008/S140/08).
- 14 **Excavation Permit, Heritage Act 1977**
The applicant or developer must apply to the Heritage Council for all necessary approvals required under the Heritage Act 1977. The applicant shall obtain an excavation permit under Section 140 of the Heritage Act 1977 or a variation to the existing permit under Section 144 of the Heritage Act 1977.

The applicant or developer shall comply with the conditions and requirements of any excavation permit or other approval issued by the Heritage Council, and must ensure that the development programme complies with those conditions and requirements.

15 **Tree Retention**

The developer shall retain existing trees indicated on the Landscape Plan by Ochre Landscape Architects Dwg. No. 1320-LD01A dated 02.08.11 and 1320-LD02 dated 02.08.11 consisting of trees numbered T13, T15, T17, T19-T22, T24, T28-T31 and T37.

Any branch pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

All recommendations in Arborist's Report dated May 2011 by David Potts pages no. 8 and 9 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

16 **Tree Removal**

This consent permits the removal of trees numbered T1 – T12, T14, T16, T18, T23, T25 – 27, T32 – T36 as indicated on the on the Landscape Plan by Ochre Landscape Architects Dwg. No. 1320-LD01A dated 02.08.11 and 1320-LD02 dated 02.08.11 No other trees shall be removed without prior written approval of Council.

17 **Compliance with Statutory Authorities/Government Departments**

Compliance with the requirements, if any, of:

- NSW WorkCover Authority;
- NSW Roads & Traffic Authority;
- NSW Environment Protection Authority;
- NSW Police Service;
- NSW Fire Brigades; and
- NSW Heritage Council.

Prior to the Issue of the Construction Certificate

18 **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.

19 **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.

20 **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.

- 21 **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.
- 22 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.
- 23 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.
- 24 **Provision of Seals to Entry Doors**
Seals shall be provided to entry doors to minimise noise transmission from common corridors or outside the building.
- 25 **Amended Plans – Increased Setback to Northern Boundary from Level 9 Balcony**
The balcony of Unit 33 located on the eastern side of Level 9 of the building shall be redesigned to ensure that a minimum side setback of 12m is available from the northern edge of this balcony to the northern boundary of the site. This shall be detailed on the plans to be supplied with the Construction Certificate.
- 26 **Parking and Access**
The development shall make provision for a total of 63 car parking spaces including 7 visitor parking spaces and 4 adaptable parking spaces, 3 motorcycle parking spaces and 15 bicycle parking spaces. This requirement shall be reflected on the Construction Certificate plans. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.
- 27 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.
- 28 Ramps for internal parking areas shall be designed in accordance with AS2890.1 - Parking Facilities - Off Street Car Parking. To ensure that internal vehicular circulation complies with Clause 2.5.2 of AS2890.1, circulation areas shall be checked using single turn swept path templates for the B99 vehicle and the B85 vehicle, generated in accordance with Appendix B, Paragraph B3.1, which include the swept path clearances specified in Paragraph B3.2. The swept path clearances shall clear any kerbs at the boundary of the intersection area. This requirement shall be reflected on the Construction Certificate plans.
- 29 Each accessible garage shall comply with the dimensional specifications contained in AS2890.6 (2009) to allow the proposed accessible garages to be easily modified in the future to become accessible to people with disabilities or progressive frailties. These requirements shall be reflected on the Construction Certificate plans.
- 30 The main entry point to the building shall be in accordance with the current relevant Australian Standard 1428.1 - 2009 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the current Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.
- 31 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.

- 32 Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian/New Zealand Standard AS2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc.
- 33 **Loading/Unloading Facility**
The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 34 **Visitor Parking**
Any visitor parking spaces must be located outside the security access to the basement carpark. This requirement shall be reflected on the Construction Certificate plans.
- 35 **Crime Prevention through Environmental Design (CPTED) – Basement**
In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.
- 36 **Crime Prevention through Environmental Design (CPTED) – Lighting within Car park**
The car park area and associated fire passages and stairs must have lighting provided in accordance with AS1158 (1999) or AS4360 (1999) This requirement shall be reflected on the Construction Certificate plans.
- 37 **Crime Prevention through Environmental Design (CPTED) – Fire Doors**
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.
- 38 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.
- 39 The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS1158 (1999). This requirement shall be reflected on the Construction Certificate plans.
- 40 **External Finishes**
The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 41 **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.
- 42 **Graffiti Resistant Paint**
Graffiti resistant paint shall be used on the front fences and on any surfaces adjacent to the street frontage.
- 43 Pedestrian access ways, entry paths and lobbies must be constructed with durable materials commensurate with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours.
- 44 **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.
- 45 **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.

- 46 **Single Master TV Antenna**
A single master TV antenna is to be installed to service the development and provision made for connection to each dwelling unit within the development. This requirement shall be reflected on the Construction Certificate plans.
- 47 **Basement Ventilation**
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 be indicated on plans submitted to the Principal Certifying Authority with the Construction Certificate application.
- 48 **Garbage, Green Waste and Recycling Bin Storage Room**
The garbage/recycling bin enclosure area shall be constructed of brick or other approved masonry material consistent with the detailing of the finish of the building. The waste storage room shall be constructed with a concrete floor, suitably graded to enable drainage of run-off into Council's stormwater drainage system and shall be at-grade. The final design details of the proposed storage area shall be reflected on the Construction Certificate plans.
- 49 **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.
- 50 **Air Conditioning Units**
Air conditioning systems are to not to be located where they are visible from Church Street.

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.
- 51 **Water Conservation**
The development shall incorporate the following water saving measures:-

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

Details demonstrating compliance shall be submitted with the Construction Certificate application.
- 52 **Landscaping**
The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape DCP 2009 Chapter E6 Landscape is required. The landscape plan shall be consistent with the Landscape Concept Plan approved as part of this consent and any relevant conditions. The plan shall be submitted for the approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.
- 53 **Compensatory Planting**
The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, 27 100 litre container mature plant stock shall be placed in an appropriate location on the site. The species are to be in accordance with the trees listed in the Indicative Plant Schedule on the Landscape Concept Plan by Ochre Landscape Architects plan no. 1320-LD01-A.
- 54 **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 1200mm wide 100mm thick, reinforced, black oxide coloured, exposed blue metal aggregate finish concrete. 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: Reinforced suitable for commercial vehicle loadings, black oxide coloured, exposed blue metal aggregate finish concrete.

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

Footpath must be installed to the satisfaction of WCC Manager of Works.

Landscape Plan to be submitted to Council prior to the issue of Construction Certificate showing proposed paving and location of all services.

55 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development are three *Tristaniopsis laurina*, 200 litre 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 WCC Manager of Works.

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

56 **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.

57 **Paving Driveway Threshold**

A change in driveway paving is required at the entrance threshold to clearly show motorists they are crossing a pedestrian area. The developer must construct the paving in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

58 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.

59 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.

60 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.

61 Tree Protection and Management

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- 61.1 Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- 61.2 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- 61.3 Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

62 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.

- 63 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.

- 64 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.

- 65 The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with the approved plans. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

66 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:

- 66.1 A plan of the wall showing location and proximity to property boundaries;
- 66.2 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;
- 66.3 details of fencing or handrails to be erected on top of the wall;
- 66.4 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;
- 66.5 the proposed method of subsurface and surface drainage, including water disposal;
- 66.6 reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
- 66.7 the assumed traffic loading used by the engineer for the wall design.

67 On-Site Detention – Structural Design

The 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.

68 **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.

69 **On-Site Detention – Design Criteria**

The 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 the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.

70 **On-Site Detention – Identification**

The construction certificate plans are to detail a corrosion resistant identification plaque for location on or close to the 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-2011/718;
- Any specialist maintenance requirements.

71 **On-Site Detention – Orifice and Weir Calculations**

Orifice and weir calculations for the on-site detention facility must be provided on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

72 **On Site Detention Structural Design**

The on-site detention facility located within the proposed driveway must withstand the maximum loading and configuration imposed by the heaviest vehicle likely to use the accessway as specified in the RTA heavy vehicle loading documentation, and applied in accordance with the current code: AS/NZS 1170 - Structural Design Actions. The design loading adopted, and details of this detention facility must be submitted prior to the release of the Construction Certificate.

73 **Designated Overland Flow Path**

Details of the overland flow path swale drain located along the southern boundary of the development site shall be provided with the detailed drainage design. This overland flow path must be capable of catering for the 1 in 100 year ARI storm event flows from the contributing catchment area. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse stormwater impacts upon the subject site and adjoining properties. Full Manning's calculations shall be provided on the capacity of this overland flow path. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

74 **Existing/Proposed Levels**

Existing and proposed levels to Australian Height Datum (AHD), including floor, ground, grate, pipe inverts, overland flow paths 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 **Scour Protection**

All overland flow paths must incorporate appropriate scour/erosion protection measures in accordance with good engineering practice. The final details of the proposed scour/erosion protection measures shall be reflected on Construction Certificate plans.

76 **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.

77 **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.

Section 94A Levy Contribution

78 **The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.**

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to **\$110,000.00** shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 178.8. The following formula for indexing contributions is to be used:

Contribution at time of payment = \$C x (CP2/CP1)

Where

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation.

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website Catalog No. 6401.0 - Consumer Price Index, Australia.

Payment must be made by cash, credit card or bank cheque only, personal and company cheques are not accepted. Payments are accepted by mail or in person at Council's Customer Service Centre, located on the ground floor of Wollongong City Council Administration Building during business hours.

A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council).

Prior to the Commencement of Works

79 Appointment of Principal Certifying Authority

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

- 79.1 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
- 79.2 notify Council in writing of their intention to commence the erection of the building (at least two days notice is required).

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

80 Heritage Excavation Permit

The developer must obtain an Excavation Permit from the NSW Heritage Office prior to any works commencing on site.

81 Heritage - Archival Recording

Prior to any works commencing on site the developer must ensure that photographic archival recording is undertaken for the buildings proposed to be demolished. The recording should also include the plantings and landscaping surrounding the buildings. Archival recording must be carried out according to the NSW Heritage Office guidelines for preparation of archival records. The archival record must be approved by the Council's heritage staff and forwarded to the Principal Certifying Authority prior to commencement of any works on site. A copy of the final record shall be forwarded to Council for inclusion in the local studies collection of Wollongong Library.

82 Heritage - Interpretation

After the archaeological investigation is completed, and prior to any other works commencing on site, the developer must ensure that an interpretation plan is prepared in order to ensure that the significance of the site and any remains discovered during archaeological investigation are interpreted in an appropriate manner. The interpretation plan must be approved by the Council's heritage staff and forwarded to the Principal Certifying Authority prior to commencement of any works on site. A copy of the final record shall be forwarded to Council for inclusion in the local studies collection of Wollongong Library.

83 Sign – Supervisor Contact Details

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

- 83.1 stating that unauthorised entry to the work site is not permitted;
- 83.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 83.3 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.

84 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:

- 84.1 a standard flushing toilet; and
- 84.2 connected to either:
 - 84.2.1 the Sydney Water Corporation Ltd sewerage system or
 - 84.2.2 an accredited sewage management facility or
 - 84.2.3 an approved chemical closet.

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

85 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.

86 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 design and installation requirements of the latest versions of the WorkCover Overhead Protective Structures Code of Practice, Occupational Health and Safety Act, the Occupational Health and Safety Regulation and Australian Standard AS 2601. An application must be lodged and a consent 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.

For a type B hoarding, the applicant must submit certification from a suitably qualified and experienced structural engineer to the Principal Certifying Authority and Council confirming the structural adequacy of the hoarding structure. This documentation must be provided within 48 hours of commencement of any works on site.

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

87 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 eight 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.

88 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.

89 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:

- 89.1 proposed ingress and egress points for vehicles to/from the construction site;
- 89.2 proposed protection of pedestrians, adjacent to the construction site;

- 89.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 89.4 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;
- 89.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 89.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 89.7 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);
- 89.8 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
- 89.9 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.

90 **Consent to Access and Egress Demolition or Construction Site**

Any use of the footpath or road reserve for demolition or construction purposes requires Council approval under the Roads Act 1993 prior to any proposed interruption to pedestrian and / or vehicular traffic flows.

Where it is proposed to carry out demolition activities, construction vehicles entering and leaving the site from a public road reserve, or the installation of a fence or hoarding, consent must be obtained from Council's Regulation and Enforcement Division prior to the works commencing.

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 **Dilapidation Report**

The developer shall provide Council with a dilapidation report, identifying the condition of Council assets and all land in the vicinity of the proposed works prior to the commencement of works.

- 94 **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.
- 95 **Hazardous Material Survey**
At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. **Hazardous materials** includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:
- 95.1 the location of hazardous materials throughout the site;
 - 95.2 a description of the hazardous material;
 - 95.3 the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
 - 95.4 an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
 - 95.5 a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
 - 95.6 identification of the disposal sites to which the hazardous materials will be taken.
- 96 **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.
- 97 **Demolition Works**
The demolition of the existing structures shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the NSW WorkCover Authority.

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 Certifying Authority. 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.
- 98 **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.
- 99 **Demolition Notification to Surrounding Residents**
Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.
- 100 **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.
- 101 **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.

102 **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.

103 **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.

104 **Sediment and Erosion Control Measures**

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

105 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

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

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

107 **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 at full cost to the developer.

The longitudinal grading of the crossing must comply with the Jones Nicholson drawing no. 110237-C12-3, Concept Driveway Long. Section.

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 crossing consent shall be submitted to the Principal Certifying Authority prior to the works commencing.

During Demolition, Excavation or Construction

108 **Archaeological Relics**

Should any historical archaeological relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the Heritage Act 1977.

109 **Aboriginal Objects**

Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Environmental Protection and Regulation Group of the office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Aboriginal 'objects' must be managed in accordance

with an approved Aboriginal heritage impact permit under Section 90 of the National Parks and Wildlife Act 1974.

110 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:

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

111 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.

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

113 Restricted Hours of Work

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

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

- 113.1 the variation in hours required;
- 113.2 the reason for that variation;
- 113.3 the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that EPA Environmental Noise manual restricts use of power tools (electronic or pneumatic) to between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on weekends.

- 114 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.

- 115 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.

- 116 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.

117 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.

118 Protection of 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:

- 118.1 must preserve and protect the adjoining building from damage; and
 118.2 if necessary, must underpin and support the building in an approved manner; and
 118.3 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.
- 119 All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.
- 120 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.
- 121 **Branch Pruning in accordance with Australian Standard**
 Any branch pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).
- 122 **Installation of Root Barrier**
 The installation of a root barrier against the building in the vicinity of the existing trees is required to protect the existing or proposed development. The nature, extent and depth of the root barrier shall be determined on site by a qualified arborist in consideration of the on-site conditions and tree species.
- 123 **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.
- 124 **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.”
- 125 **Supervision of Engineering Works**
 All engineering works associated with the development are to be carried out under the supervision of a practicing civil engineer.
- 126 **Piping of Stormwater to Existing Stormwater Drainage System**
 Stormwater for the land must be piped to Council’s existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a permit from and arrange inspections with Council’s Regulation and Enforcement Division.
- 127 **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.
- 128 **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.

129 Flows from Adjoining Properties

Flows from adjoining properties must be accepted, contained and directed to the proposed stormwater surface inlet pits on site. Finished ground levels/free standing retaining walls on the boundary shall be no higher than the existing upslope adjacent ground levels. Overflow paths must be maintained to cater for flows in excess of the capacity of the underground stormwater system.

Prior to the Issue of the Occupation Certificate

130 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 release of an Occupation Certificate.

131 Heritage Interpretation Plan

Prior to the issue of an Occupation Certificate, the developer must ensure that the recommendations of the Interpretation Plan are completed. The interpretation work must be approved by the Council's Heritage staff and their written approval forwarded to the Principal Certifying Authority prior to issue of an Occupation Certificate.

132 Archaeological Site Excavations

A final report on any archaeological site excavations prepared by the archaeologist shall be submitted to Council and the Heritage Council prior to the occupation of the development.

133 Access Certification

Prior to the occupation of the building, the Principal Certifying Authority must ensure that a certificate from an "accredited access consultant" has been issued certifying that the building complies with the requirements of AS 1428.1 and AS4299 where applicable.

134 Landscaping & Compensatory Tree Planting

The developer must landscape the site and make compensatory provision for the trees required to be removed as a result of the development, in accordance with the final approved landscape plan, prior to the release of an Occupation Certificate.

135 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.

136 Mailboxes

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

137 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.

138 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.

139 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.

140 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.

141 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.

Operational Phases of the Development/Use of the Site

142 Clothes Drying on Balconies/Terrace Areas Prohibited

The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

143 Graffiti Removal

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

144 Strata Plan Requirements

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

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

144.2 Motorbike and bicycle storage areas and visitor car parking must be contained within the common area; and

144.3 Appropriate allocation of carparking and storage areas to the dwellings.