

## **ATTACHMENT 4: Draft Conditions of Consent**

DA-2014/956

### **General Matters**

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on:

- Cover Page 00.00 dated 8/8/14 prepared by Marchese Partners
- Ground Floor Plan DA 1.03 dated 5/8/14 prepared by Marchese Partners
- First Floor Plan DA 1.04 dated 5/8/14 prepared by Marchese Partners
- Levels 2/4 Plan DA 1.05 dated 5/8/14 prepared by Marchese Partners
- Level 3 Plan DA 1.06 dated 5/8/14 prepared by Marchese Partners
- Level 5 Plan DA 1.07 dated 5/8/14 prepared by Marchese Partners
- Level 6 Plan DA 1.08 dated 5/8/14 prepared by Marchese Partners
- Level 7 Plan DA 1.09 dated 5/8/14 prepared by Marchese Partners
- Sections DA 2.01 dated 13/3/14 prepared by Marchese Partners
- Elevations DA 3.01 dated 13/3/14 prepared by Marchese Partners
- Demolition Plan DA 8.01 dated 11/6/14 prepared by Marchese Partners
- Finishes schedule - Kembla Street elevation detail DA 9.02 dated 15/4/15 prepared by Marchese Partners
- Finishes schedule - Pioneer Park elevation detail DA 9.03 dated 15/4/15 prepared by Marchese Partners
- Tree Retention and Removal Plan LA00 G dated 14/1/15 prepared by Taylor Brammer Landscape Architects
- Landscape Plan Ground Floor Plan LA01 G dated 21/1/15 prepared by Taylor Brammer Landscape Architects
- Landscape Plan First and Fifth Floors LA02 B dated 6/6/14 prepared by Taylor Brammer Landscape Architects
- Landscape Details LC03 A dated 10/4/14 prepared by Taylor Brammer Landscape Architects
- Public Domain Details LC04 A dated 15/1/15 prepared by Taylor Brammer Landscape Architects

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

- 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) **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.

5) **Geotechnical**

All work is to be in accordance with the geotechnical recommendations contained in the report dated 16 December 2013 by Douglas Partners and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

Foundation systems are to be founded within the underlying high strength sandstone bedrock as recommended by the geotechnical consultant.

6 **Street tree removal**

The developer shall remove existing street trees indicated on Tree Retention and Removal Plan by Taylor Brammer Landscape Architect, Issue G, dated 14.01.2015. This consent permits the removal of street trees numbered T35 – T43 and T12 – T16 to accommodate changes the footpath levels.

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 to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

7 **Restricted Vegetation Removal**

This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.

8 **Eligible residents**

Only those people referred to in State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004 may occupy any accommodation in the development. The permitted occupants are:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

## Prior to the Issue of the Construction Certificate

### 9 Acid Sulfate Soils Management Strategy

An Acid Sulfate Soils Management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a NATA registered laboratory.

### 10) Present Plans to Sydney Water

Approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

### 11) Energy Provider Requirements

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

### 12) 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.

### 13) Detailed Drainage Design

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the concept drainage plan by GHD, Drawing No. 21-23123-C100, revision B dated 18/12/2014.

### 14) On-Site Detention Modifications – Design Criteria

Each on-site stormwater detention facility shall incorporate a suitably sized square lockable grate for access and maintenance purposes, provision for safety, a debris control screen, and a suitably graded invert to the outlet to prevent ponding. 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.

### 15) 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. Each plaque shall include the following information and shall 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-2014/956.

- Any specialist maintenance requirements.
- 16) On-Site Detention – Orifice and Weir Calculations  
Orifice and weir calculations for each on-site detention facility shall be provided on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.
  - 17) 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.
  - 18) Sizing of Drainage  
All stormwater drainage (incl. gutters, sumps, pits, grates, pipes, etc.) conveying runoff from the proposed roof areas and other impervious surfaces to the on-site stormwater detention (OSD) system 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). This requirement shall be reflected on the Construction Certificate plans.
  - 19) Structural Soundness Design Criteria  
The proposed building shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being RL 5.95 metres AHD. This requirement shall be reflected on the Construction Certificate plans and supporting documentation prior to the issue of the Construction Certificate.
  - 20) Carpark Waterproofing  
Engineering details of the proposed carpark driveway and perimeter wall shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. This shall include construction details indicating that no ingress of stormwater is possible into the car park. This applies to any proposed opening such as doors or ventilation louvres. All vehicular access points (i.e. driveway crest), doors, and ventilation points to the basement car park shall be a minimum of 0.2 metres above the adjacent 100 year ARI flood level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
  - 21) The 4 stacked car parking spaces opposite the exit on the ground floor are to be allocated for café staff only. These spaces are to be clearly line-marked and/or signposted. This requirement must be reflected on the construction certificate plans.
  - 22) 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, in accordance with the Wollongong City Council Public Domain Technical Manual is as follows:
    - a) Footpath Pavement:
 

‘Sante Fe, Illiad’ by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed finish, 300 x 300 x 50mm Samples to be approved by WCC Manager Project Delivery prior to construction.

*Sealant :*

Penetrating sealer ‘Spirit Natural Paving Seal’ by Spirit Marble & Tile Care Pty Ltd (or approved equivalent).

*Structural Design Requirements*

Subbase 100mm DGB 20 compacted to 98% modified density

Base                      100mm thick 7MPa mass concrete

Pavement	300 x 300 x 40mm unit paver on 30mm bedding sand 3mm maximum grout filled joints
Jointing	Abutting kerbs, pits and buildings Abelflex or equivalent

b) Driveway:

Driveway pavement to be 'Brickpave, Illiad' by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed, 230 x 113 x 80mm paving units in a herringbone pattern, contrasting band to be 'Brickpave, Off White' Adbri Masonry Pty Ltd (or approved equivalent) ivory coloured paving unit, honed finish, 230 x 113 x 80mm.

Samples are to be approved by WCC Manager Project Delivery prior to construction.

*Sealant:*

Penetrating sealer 'Uni Seal' by Spirit Marble & Tile Care Pty Ltd (or approved equivalent).

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

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

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

Footpath must be installed to the satisfaction of WCC 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.

23) Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development are four *Cupaniopsis anacardioides*, 200 litre along Stewart Street and six *Lophostemon confertus*, 400 litre along Kembla Street. Tree pit detailing is to be 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.

24) 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.

25) Footpath Levels

The longitudinal grade of the footpath must be parallel to the top of kerb level and site boundary. All building entrance adjustments for level access to building floor levels must be developed within the private property of the building site 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.

A copy of the proposed levels shall be submitted to Council for approval by Council's Design Section prior to the issue of Construction Certificate.

26) Coordination of footpath works

The developer must make satisfactory arrangements with Council with regards to the coordination of the footpath works required by the conditions of this consent with Council's proposed roadworks adjacent to the site. These roadworks involve a raising of the road, kerb and guttering. The developer is to contact the manager of Design and Technical Services to obtain the design levels.

The design levels from council shall be reflected in the Construction Certificate Plans and any supporting documentation.

27) Habitable floor levels must be constructed at a minimum of RL 5.86 metres AHD. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

28) Any portion of the building or structure below RL 5.86 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated Chapter E13 of the Wollongong DCP2009. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

29) 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. The overflow paths shall be designed to ensure no entry of stormwater into any building and no concentration of stormwater onto any adjoining property. Details of each overflow path shall be provided on the detailed drainage design. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

30) Provision shall be made along the boundary of the property at the vehicular crossing/s to prevent waste and surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

31) 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.

32) The developer must modify the existing on-site stormwater detention (OSD) system to cater for stormwater runoff from the development. The OSD modifications and contributing stormwater system shall be designed by a suitably qualified civil engineer to limit post-development discharges from the site to pre-development levels and ensure that minor system stormwater discharges from the site will not exceed the capacity of the receiving stormwater drainage system. Details of each detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

33) 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.

34) 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.

- 35) 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.
- 36) 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.

37) **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:

- a) A plan of the wall showing location and proximity to property boundaries;
- b) an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c) details of fencing or handrails to be erected on top of the wall;
- d) sections of the wall showing wall and footing design, property boundaries 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;
- e) the proposed method of subsurface and surface drainage, including water disposal;
- f) reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
- g) the assumed traffic loading used by the engineer for the wall design.

38) **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.

**Archaeological monitoring**

- 39) Prior to issue of the Construction Certificate, the developer must provide the Principal Certifying Authority evidence that an archaeologist has been appointed to conduct archaeological monitoring of the site where digging is to occur at any depth below ground level.

40) **Car Parking and Access**

The development shall make provision for a total of 81 car parking spaces (including 20 disabled car parking spaces). This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

- 41) The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current

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

- 42) Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 - Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
- 43) Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 to provide for adequate sight distance. This includes but is not limited to, structures such as signs, letterboxes, retaining wall, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

## **Prior to the Commencement of Works**

### **44) Sign – Supervisor Contact Details**

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

- h) stating that unauthorised entry to the work site is not permitted;
- i) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- j) 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.

### **45) 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:

- k) a standard flushing toilet; and
- l) connected to either:
  - i) the Sydney Water Corporation Ltd sewerage system or
  - ii) an accredited sewage management facility or
  - iii) an approved chemical closet.

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

### **46) 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.

### **47) Demolition Works**

The demolition of part of the former Clubhouse building 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.

48) **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.

49) **Consultation with WorkCover NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to WorkCover NSW at least five (5) days before licensed asbestos removal work is commenced.

50) **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.

51) **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

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

52) The developer is to obtain a Section 139(4) Excavation Exception Application approval from the NSW Heritage Council prior to any excavation.

53) **Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

**During Demolition, Excavation or Construction**

54) **Pipe Connections**

All pipe connections to existing stormwater drainage systems shall be constructed in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

55) **Flood Compatible Materials – Electrical**

All power service (metering) equipment, wiring, power outlets, switches etc. shall be located above RL 5.86 metres AHD. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 5.86 metres AHD should be capable of disconnection by a single plug and socket assembly.

56) **Protection of Council Infrastructure**

The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Wollongong City Council's Development Engineering Manager shall be notified immediately in the event of any damage to Council's assets. Any damage to Council's assets shall be restored to the satisfaction of Council, with all associated costs borne by the developer.

57) **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that each ground floor level accords with the floor levels as approved under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective ground floor level of the building. All levels shall relate to Australian Height Datum.

58) **Supervision of Engineering Works**

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

59) **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.

60) **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.

61) **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 Development Engineering Team 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.

62) **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.

63) **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:

- a the variation in hours required;
- b the reason for that variation;
- c 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 consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ( $L_{Aeq} (15 \text{ min})$ ) must not exceed the background noise level ( $L_{A90} (15 \text{ min})$ ) plus 10 dB(A), and a  $L_{Aeq} (15 \text{ min})$  of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

- 64) 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.

- 65) **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with WorkCover NSW requirements (<http://www.workcover.nsw.gov.au>).

- 66) **Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with WorkCover NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

- 67) **Provision of Waste Receptacle**

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 re-usable materials.

#### **Archaeological monitoring**

- 68) All works involving digging at any depth below ground level must be monitored by an archaeologist. This applies only to works within the Zone of Archaeological Sensitivity up to the Line of Sensitivity as shown in the Archaeological Report prepared by Archaeology and Heritage Pty Ltd dated January 2015.

- 69) **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000. A relevant BASIX Certificate means:

- BASIX certificate 566225M dated 7 August 2014 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.”

- 70) Appropriate treatment and classification of excavated spoil is required prior to its disposal off-site. Toxicity characteristic leaching procedure analysis should be included in the analytical suite for waste classification of all material following treatment.

### **Prior to the Issue of the Occupation Certificate**

- 71) Prior to issue of the Occupation Certificate, evidence of registration of the following restriction under Section 88E of the Conveyancing Act 1919 must be provided to the Principal Certifying Authority:

Any accommodation approved in this development may be occupied only by those people referred to in State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004, namely:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

- 72) **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the building can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being RL 5.95 metres AHD.

- 73) **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 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.

- 74) **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.

- 75) An effective flood emergency response report and procedure shall be prepared by a suitably qualified and experienced consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the commencement of use. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective flood response process and procedure for upper floor evacuation in storm events up to and including the Probable Maximum Flood, being RL 5.45 metres AHD in this instance.

Notification of the presence of the evacuation report and procedure will be placed on the section 149 certificate for the property to ensure future property owners are made aware of the procedure in the case of flood.

76) **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.

77) **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.

78) **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 each on-site detention facility and that each facility is in accordance with the approved Construction Certificate plans.

- 79) The drainage easement required to be created over existing pipework in Pioneer Rest Park (Lot 7045 Crown DP 1126831) in deferred development consent DA-2013/1199 must be registered prior to issue of the Occupation Certificate. This is to enable stormwater to be legally conveyed over this Crown land reserve. Evidence of registration must be provided to the Principal Certifying Authority and Council.

- 80) A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

81) **Restriction on use communal lounge**

Prior to the issue of any occupation certificate, an easement for the access must be registered on proposed Lot 1 approved under DA-2013/1199 in favour of proposed Lot 2 approved under DA-2013/1199. A positive covenant on proposed Lot 1 in favour of proposed Lot 2 is to be created to maintain existing use of the area retained in the existing club house located on proposed Lot 1 for the purposes of a communal lounge. The easement is to be located so-as to allow access to the communal lounge area to be retained in the existing club house located on proposed Lot 1