

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION**

Issued under the Environmental Planning and Assessment Act 1979 Section 81 (1) (a)

adm Architects  
PO Box 3061  
WOLLONGONG NSW 2520

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**Development Description:** MIXED USE DEVELOPMENT COMPRISING GROUND FLOOR RETAIL AND SEVENTY FIVE (75) RESIDENTIAL UNITS

**Development Application Number:** 10.2015.28.1

**Premises:** LOT: 1 DP: 1073158, 28 Bong Bong Street KIAMA

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**Determination:** Consent granted subject to conditions described below

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**Date of Determination:** -

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**Consent Granted to Operate From:** -  
**Consent to Lapse On:** -

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**Other Approvals:**

List Local Government Act 1993 approvals granted under Section 78A (5)

NONE APPLICABLE

**General terms of other approvals integrated as part of the consent:**  
(list approvals)

NONE APPLICABLE

## **Conditions of Development Consent:**

(including Section 94 conditions)

### **General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2015.28.1 dated - and on the application form except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule. (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site. (g065.doc)
- (6) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the release of the construction certificate. (g130.doc)

- (7) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Manning Street and Bong Bong Street for the purpose of carrying out activities associated with the development. (g145.doc)
- (8) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. (g160.doc)
- (9) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority 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. (g165.doc)

- (10) All nineteen (19) nominated adaptable housing units shall, as a minimum, meet “Adaptable house class C” requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
- (11) The developer shall obtain consent from Kiama Municipal Council under Section 139 of the Roads Act 1993, for the erection and maintenance of the awnings over the public road reserve of Bong Bong Street and Manning Street, prior to issue of any Construction Certificate.
- (12) The wall mounted clothes drying facilities on balconies shall be of a ‘fold-away’ type and shall be positioned so that the height of such facility, when folded out for use, does not exceed the height of safety balustrading on each balcony. A condition shall be included within any future strata or community plan requiring that any clothes drying does not occur above balustrade height.
- (13) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail. (sf050.doc)
- (14) The development is to satisfy the recommendations of the Rail Noise and Vibration Assessment, prepared by Day Design Pty Ltd, dated 6 January 2015.

### **Transport Sydney Trains**

- (1) Unless amendments are required in order to obtain approval/certification from Sydney Trains in relation to the items listed in condition B2 below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
  - Geotechnical Report prepared by SMEC dated 21/11/2014 (Ref No: 30012025-R02).
  - General Notes Plan prepared by Austrut Consulting Engineers – Drawing No. SO. 000 Issue A, dated 16/03/15.
  - Footings and Shoring Plan Concept prepared by Austrut Consulting Engineers - Drawing No. S1.000 Issue A, dated 16/12/14.
  - Sections Concept prepared by Austrut Consulting Engineers – Drawing No. S1.001 Issue B, dated 16/03/15.
  - Elevations and Section Concept prepared by Austrut Consulting Engineers – Drawing No. S1.002 Issue B, dated 16/03/15.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains condition 82 below. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (2) Prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- Detailed report from a specialist hydrogeologist that the groundwater inflow rate on the will not be problematic for the proposed shoring system listed in condition 81 above. A revised shoring system may need to be developed for endorsement by Sydney Trains.
- Detailed final shoring system
- Machinery to be used during excavation/construction.
- Track/vibration monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- Groundwater monitoring plan.
- If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

Any conditions issued by Sydney Trains as part of the approval/certification by Sydney Trains of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. Further, the certification of the above documentation may require the submittal of additional information that may supersede the documentation listed in condition 81.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or supersede those listed in 81 above. The measures detailed in the documents approved/certified by Sydney Trains are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (3) If required by Sydney Trains, prior to the commencement of new buildings works, the Applicant shall identify via survey or services search rail services along the rail corridor and undertake an assessment of the excavation induced impact on these services.
- (4) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (5) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (6) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

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- (7) The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
  - (8) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
  - (9) No rock anchors/bolts are to be installed into RailCorp's property.
  - (10) Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.
  - (11) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
  - (12) Sydney Trains, Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
  - (13) The Applicant must provide a plan of how future maintenance of the retaining wall along the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
  - (14) Prior to the commencement of works and prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project (including adjoining brick building on rail land) is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
  - (15) Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
  - (16) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
  - (17) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (18) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant shall provide Sydney Trains for endorsement details of the measures to be installed (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (19) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (20) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and, to any high voltage aerial supplies within or adjacent to the rail corridor.
- (21) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (22) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- (23) Prior to the commencement of demolition works, the Applicant shall obtain written advice from Sydney Trains as to whether track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to Sydney Trains facilities) is required to be able to undertake the proposed works. Should Sydney Trains advise that track possessions and/or power outages are required, the Applicant must undertake those works as directed by Sydney Trains. The Applicant is advised that the Applicant must enter into a Deed with Sydney Trains, enabling this work to be planned and to proceed in a safe and controlled manner may be required.
- (24) Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

- (25) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.
- (26) That the drainage concept plan be amended to reflect either Option 8 or C as shown in Attachment 8 of the RailCorp land owner's consent dated 13 February 2015.
- (27) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review prior to the issuing of a Construction Certificate. (it should be noted that there is to be no landscaping (ie shrubs or trees etc) within the proposed 3m drainage easement area benefitting RailCorp/Sydney Trains (grass turf is permitted)).
- (28) The electricity substation must be located outside the 3m drainage easement area benefitting RailCorp/Sydney Trains.
- (29.) That the development includes the provision of access gates for Sydney Trains at the locations shown in Attachment C of the RailCorp land owner's consent dated 13 February 2015.
- (30) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

## **Contributions**

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$483,305.29**.  
(bo005.doc)

## **Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
  - i The licensee's name and contractor licence number;
  - ii That the licensee has complied with Part 6 of the Home Building Act 1989.

In the case of work to be done by any other person, the Principal Certifying Authority:

- a Has been informed in writing of the person's name and owner builder permit number;

or

- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the

work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)

- (2) The developer shall lodge with Council a bond of **\$10,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:-

- a There being no damage to the infrastructure within the road reserve.
  - b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
  - c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)
- (3) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
  - c You **must** notify the Council of the appointment; and
  - d You **must** give at least two (2) days notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form. (pt020.doc)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the commencement of any construction work. (pt034.doc)
- (5) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering construction works. (pt045.doc)



- (6) A sign must be erected in a prominent position on any site on which building work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.

**Note:** Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (7) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)

### **Traffic Management**

- (1) A detailed Traffic Management Plan shall be prepared by a certified practicing engineer, be submitted to the Kiama Local Traffic Committee and be endorsed by Council prior to the issuing of any Construction Certificates. The Traffic Management Plan shall include:
- a) the proposal to relocate the regulatory bus zone (currently located in Manning Street adjacent to the intersection with Bong Bong Street), and
  - b) the proposal to provide an Austroads compliant regulatory combined bus and loading zone, to be located in Manning Street on the southern edge of the proposed development site.

In preparing the Traffic Management Plan, the developer shall provide within the development site for the loss of any on-street car parking.

### **Civil Engineering Design**

- (1) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);

- b Plan, longitudinal and cross sectional detail shall be provided for the proposed access driveway, circulation aisle, ramps, car parking aisles and car parking modules;
- c The proposed pavement treatment to the access driveway, circulation aisle, ramps, car parking aisles and car parking modules. The minimum surface treatment shall be cement concrete and segmental paving;
- d The location and reduced level of all services under the control of public utilities or agencies;
- e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD). (ced030.doc)

- (2) A Chartered Professional Engineer shall provide details of any retaining walls required to support proposed vehicle parking areas wherever the drop from the edge of the circulation roadway, circulation aisle, parking aisle and ramp to a lower level exceeds 600 millimetre. The designing engineer must certify that the proposed retaining walls can withstand the impact of a vehicle on the safety barrier in accordance with AS 2890 and AS/NZS 1170. The details shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate for that structure. The design detail shall include but is not limited to, plans, sections, provision and method of attachment of safety barriers, method of sub-surface drainage and jointing. (ced060.doc)

### **Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

### **Erosion and Sedimentation Controls / Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:

- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
  - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).
- All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development. (esc010.doc)
- (3) The developer shall 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. (esc020.doc)

## Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. (sm055.doc)
- (2) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm060.doc)
- (3) The developer shall provide Chartered Professional Engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to the release of any Occupation Certificate. (sm080.doc)
- (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any of the Occupation Certificate. (sm130.doc)

- (5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate. (sm135.doc)
- (6) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

Detail shall be submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate. (sm150.doc)

- (7) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)

### **Access Construction**

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*". (ac001.doc)
- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)
- (3) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any Occupation Certificate. (ac015.doc)
- (4) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department. (ac020.doc)

### **Vehicular Access, Car Parking and Manoeuvring**

- (1) The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3 and AS 4049.1. (c025.doc)
- (2) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)
- (3) The on-site service vehicle shall meet with the requirements of AS/NZS 2890.1 in relation to on-site manoeuvring, clearance height and loading.

- (4) All vehicles shall enter and exit the development site in a forward direction.
- (5) The development shall meet the minimum design requirements of AS/NZS 2890.1 subsection 2.5.3 *Circulation Roadway and Ramp Grade*.
- (6) All vehicles being loaded and/or unloaded shall stand within the curtilage of the development site. (c085.doc)
- (7) All car wash bays are to be clearly delineated and sign posted.

### **Civil Engineering Construction**

- (1) The footpath and access driveways within Manning Street and Bong Bong Street, and immediately adjoining the development site shall be prepared and paved using the segmental paving bricks complying with Kiama Municipal Council's *Kiama Town Centre Strategy* (NB: footpath paving shall be Claypave Regal Tan 90<sup>0</sup> Herringbone pattern with soldier course at kerb).

Landscape plans detailing soft and hard landscaping including materials and colours of all paved vehicular and pedestrian areas shall be submitted to Council for assessment, prior to the issuing of a Construction Certificate. (cec005.doc)

- (2) The developer shall 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 residents of adjacent properties. (cec015.doc)
- (3) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail. (cec025.doc)
- (4) No vibratory rollers are to be used during the construction of this civil engineering work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority. (cec030.doc)

### **Inspections**

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

### **Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)

- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
  - a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating 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 to the owner of the proposed work. (bu100.doc)
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (8) Construction work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday	- 7.00 am to 6.00 pm
Saturdays	- 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (9) The Waste Management Plan shall be strictly adhered to at all stages during the construction work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

## Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)
- (2) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "*A Model Agreement for Local Councils and Utility/Service Providers*" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area. (us035.doc)
- (3) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

- (4) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Manning Street and Bong Bong Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main.

A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate. (us050.doc)

### Landscaping Works

- (1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Footpath paving shall be Claypave Regal Tan 90° Herringbone pattern with soldier course at the kerb.
- (5) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

### Prior to Occupation

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

**NOTE:** A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

- (4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate. (po010.doc)
- (5) Prior to the issue of any Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section.

### **Advertising Signage**

- (1) A Development Application, where required, shall be submitted to Council and approval obtained prior to the erection of any advertisement or advertising structure.

### **Conveyancing Requirements**

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

### **Reasons**

- (1) Ensure the building/structure is completed in accordance with the requirements of the Building Code of Australia, applicable Australian Standards and the Environmental Planning and Assessment Act 1979 (as amended). (r001.doc)
- (2) Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 (as amended). (r030.doc)
- (3) Ensure that the landscape works are completed established and maintained in accordance with the approved plans and conditions. (r060.doc)
- (4) Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies. (r095.doc)
- (5) Ensure the stormwater run-off from the site is disposed of in an orderly and satisfactory manner. (r105.doc)
- (6) Minimise any likely adverse environmental impact of the proposed development. (r110.doc)
- (7) Ensure that public authorities have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities. (r120.doc)
- (8) Protect the community from damage or injury from any building material stored on the footpath or road reserve. (r125.doc)



- (9) Provide for adequate on-site car parking commensurate with the traffic generation of the development. (r130.doc)
- (10) Minimise any likely adverse impact on the streetscape and visual quality of the area as a result of the development. (r140.doc)

M Forsyth  
**General Manager**  
Per

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## Notes

- (1) To ascertain the date upon which this consent becomes effective refer to Section 83 of the Environmental Planning and Assessment Act 1979 (as amended). (nb010.doc)
- (2) In accordance with Sub-Section 95(2) of the Environmental Planning and Assessment Act 1979 (as amended) this consent will lapse on - unless otherwise provided for elsewhere in Sections 95 or 95A of the Act. (nb015.doc)
- (3) Section 97 of the Environmental Planning and Assessment Act 1979 (as amended) confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months after receipt of this notice. (nb020.doc)
- (4) The applicant shall note that the development consent in no way authorises commencement of construction work. The latter can only be obtained through submission and approval of a satisfactory Construction Certificate Application. (nb025.doc)
- (5) This consent does not guarantee compliance with the Disability (Access to Premises – Buildings) Standards 2010. You are advised to consult with your Certifier with respect to the Construction Certificate application and compliance with the Disability (Access to Premises – Buildings) Standards 2010. (nb035.doc)
- (6) The amount of the contribution(s) payable pursuant to Condition No. 1 under the sub-heading 'Contributions' will be indexed on 1 July each year in accordance with the Implicit Price Deflator (IPD) for Final Expenditure (Local Government) published by the Australian Bureau of Statistics. The developer should contact Council prior to payment of any Section 94 Contribution to ascertain the exact amount payable. (nb040.doc)
- (7) No site preparation works are to commence until a valid Construction Certificate has been granted for the proposal. (nb045.doc)
- (8) Consideration should be given to the need for appropriate security for commercial premises. (nb055.doc)
- (9) Section 73 Compliance Certificate

An application must be made through an authorised Water Servicing Coordinator (for details visit the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or phone 132092). Following application, a “Notice of Requirements” will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please contact the Water Servicing Coordinator early, since building of water/sewer extensions can be time consuming

and may impact on other services and building, driveway or landscape design.  
(nb070.doc)

(10) Sydney Water Approval Required.

For applications for approval of Council approved building plans to check if the proposed construction work affects Sydney Water services please telephone 132 092 or refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details – see Building Development → Quick Check → Quick Check Agents
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing → Building and Renovating. (nb075.doc)