

Attachment 5 : Recommended Conditions

RECOMMENDED CONDITIONS FOR : DA-2016/1061

Approved Plans and Specifications

- 1) TO BE INSERTED BY COUNCIL.

General Matters

- 2) **Separate DAs**
Separate DAs must be lodged with the council for commercial and business space use within the building.
- 3) **Geotechnical**
 - A. A detailed geotechnical investigation is required for the design of site earthworks including preparation of an earthworks plan.
 - B. All recommendations of the geotechnical consultant, JK Geotechnics, in their geotechnical report dated 27 January 2016 and the report required for Condition A are to be accommodated in the earthworks plan.
 - C. No disturbance of ground is to occur beyond site boundaries. A minimum buffer between boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
 - D. Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
 - E. Architectural plans are to be amended to incorporate any changes recommended by the geotechnical consultant.
 - F. The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the earthworks.
 - G. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
 - H. A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
 - I. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
 - J. There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
 - K. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.
 - L. At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- 4) **Lower ground residential storage**
Each residential unit shall be allocated storage within the residential storage area provided on the lower ground level. The residential storage area shall be appropriately secured and fitted with CCTV surveillance. This requirement shall be reflected on the Construction Certificate plans.

- 5) **Wind study treatments**
The developer shall implement the treatments recommended in the Pedestrian Wind Environment Study (Document reference: WD046-01F03(REV0), dated July 13, 2016, prepared by Windtech. This requirement shall be reflected on the construction certificate plans and supporting documentation.
- 6) **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.
- 7) **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.
- 8) **Disability Discrimination Act 1992**
This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 9) **Separate Consent Required for Advertising Signage**
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009/Wollongong (West Dapto) Local Environmental Plan 2010.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 10) **Maintenance of Access to Adjoining Properties**
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.
- 11) **Tree Retention / Removal**
The developer shall retain and protect the existing street tree indicated on the Landscape Plan – Upper Ground Level by John Lock and Associates dated 04/11/2016 consisting of one *Syzygium* species.

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

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

This consent permits the removal of the existing *Eucalyptus nicholii* and Large Leaf Privet as indicated on the Landscape Plan – Lower Ground Level by John Lock and Associates dated 04/11/2016. No other trees shall be removed without prior written approval of Council.

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

Prior to the Issue of the Construction Certificate

- 13) **Internal space compliance with BCA acoustic privacy requirements**
Prepared building design to comply with the BCA acoustic requirement for internal space. The acoustic report by Acoustic Consulting Engineers ref no. 160736-01L-DD dated April 2016 has outlined the “Conceptual acoustic recommendations”. These requirements shall be reflected on the construction certificate plans and supporting documentation.
- 14) **Unexpected finding protocol**
As a matter of due diligence it is recommended that an unexpected finds protocol be included as part of the site management plan during earthworks, particularly during excavation and re-use of the material, detailing the process by which any unexpected finds of potential environmental concern will be managed. A copy of protocol must be submitted to PCA.
- 15) **Protection of Building from Surface Runoff**
The development shall be designed such that adequate protection is provided to the building against the ingress of upslope surface run-off in any rainfall event; this shall also include the outdoor communal areas. This design shall also ensure there are no adverse effects to adjoining properties or upon the subject land as a result of flood or surface run-off. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
- 16) **On-Site Detention – Design Criteria**
The on-site stormwater detention facility must incorporate a minimum 900 mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen and a suitably graded invert to the outlet to prevent ponding. Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.
- 17) **On-Site Detention – Identification**
The construction certificate plans are to detail a corrosion resistant identification plaque for location on or close to the on-site stormwater detention (OSD) facility. The plaque shall include the following information and must be installed prior to the issue of the occupation certificate:
- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number – DA-2016/1061.
 - Any specialist maintenance requirements.
- 18) **On-Site Detention**
Orifice and Weir Calculations – Orifice and weir calculations for the on-site detention facility must be provided on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.
- 19) **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 Structural Design solution Pty Ltd, Job No. ST16004, Drawing No. D05 and D06, revision D, dated 26/10/2016.

- 20) **Prevention of Concentrated Stormwater Surcharges to Adjoining Land**
Provision shall be made in the detailed design of the development to ensure that there will be no concentrated stormwater surcharges/overflows directed onto adjoining land in the event of a blockage/overload of the onsite stormwater drainage system. The detailed design of the development shall also ensure that no ponding will occur on the upslope adjoining properties. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 21) **Flows From Adjoining Properties**
Flows from adjoining properties must be accepted and catered for within the development site. Finished ground levels shall be no higher than the existing upslope adjacent ground levels. Overflow paths must be maintained to cater for flows in excess of the capacity of the underground stormwater system. The detailed design of the development shall also ensure that no ponding will occur on the upslope adjoining properties. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 22) **Sizing of Drainage**
All roof gutters, downpipes, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 - Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.
- 23) **Drainage Works within Council Road Reserve**
A detailed design for the proposed drainage works within Council's road reserve shall be prepared by a suitably qualified civil engineer in accordance with the relevant Council engineering standards. The design plans shall include levels and details of all existing and proposed infrastructure/services such as public utility, pits, poles, stormwater drainage, and road levels, extending a minimum of 5 metres beyond the limit of works. All new drainage pits shall be in accordance with the current version of Wollongong City Council's Engineering Standard Drawings. All construction must be in accordance with the requirements of Council's Subdivision Code. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority. Evidence that this requirement has been met must be detailed on the engineering drawings. The detailed design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.
- 24) **Drainage Longitudinal Sections**
A hydraulic grade line analysis and longitudinal sections for the existing and proposed drainage system within Council's road reserve shall be provided to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate. Each longitudinal section shall show calculated flows, velocity, pipe size/class, grade, inverts and existing/proposed surface levels. The analysis shall include the full extent of the proposed modifications and demonstrate that the proposed system has been designed to replicate the design function and capacity of the existing stormwater drainage system.
- 25) **Ground Anchors**
Permanent ground anchors are not permitted within the road reserve. Temporary ground anchors can only be used where the Roads Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.
- 26) **Pump System**
A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

27) **Excavation and Retaining Structures Adjacent to a Public Road**

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the Principal Certifying Authority prior to the issue of the Construction Certificate. The design must be prepared by a suitably qualified civil engineer with experience in structural design and NPER 3 accreditation, in accordance with the RMS Technical direction GTD 2012/001. The design must clearly show that all components of the retaining structure and associated drainage is wholly located within the development site. The following additional documentation must accompany the design:

- a) A geotechnical report prepared by a suitably qualified and practising engineer in accordance with RMS Technical direction GTD 2012/001. The report must also certify that the structural design is in accordance with the recommendations of the geotechnical report;
- b) A dilapidation survey of the existing Council infrastructure, including CCTV footage of any existing stormwater drainage infrastructure fronting the subject site to the next downstream pit;
- c) Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

28) **Dilapidation Report Prior to Construction**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate. The report shall also identify the condition of all Council assets in the vicinity of the proposed works.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

29) **Section 73 Compliance Certificate**

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

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

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

30) **Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy 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.

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

31) **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.

32) The submission of final design details of proposed security systems to be installed within the development to the Principal Certifying Authority, in order to minimise crime and vandalism related matters is required, prior to the release of the Construction Certificate.

33) **Car Parking and Access**

The development shall make provision for the following:

Hotel and Business

- 113 car parking spaces (including 3 disabled car parking spaces)
- 6 motorbike parking spaces
- 3 bicycle spaces

Residential

- 39 residential car parking spaces (metropolitan sub-regional centre rate) including 5 spaces capable of adaption for people with disabilities
- 10 visitor car parking spaces
- 3 motorbike parking spaces
- 16 secure residential bicycle spaces
- 4 visitor bicycle spaces

This requirement shall be reflected on the Construction Certificate plans. Any change in the 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.

34) The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

35) 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.

36) The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

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

38) In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

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

40) 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 walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

41) Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). This requirement shall be reflected on the Construction Certificate plans.

- 42) Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 43) The depth and location of all services (ie gas, stormwater, water supply, sewer, electricity, telephone, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 44) Details of the proposed kerb lintel pit and the connecting 375mm diameter pipeline to Council's existing drainage system shall be provided in conjunction with the detailed drainage design for the site. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 45) Details of the proposed method of connection of the On-site Detention (OSD) facility to Council's drainage system must be provided with the detailed drainage design for the site. The details must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 46) The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of the Wollongong DCP2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.
- 47) **Landscaping**
The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate.
- 48) 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.
- 49) 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.
- 50) **Tree Protection and Management**
With the exception of trees permitted to be removed as part of this consent, existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
 - b) Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans

to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- c) Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- d) Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

51) **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, where applicable:

- 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.

52) **Design and Construction of Food Premises**

The food premises must comply with AS-4674/2004: Design, Construction and Fit-Out of Food Premises and the following conditions:

Floor Construction

The floor must be finished to a smooth, even non-slip surface, graded and drained to the floor waste (AS4674-2004-Section 3).

Floor Waste

The floor waste(s) in the food premises must be fitted with a sump removable basket and grate and constructed in all stainless steel finish (AS4674-2004-Section 4.1.8).

Coving

Recessed coving must be provided at all intersections of the floor with the walls. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted (AS4674-2004 – Section 3.1.5).

Penetrations

All service pipes and electrical conduit must be contained in the floor, walls and plinths or ceiling or fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surfaces and 100mm between the pipe or conduit and any adjacent horizontal surface (AS4674-2004-Section 3.2.9).55).

Wall Requirements

All walls must be of solid construction and be finished to provide a smooth impervious surface capable of being easily and effectively cleaned, in accordance with Table 3.2 of AS4674-2004. Cavity walls are not permitted (AS4674-2004 – Section 3.2).

Ceiling Construction

All ceilings must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light-coloured washable paint. The

intersection of the walls and ceiling must be right-joined, sealed and dustproof. Drop-in panel style ceilings are not permitted (AS4674-2004 - Section 3.2).

Light Fittings

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with the ceiling; or
- b. Designed to ensure that no horizontal surface exists that would allow dust and grease to accumulate (AS4674-2004 – Section 2.6.2).

Hand Basin(s) and Hand Towels

A suitable number of hand basins must be provided in accessible and convenient locations within all food handling areas and in or adjacent to toilet facilities used by food handlers. The basins must be freestanding, serviced with hot and cold water through a single outlet and able to be mixed at a temperature of at least 40°C (AS4674-2004 – Section 4.4).

Hand basins within food handling areas must be located no further than 5m from any place where food handlers are handling open food.

A disposable paper hand towel dispenser must be installed adjacent to each hand basin. Air dryers installed as the sole means of drying hands are not permitted (AS4674-2004 - Section 4.4).

Double Bowl Sinks

A double bowl wash sink of adequate size and capacity must be provided for washing food handling equipment and utensils (AS4674-2004 - Section 4.1).

Water Service

Any equipment washing or preparation sink must be serviced with hot and cold water through a single outlet (AS4674-2004-Section 4.1).

Cleaner's Sink

Where floor wastes are not installed as a means of disposing of wastewater, a cleaner's sink serviced with hot and cold water through taps fitted with hose connectors must be provided and located outside of areas where open food is handled (AS4674-2004-Section 4.1.8).

Tap Fittings

Where floor wastes are installed as a means of disposing of wastewater, hot and cold wall mounted taps fitted with hose connectors and positioned at least 600mm above the floor must be installed in a convenient and accessible location outside of areas where open food is handled (AS4674-2004 – Section 4.1.8).

Fittings

All fixtures, fittings and equipment must be installed in accordance with Section 4 of AS4674-2004.

Food Preparation Benches

All food preparation benches must be constructed in stainless steel (AS4674-2004- Section 4.2).

Benches

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, and free of cracks, gaps, crevices or exposed joints (AS4674-2004-Section 4.2).

Storage Cabinets

Storage cabinets, both internally and externally, must be finished in a smooth and non-absorbent material, and be free of cracks, gaps, crevices or exposed joints (AS4674-2004- Section 4.2).

False Bottoms

False bottoms and cavities under fittings are not permitted (AS4674-2004-Section 4.2 and 4.3).

Installation of fittings and fixtures

All fittings and fixtures must be built into the wall and floor so to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- c. Plinths – Plinths must be an integral part of the floor, constructed of solid materials, at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth.
- d. Wheels or Castors – The wheels and castors must be capable of supporting and easily moving a full loaded fitting and be provided with a restraining device.
- e. Legs – Fittings and fixtures may be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and cervices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

Shelving

All shelving must be located at least 25mm off the wall. Alternatively, the intersection of the shelf and the wall is to be completely sealed to the satisfaction of Council (AS4674-2004-Section 4.2).

Display Units

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, handling, or from flies, dust, etc (Food Regulation 2004, AS 4674-2004-Section 4.2).

Cool Room – Floor

The cool room floor must be finished to a smooth even surface and graded to drain to the door. A sanitary floor waste must be located outside the cool room and adjacent to the door.

Cool Room – Metal Work

All metal work in the cool room must be protected to resist corrosion.

Cool Room – Access

The cool room must be provided with a door which can at all times be opened from inside without a key and an approved alarm device located outside the cool room, but controllable only from inside.

Condensation Collection

Condensation from the refrigeration units/cool room motors must be directed to a tundish, installed in accordance with Sydney Water requirements.

Mechanical Exhaust Ventilation

Mechanical exhaust ventilation must be provided to the cooking appliances and comply with *AS-1668.2/2012 – The Use of Ventilation and Air-conditioning in Buildings: Part 2: Mechanical Ventilation in Buildings* (AS4674-2004-Section 2.5, AS1668.2-2012).

Doors

Doors to the internal toilet and air lock must be fitted with a self-closing device. Toilet and air lock doors must not be able to be held in an open position (AS4674-2004 – Section 5.2).

Hot Water Service

A hot water service of adequate capacity must be provided. The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted a minimum 150mm above floor level on a stand of non-corrosive metal construction (AS4674-2004-Section 4.3).

Toilet Facilities

Adequate toilet facilities must be provided on the premises for staff. A hand basin must be located within or directly adjacent to toilets (AS4674-2004 – Section 5.2).

Storerooms

Storerooms must be constructed in accordance with Section 3.2 of AS4674-2004. Shelving or storage racks must be impervious and constructed to enable easy cleaning.

Food Storage

Any appliance used for the storage of hot or cold food must be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius or an alarm system for continuous monitoring of the temperature of the appliance (Food Regulation 2004).

Fly Protection

Tight-fitting, washable fly screens or other approved means of excluding flies must be provided to all window and door openings (AS4674-2004-Section 2.1.5).

Storage Facilities

Sufficient facilities must be provided for the storage of cleaning materials, office materials, employees' clothing and personal belongings (AS4674-2004 – Section 5.1)

Waste Management Plan

Garbage containers, containers for recyclable materials and compacters must be stored in an external area or in a room specifically for that purpose (AS4674-2004 – Section 2.4).

Registration

The food business is required to be registered with Council. A Food Business Notification Form must be submitted prior to the business operations commencing. The appropriate form can be completed electronically by visiting:

<http://www.wollongong.nsw.gov.au/customerserviceonline/applyforit/Pages/foodpremises.aspx>

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4221 7737 to obtain a registration form.

Eating Areas

Any enclosed eating area must be smoke free. "No Smoking" signs must be displayed within the eating areas to ensure all patrons comply with this requirement (Smoke Free Environment Act 2000).

The above requirements must be reflected on construction certificate plans and supporting documentation, prior to the issue of a Construction Certificate.

53) **On-Site Detention – Structural Design**

The on-site detention facility must be designed to withstand loadings occurring from any combination of hydrostatic, earth, traffic and buoyancy forces. Details must be provided demonstrating these requirements have been achieved prior to the issue of the Construction Certificate.

54) **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.

55) **Property Addressing Policy Compliance**

Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** (propertyaddressing@wollongong.nsw.gov.au), for the site addressing prior to the issue of the construction certificate. Enquiries regarding property addressing may be made by calling 4227 8660.

56) **Footpath Paving City Centre**

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 shall be in accordance with the Wollongong City Council Public Domain Technical Manual.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager Development Engineering.

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

57) **Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development four *Lagerstoemia indica* x *L. fauriei* 'Sioux' along the Belmore Street frontage and three *Waterbousia floribunda* along Young Street 200 litre container size in accordance with AS 2303:2015 Tree stock for landscape use. 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 adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager Development Engineering.

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

58) **Section 94A Levy Contribution**

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

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to \$874,000.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 110.4. The following formula for indexing contributions is to be used:

$$\text{Contribution at time of payment} = \$C \times (\text{CP2}/\text{CP1})$$

Where:

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

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

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

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

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 743755	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted)		

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

The reason for Section 94A is to provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council

Prior to the Commencement of Works

- 59) **Construction Environmental Management Plan**
Submit an excavated soil material disposal plan to PCA, with the batching, sampling and analysis procedures as per the DECCW (2009) *Waste Classification Guidelines*. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to council.
- 60) **Supervision of Works within Road Reserve**
The works within Council's road reserve shall be supervised by a suitably qualified and experienced Civil Engineer or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number), together with a written construction program and anticipated duration of the construction works shall be submitted to Council's Development Engineering Manager prior to the commencement of works within the road reserve.
- 61) **Appointment of Principal Certifying Authority**
Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
 - b) notify Council in writing of their intention to commence work (at least two days notice is required).

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

- 62) **Sign – Supervisor Contact Details**
Before commencement of any work, a sign must be erected in a prominent, visible position:
- a) stating that unauthorised entry to the work site is not permitted;
 - b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and

- c) 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.

63) **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:

- a) a standard flushing toilet; and
- b) 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.

64) **Structural Engineer's Details**

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.

65) **Hoardings (within any Public Road Reserve)**

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.

66) **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.

67) **Notification to SafeWork NSW**

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

68) **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a) the location of hazardous materials throughout the site;
- b) a description of the hazardous material;
- c) the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d) an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;

- e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f) identification of the disposal sites to which the hazardous materials will be taken.

69) **Asbestos Hazard Management Strategy**

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

70) **Support for Neighbouring Buildings**

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

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

71) **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.

72) **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

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

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

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

74) **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.

During Demolition, Excavation or Construction

75) **Importation soils to site**

Prior to importing any soils to site for the purpose of back-filling also requires validation testing following the EPA (1995) *Sampling Design Guidelines* to confirm suitability for the proposed land use.

76) **Waste Classification of excavated soils**

Prior to disposal of excavated soils off site, these soils should be classified in accordance with the DECCW (2009) *Waste Classification Guidelines* and dispose accordingly to approved landfill facility.

77) **Mechanical Plants and Exhaust Ventilation system**

Mechanical Exhaust

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS4674-2004, AS1668.2-1991 and the grease filters to comply with AS1530.1.

Outdoor Air Conditioning or refrigeration units

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

Duct system

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential and commercial spaces to comply with the vibration guidelines.

78) **Glazing for acoustic requirement**

Implement building design to comply with the BCA acoustic requirement.

79) **Water Sensitive Urban Design**

Stormwater leaving the site shall comply with water quality objectives of WDCP 2009 Chapter E-15 for Gross Pollutants, Total Suspended Solids, Total Nitrogen and Total Phosphorus.

80) **Stormwater Connections**

All stormwater connections to Council's existing stormwater drainage system 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.

- 81) **Works within Council Road Reserve**
All works within Council's road reserve undertaken as part of the subject development shall be carried out in accordance with good engineering practice and to the satisfaction of Council and at the developer's expense
- 82) **Protection of Council Infrastructure**
The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Council's Development Engineering Manager must be notified immediately in the event of any damage to Council's assets. Any damage to Council's assets shall be made good to the satisfaction of Council, with all associated costs borne by the developer.
- 83) **Dust Suppression Measures**
Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.
- 84) **Survey Report for Floor Levels**
A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building. All levels shall relate to Australian Height Datum.
- 85) **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 86) **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.
- 87) **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.
- 88) **Notification to Adjoining Property Owners Prior to Commencement of Works**
The contractor shall be mindful of maintaining access to existing properties fronting the drainage works. It would be prudent to provide some form of notification to the affected properties prior to commencement of works. This is particularly the case if any disruption to access will be required as a consequence of the works.
- 89) **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 RMS Traffic Control at Worksites Manual.

Note: This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.
- 90) **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.

- 91) **Restricted Hours of Work (not domestic residential scale)**
The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 6.00 pm, Monday to Saturdays without the prior written consent of the Principal Certifying Authority and Council.
No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.
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.
- 92) 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.
- 93) **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 SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).
- 94) **Asbestos Waste Collection, Transportation and Disposal**
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork 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.
- 95) **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.
- 96) **Provision of Taps/Irrigation System**
The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.
- 97) **Podium Planting**
All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.
All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is 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

Prior to the Issue of the Occupation Certificate

98) **Acoustic Compliance Report**

The developer shall submit a noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to noise and vibration requirements stated in condition 13. A copy of the acoustic and vibration compliance report must be submitted to the PCA and a copy forwarded to Council.

99) **Completion Report for Excavation Adjacent to a Public Road**

A report, prepared by a suitably qualified Civil Engineer with experience in structural design and NPER 3 accreditation, must be provided to Wollongong City Council and Principal Certifying Authority, that:

- a) Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, was constructed in accordance with the approved plans prepared in accordance with RMS Technical direction GTD 2012/001.
- b) Certifies that monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- c) Provides a post construction dilapidation survey, including CCTV footage of any existing stormwater drainage infrastructure fronting the subject site to the next downstream pit.

100) **Drainage within Council Road Reserve WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the drainage infrastructure works within Council's road reserve has been undertaken in accordance with the detailed design approved by Council's Development Engineering Manager. In addition, a full works-as-executed plan, prepared and signed by a Registered Surveyor shall be submitted. This plan shall include the location and levels of the drainage lines, structures and finished surface levels. This information shall be approved by Wollongong City Council's Development Engineering Manager prior to the issue of the final Occupation Certificate and commencement of use.

101) **Post Dilapidation Report**

The developer shall provide Wollongong City Council with a post construction dilapidation report endorsed by a qualified structural engineer, identifying the current structural condition of adjoining buildings, infrastructure and roads. The post construction dilapidation report shall also identify the condition of all Council assets in the vicinity of the proposed works at the completion of works.

The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Occupation Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of an Occupation Certificate.

102) **Existing stormwater easement on Lot A DP 358466.**

The existing stormwater easement on Lot A within DP 358466 benefiting lot B with DP 358466 shall be extinguished/removed from the site prior to the issue of the Occupation Certificate.

103) **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.

104) **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.

105) **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.

106) **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

107) **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.

108) **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

109) **Completion of Landscape Works**

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

Operational Phases of the Development/Use of the Site

- 110) All activities of service vehicles are required to be undertaken outside of normal business hours to minimise conflict between heavy vehicles and other users of the development. Late night hours and early morning periods are recommended to eliminate impacts on residential vehicles. A flashing light shall be installed at the entrance of the loading area to provide sufficient notice of the service vehicle for oncoming vehicles. Service vehicles are required to give priority to vehicles entering the site while servicing is taking place to avoid vehicles occupying the lane for waiting.