

ANNEXURE 4

Recommended Conditions of Consent

Various Allotments
Terralong, Akuna and Shoalhaven Streets, Kiama

CONDITIONS OF DEVELOPMENT CONSENT:

DEFERRED COMMENCEMENT CONDITIONS

Pursuant to section 80(3) of the Act, this development application has been determined by granting of “Deferred Commencement” consent, subject to the following matters being resolved:

Creation of Right of Way

1. Prior to the issue of any operational development consent the applicant shall provide to the consent authority evidence that: a minimum 300 mm wide strip of land located along the southern boundary of Lot 4 in DP 555589 has been provided with a right of carriageway over its entirety (with terms acceptable to Council) benefitting Council.

Trees on 102 and 104 Terralong Street Kiama

2. A revised arborist’s report is to be provided assessing the impact of construction and any encroachment into the Structural Root Zone of the trees at the rear of Lots 102 and 104 Terralong Street (*Harpephyllum caffrum*). The report shall recommend actions and treatments. Should the recommendation require the removal of the trees the consent of the owners of this land will be required for the removal of these trees. Evidence that the consent of the owners of these properties to the removal of these trees will be required before an operational consent will be issued.

GENERAL

1. The development shall be implemented generally in accordance with the details set out on the plan/drawings and supporting documents endorsed by Council as 10.2016.304.1 including the following architectural drawings numbered: A-000-H, A-001-I, A-002-C, A-100-H, A-101-C, A-102-H, A-103-H, A-104-I – A-107-I, A-108-H, A-109-C, A-201-H – A-206-H, A-207-B – A-208-B, A-301-D – A-302-D, A-303-A, A-401-D, A-402-A – A-403-A, A-404-B, A-405-D – A-410-D, A-411-C – A-412-C, A-413-D – A-414-D, A-415-A, A-416-B – A-419-B, A-420-C, A-421-B – A-423-B, A-501-D, A-502-C – A-503-C, A-601-A, A-701-E – A-702-E except as amended by the following conditions.
2. The development shall be completed in accordance with a revised colour schedule approved by Council prior to the issue of a Construction Certificate, consistent with ‘Section 9 – Colours’ of the Kiama Development Control Plan 20. Concern is particularly raised with the use of face brick as a finished material for the commercial development fronting Terralong Street frontage. This masonry finish should be rendered to a flat surface for painting.

In this regard colours appropriate for use in the Kiama Town Centre include white, light grey, light brown and deep brown ochre. Lighter colours can be used as highlights to emphasis particular points of the building. Deeper colours may be used as a trim. The use of basalt blocks shall be used for feature walls and base cladding.

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.

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.
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.
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.

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, including Terralong, Shoalhaven and Akuna Streets for the purpose of carrying out activities associated with the development.
8. The developer shall ensure that all construction work associated with the development is carried out in accordance with an 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.
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, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 1.00 pm 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.
10. All twenty-four (24) 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 person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences. The dilapidation report shall and address all adjacent structures, buildings and critical utilities to the subject site

including all properties that directly adjoin the subject site and which are located directly opposite the site in Akuna Street, as well as the bluestone retaining wall located along the northern boundary of the development site. The dilapidation report will provide a set of baseline conditions.

The dilapidation report will require the consent of the adjoining property owners. In the event that the consent of the adjoining property owners cannot be obtained, copies of the letter/s that have been sent via registered mail and any responses received shall be forwarded to the PCA before work commence.

Additional dilapidation surveys are required to be undertaken during and after excavation, with the results compared against the baseline readings to ascertain whether any significant ground deformations have arisen and / or building / structure / utility damage has resulted.

Prior to construction works commencing careful consideration of the potential for adverse impacts on adjacent structures, buildings and critical utilities. If equipment which generates significant vibrations (such as impact hammers) are to be used, vibration monitoring close to adjacent structures, buildings, the bluestone heritage wall and utilities is required to be undertaken to ensure vibration levels are within tolerable limits.

13. The proposed development shall be undertaken in strict accordance with recommendations & details of the following consultant reports:

- *Environmental Noise Impact Assessment – prepared by Acoustic Noise & Vibration Solutions P/L dated December 2016 Reference 2016-541, 2 26/10/17.* In this regard the following measures are to be implemented to mitigate the impacts associated with noise:
 - Noise from the loading dock is managed by limiting the use of the service lane to a maximum of only one (1) service vehicle to the access service lane every half hour (ie. maximum 2 service trucks per hour. Furthermore the use of service lane and loading dock is restricted to daylight hours only (ie. 7:00 am and 6:00 pm).
 - To ensure the operation of the proposed garage roller door complies with noise criteria the following procedures are implemented
 - Ensure maintenance and lubrication of motor bearings, door tracks and joints.
 - Ensure mechanical plant and equipment is installed as per future Mechanical Services Plans.
 - Further acoustic assessment of the mechanical ventilation and garage roller door is carried out when the proposed development has been approved and Mechanical Services plans have been prepared. Alternative attenuator/silencer or acoustic louvers can be considered provided that the insertion loss values are equal or greater than the values specified by this assessment.
 - Further acoustic assessment of the air conditioning units should be carried out when Mechanical Services plans have been prepared and unit specifications

have been identified. All air-conditioning units are placed on approved anti-vibration mounts.

- Further acoustic assessment is carried out once the nature of retail and commercial tenancies is known. This assessment however recommends that the glazing for both retail and commercial premises be of 6 mm laminated type with full perimeter Schlegel Q-Lon acoustic seals in order to minimise the risk of any noise propagation to the nearest receivers.
 - That all eastern and northern windows of proposed Building A facing Kiama Inn are to be 10 mm laminated type windows with full perimeter acoustic seals installed.”
- *Statement of Compliance Access for People with a Disability – prepared by Accessible Building Solutions - Job No.216229,*
 - The requirements of the BASIX Certificate No.771109M,
 - *The BCA Section J Assessment Report No. 160920-A prepared by Greenview Consulting,*
 - *Construction Environmental Management Plan Prepared by Nicholas Daoud & Co. dated 30 November 2016.*
14. This consent does not make provision for the subdivision of the proposal.
 15. No 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.
 16. 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.
 17. The developer at its cost shall, carry out any necessary amplification or upgrading of the downstream drainage system, including the negotiation and dedication of appropriate easements, to ensure that the treatment standards of this development consent are complied with.
 18. The cost of relocation or adjusting of levels of any public utilities shall be borne by the developer.
 19. Any substation installed to service the proposal shall not be located within the road reserve and shall be screened from the public domain.
 20. 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.
 21. The car wash bays shall be connected to the Sydney Water Corporation's sewer and be subject to a licensed trade waste agreement with the Corporation.

The Proposed Supermarket

22. A separate development application is to be submitted to Council for the fit out of the proposed Supermarket store. The application shall include design details and specifications in accordance with Chapter 16 of the Kiama Development Control Plan 2012, the Food Act 2003 and the Australian New Zealand Food Safety Standards.

Other information to be provided will include the submission of reports and design details for any proposed mechanical ventilation and refrigeration systems and any proposed acoustic or odour management treatment to prevent any offensive noise or odours generated from all operations of the Aldi Supermarket including the use of the loading dock.

Site Remediation

23. The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

The environmental consultant must manage all aspects of the remediation works in accordance with the approved Site Contamination Remedial Action Plan and to ensure compliance with all applicable legislation.

Contaminated Land Unexpected Finds

24. If during excavation works odours occur or uncovering of unexpected contaminants or hazardous materials are found, then all work is to immediately cease. The Certifying Authority and Kiama Municipal Council are to be notified and a suitably qualified environmental consultant is to be appointed to further assess the site.

The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Kiama Municipal Council and or the NSW EPA.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor, environmental consultant and or EPA as required.

Prior to the Issue of a Construction Certificate

Contributions

25. 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 \$517,290.86

Unnamed Laneway off Akuna Street

26. Evidence is to be produced prior to the issue of a Construction Certificate of ownership of all of the development site. This condition is imposed on the basis that the subterranean level of the unnamed laneway off Akuna Street is to be used for

commercial purposes; and not just as a thoroughfare or for other permitted uses on a public road.

27. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the following requirements have been detailed on the approved plans:
- (a) Car parking spaces and manoeuvring areas comply with the requirements of the following Australian Standards :
 - i. AS 2890.1 - 2004 Off-street car parking;
 - ii. AS 2890.2 - 2002 Off-street commercial vehicle facilities; and
 - iii. AS 2890.6 - 2009 Off-street parking for people with disabilities.
 - (b) 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, AS1906.1, AS 1906.2, AS 1906.3 and AS 4049.1.
 - (c) Access and manoeuvring into the proposed delivery areas for all commercial vehicles shall comply with Australian Standard AS 2890.2 - 2002 Off-street commercial vehicle facilities.
 - (d) All access driveways, circulation roadways, circulation aisle, ramps, car parking aisles comply with the grade and width requirements comply with:
 - i. AS 2890.1 - 2004 Off-street car parking; and
 - ii. AS 2890.2 - 2002 Off-street commercial vehicle facilities.
 - (e) A right of way currently burdens Lot 1 DP 506764 (which forms part of the site) and which currently benefits Lots 1 and 2 DP 506764. The design of the proposed northern service lane will need to be undertaken in such a manner that this right of way benefiting these adjoining lands is not adversely affected by the proposed development, and that access to these adjoining parcels will be unaffected following construction of the proposal. Furthermore continuance of access to these adjoining allotments along this right of way during the construction period will also be addressed in the amended Construction Environmental Management Plan required by condition 39(d) of this consent.
28. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all approved plans are not inconsistent with the plans prepared by Jones Nicholson listed below:

Title	Drawing	Issue	Date
Civil Design Basement Level Drainage	C02	P4	30.10.2017
Civil Design Ground Level Drainage	C03	P3	19.10.2017
Civil Design Residential Level Drainage	C04	P5	20.11.2017
Civil Design Level 1 Drainage	C05	P3	19.10.2017
Civil Design Level 2 Drainage	C06	P3	19.10.2017
Civil Design Level 3 Drainage	C07	P3	19.10.2017
Civil Design Roof Drainage	C08	P3	19.10.2017
Civil Design Drainage Catchment Plan	C09	P3	19.10.2017
Civil Design Footpath Crossing and Existing Drainage Network	C40	P4	20.11.2017

29. Prior to the issue of any Construction Certificate, the following amendments shall be made on engineering plans and/or water quality modelling prepared by Jones Nicholson and be submitted to the Kiama Municipal Council for approval:
- (a) The water quality modelling uses a 2 m² x 0.59 m deep pit whereas the size shown on the drawings is 5.8 m² x 0.7 m deep.
 - (b) The Stormwater 360 Stormfilter Operation, Design Maintenance and Performance Manual recommends a minimum of 1500mm headroom inside the vault for maintenance access. The engineering drawings show only 900mm.
 - (c) The Stormwater 360 Stormfilter Operation, Design Maintenance and Performance Manual recommends a minimum hydraulic drop (from inlet to outlet) of 700 mm for 460 mm cartridges. Section 1 on Drawing C11 shows the difference to be about 600 mm, whilst the unnamed section on the storm filter cartridge section detail shows considerably less.
 - (d) The plan and section of the Stormfilter cartridge detail on Drawing C11 show the inlet pipe discharging directly into the OSD tank and bypassing the storm filter chamber. This contradicts the detail on Section 1 on Drawing C11.
30. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the approved plans include a detailed stormwater drainage network designed in accordance with the requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012.
31. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the approved stormwater plans provide for an on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. The 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 to the Certifying Authority for approval prior to the issue of any Construction Certificate.
32. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the approved stormwater plans comply with the design requirements of the “Kiama Municipal Council Water Sensitive Urban Design Policy”.
33. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the approved stormwater plans provide for overflow paths 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.
34. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage design has been issued with certification from a suitably qualified civil engineer which states that that the constructed stormwater drainage system and water quality system meets with the stormwater requirements conditioned within this consent.
35. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off.

36. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that allowance is made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other adjoining properties
37. Prior to the issue of any Construction Certificate, the developer shall submit to the Certifying Authority a detailed design plan of the lighting proposed throughout the development and adjoining public road network. The lighting design shall comply with the Australian Standard AS 1158. The developer shall liaise with Council in order to determine the required design treatment for all lighting within the adjoining road network. All work shall be completed prior to the issue of any Occupation Certificate. Consideration will also need to be given to the requirements of Condition 42 in this regard.
38. The developer shall submit to the Certifying Authority for approval, prior to the issue of any 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.
39. Prior to the issue of a Construction Certificate and any demolition or excavation work is undertaken at the development site the following is to be submitted to the Certifying Authority and Kiama Municipal Council for their written endorsement:
- (a) A Hazardous Materials Technical Work Specification prepared by an Occupational Hygienist that outlines the removal, management and disposal process for all hazardous materials located in buildings and on the development site. The Specification shall include but not limited to:
 - details of the licensed contractors undertaking the work; and
 - the location of the EPA licensed waste facility where the hazardous materials will be disposed of;
 - details of the Occupational Hygienist appointed by the developer to oversee the onsite removal and disposal of the hazardous materials and the development of an amended Hazardous Materials Technical Work Specification for any unforeseen hazardous materials identified during the demolition and removal process;
 - details of all environmental and all dust and air quality monitoring controls required to be implemented.
 - (b) A Site Contamination Remedial Plan prepared by an appropriately qualified and accredited environmental consultant specific to but not limited to the removal, management and disposal process for all identified contaminated soil and materials located on the proposed development site. The remedial plan shall take into consideration all previous site contamination reports including all recommendations identified in the Preliminary Contamination Assessment Report and Preliminary Geotechnical Assessment Report (dated 10/5/17 Reference 30012025-55-rpt) as prepared by SMEC Australia Pty Ltd.
 - (c) A Site Dilapidation Survey Report is to be carried out on each of the adjoining structures, buildings and critical utilities to the project site to generate a set of base

line conditions prior to any excavation or construction work being undertaken as required by condition 13.

- A Construction Environmental Management Plan (CEMP).- The CEMP shall include, but not be limited to, the following items:
 - timing and duration of works;
 - location of work sites offices, compounds, stockpiles and refuelling areas;
 - a description of the site and surrounds and location of environmentally sensitive areas;
 - description of the impacts associated with the construction; activities and control measures;
 - legislative requirements;
 - on-site staff structure and responsibility;
 - staff training, awareness and competency requirements;
 - emergency planning and response;
 - auditing and monitoring; and
 - the supplementary plans:
 - Soil and Water Management Plan including site water quality monitoring;
 - Noise and Vibration Management Plan;
 - Air Quality (Dust Control) Management Plan including Asbestos Management;
 - Waste Management Plan;
 - Incidents management;
 - Dewatering of excavations;
 - Delivery and transportation of materials to and from site;
 - Traffic Management Plan;
 - Litter management.

Traffic Management

40. 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.

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

Akuna Street Pedestrian Forecourt

41. Prior to the issue of any Construction Certificate the developer shall submit to the Certifying Authority a management plan detailing how the transition between private and public land along the Akuna Street pedestrian forecourt is achieved without compromising safety and security and including those measures detailed in the submission prepared by TCG Planning dated 1st December 2017 and including:
- Lighting of the pedestrian forecourt area will be provided in accordance with 'Lighting for Roads and Public Spaces'- Part 3.1: Pedestrian area (Category P) lighting- Performance and design requirements (AS/NZS 1158.3.1:2005)' with the following key principle adopted:
 - Lighting in this space will be provided at 1200mm centres.
 - A lighting strategy will be prepared in conjunction with the Construction Certificate to provide details regarding the lighting in this location.
 - Vandal resistant lighting will be used to reduce the potential for damage in this publicly accessible area and to reduce ongoing maintenance costs.
 - The underside of the roof above this forecourt will be painted in a light colour to allow for reflection of lighting and to minimise dark areas of concealment.
 - Lighting will be concentrated within this forecourt space and will be positioned to minimise light spill into adjacent residences either above or adjacent to the site.
 - Clear signage within this area will direct visitors to the retail premises.
 - Secure entry will be provided to the communal open space and residential lobbies with key card access. This will also prevent unauthorised access to the bicycle storage areas.
 - Closed Circuit Television (CCTV) surveillance will be provided within this area on a 24 x 7 basis to discourage loitering and allow for recording of antisocial behaviour, should it occur.
42. The proposed development shall comply with the Disability (Access to Premises – buildings) Standards 2010. Full details demonstrating compliance with the above standards shall be specified on the Construction Certificate plans and specifications prior to the release of the Construction Certificate.
43. 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.

Provision of On-site Waste Collection Services

44. Prior to the issue of a Construction Certificate the following is to be submitted to the Certifying Authority:
- (a) written certification, from the architect and design engineer for the development that the final construction plans for the vehicle access, entry and exit and internal pathways including the right of way to Collins Street Kiama and the nominated waste bin collection point have been designed to provide:

- i. sufficient vehicle height clearance (including clearance from service pipes or conduits) to enable all waste collection vehicles (side lift and front lift collection vehicles) to enter and leave the development site and to enable the servicing of 240 L, 1100 L waste bins and 4 - 6 cubic metre front lift bins;
- ii. sufficient vehicle width including a minimum side clearance of 300 mm from the mirrors located on both sides of waste collection vehicles that will be entering and leaving the development site;
- iii. sufficient space at the designated waste collection points for residential waste service for the placement of garbage, recycling and organics bins (a minimum of 17 x 240 L garbage bins, 10 x 240 L organics bins and 7 x 1100 L recycling bins at any one time) that does not obstruct vehicle or pedestrian access;
- iv. sufficient space at the designated waste collection points for commercial waste service for the placement of garbage and recycling bins (a minimum of 32 x 240 L garbage bins or 7 x 1100 L garbage bins and 7 x 1100 L recycling bins at any one time) that does not obstruct vehicle or pedestrian access.

Design details for Waste Bin Storage Rooms – Residential

- 45. Prior to the issue of a Construction Certificate the design details and specifications shall be submitted to the Certifying Authority including certification that the bin storage rooms have been designed to comply with Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements Section 5 Garbage, Recycling Bin Storage Rooms Point (Design Controls C1, and C8) and will accommodate the minimum number of bins required (17 x 240 L garbage bins, 10 x 240 L organics bins and 7 x 1100 L recycling bins).

Design Details for Waste Bin Storage Rooms – Commercial

- 46. Prior to the issue of a Construction Certificate the design details and specifications shall be submitted to the Certifying Authority including certification that the bin storage rooms have been designed to comply with Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements Section 5 Garbage, Recycling Bin Storage Rooms Point (Design Controls C1, and C8) and will accommodate the minimum number of bins required (32 x 240 L garbage bins or 7 x 1100 L garbage bins and 7 x 1100 L recycling bins).

Design Details for Acoustic Report and Design

- 47. Prior to the issue of a Construction Certificate an acoustic report and design details shall be submitted to the Certifying Authority certifying compliance with the Protection of the Environment Operations Act 1997 and that the waste collection service does not create offensive noise or create a nuisance.

Prior to the Commencement of Construction

- 48. Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
 - (a) The licensee's name and contractor licence number;
 - (b) 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.

- 49. Prior to the commencement of work, the developer shall lodge with Council a bond of **\$200,000** 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 bond shall be refunded in full subject to the following:

- (a) There being no damage to the existing infrastructure and/or vegetation in the road reserve which can be attributed to the construction of the proposal, and if so, rectification is undertaken in accordance with the requirements of Council;
 - (b) There being no damage to the works undertaken in the road reserve, as a result of poor workmanship and/or inferior materials being used, and if so, rectification works are undertaken in accordance with the requirements of Council;
 - (c) Twelve (12) months has elapsed from the date of the issue of the Final Occupation Certificate; and
 - (d) 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.
- 50. The developer shall submit a dilapidation survey of the surrounding road network prior to commencement of any work.
 - 51. The retaining walls located on the northern boundary of the site shall be issued with a certificate of structural sufficiency from a suitably qualified civil and/or structural engineer and provide this to the Principal Certifying Authority for their endorsement prior to the any demolition or construction work commencing on site.
 - 52. Before the commencement of any stripping or demolition, all parts of the site shall be examined, by competent specialists, to determine, as far as it is practicable, the presence of noxious, toxic or explosive materials or conditions, which would be hazardous to the health of the public if disturbed by stripping or demolition.
 - 53. Under the provisions of the Act, work may not commence on the development until the following is carried out:
 - (a) Construction Certificate by Council or an Accredited Certifier; and
 - (b) Appointment of a Principal Certifying Authority (can be either Council or an Accredited Certifier); and

- (c) Notify Council of the appointment of the PCA; and
- (d) Give at least two (2) days' notice to Council of intention to commence work.

Note: 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.

Note: 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.

- 54. 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.
- 55. The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering construction works.
- 56. 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.

- 57. 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.
- 58. A Project Arborist shall be appointed prior to any works on site. The Project Arborist is responsible for:
 - (a) The placement of protective fencing for the existing trees to be retained;
 - (b) The supervision of any tree branch pruning;
 - (c) The supervision of any tree root severing greater than 50mm diameter;
 - (d) Recommend appropriate treatments as required when construction conflicts with tree protection;
 - (e) Confirmation that the project arborist has identified to the tree contractor the trees that are to be removed or retained in accordance with the conditions of consent listed below;

- (f) Report attendance and actions by certification to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

The Project Arborist is to be adequately experienced and qualified with minimum Level 5 (AQF): Diploma in Horticulture (Arboriculture).

Site Facilities

- 59. 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.
- 60. During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other lightweight materials.
- 61. 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.

Erosion and Sedimentation Controls / Soil and Water Management

- 62. 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.
- 63. 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.

Stormwater Management

- 64. 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.

Geotechnical

- 65. The development is to be carried out in accordance with the findings and recommendations of the *"Preliminary Geotechnical Assessment"* prepared by SMEC and dated 14th July 2017 and the *"Summary of Responses regarding Earthworks and Geotechnical Stability Issues"* prepared by SMEC and dated 29th September 2017.

Site Contamination

66. The development is to be carried out in accordance with the findings and recommendations of the “*Preliminary Contamination Assessment*” prepared by SMEC and dated 14th July 2017 which include the following:
- (a) Loose near surface top soil and fill material generated during construction works should be stockpiled separately and either:
 - i. Disposed offsite as General Solid Waste in accordance with Waste Classification Guidelines Part 1: Classifying Waste (NSW EPA, 2014a); or
 - ii. Further assessed for the purpose of beneficial re-use and compliance with ENM resource recovery framework.
 - (b) Underlying natural silty clay and weathered bedrock material is classifiable as VENM (subject to prior approvals / consents from the receiving site) and should be stockpiled separately from imported fill formations and near surface topsoil.
 - (c) All fill material excavation or ground activities must be managed under the Civil Contractors Unexpected Finds Guidelines Protocol for managing contamination. Based upon age of construction and variable materials used in building the retaining walls, there is a risk associated with unknown materials in the wall and terrace structures. Contamination may be present in the form of residual demolition waste, hydro carbon impacts soils, Asbestos containing material, or volatile organic compounds. Under supervision by a suitably qualified Environmental Consultant if deemed free of ACM by a “competent person in asbestos assessment”, near surface fill and top soil material excavated during ground penetrating activities for construction is likely to require off-site disposal as “General Soil Waste” or beneficial reuse as ENM subject to further sampling and classification by a ‘competent person in contaminated land assessment.’.

Inspections

67. 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.

Building Construction

68. All building work must be carried out in accordance with the requirements of the Building Code of Australia.
69. The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
70. All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
71. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

72. 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.
73. 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.
74. 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.
75. 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.
76. 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.

Utility Servicing

77. 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.
78. 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.
79. The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access.
80. The developer shall ascertain with Sydney Water Corporation details of the location of the existing water mains 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.

Landscaping Works

81. Landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
82. 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.
83. Footpath paving shall be Claypave Regal Tan 90° Herringbone pattern with soldier course at the kerb.
84. 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.
85. The existing trees on site nominated for removal as detailed in the Arboricultural Impact Assessment by Allied Trees dated 14 October 2016 Reference no. D2902 shall be removed for the development. The collection of trees and other vegetation marked 'D' in the Arboricultural Impact Assessment located at the rear of 3 Akuna Street shall be removed for the development.
86. Protection fencing shall be erected to protect the trees on adjoining properties to be retained as detailed in the Arboricultural Impact Assessment by Allied Trees dated 14 October 2016 Reference no. D2902. The fencing shall be erected prior to the commencement of works. The fencing shall be of a style, and positioned, as deemed appropriate by the Project Arborist, to protect the trees.

The fencing shall be maintained and remain in situ until all building works are completed. No machinery, builder's material and/ or waste shall be located inside the fencing.
87. During construction any branches of the trees on adjoining properties that need pruning for clearance of scaffolding or building shall be pruned with the approval and supervision of the Project Arborist.
88. During construction any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
89. During construction any other matter arising that may harm the existing trees on adjacent properties shall be referred to the Project Arborist.

During Construction

90. 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 are approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
91. Any material deposited on public roads resulting from the works must be removed within the same day.

92. The emission of dust from the site must be controlled and in this regard watering equipment shall be kept on the site at all times for this purpose.
93. A shaker pad is to be installed at the exit point of the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
94. Sediment traps must be installed on-site around all affected stormwater inlets and drainage lines. All sediment control measures must be maintained on a daily basis until the site has been fully revegetated.
95. Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy Approval a minimum of five days before approval is required:
 - A completed application form;
 - Fees in accordance with Council's adopted fees and charges;
 - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. 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 RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
 - Public liability insurance for an amount of no less than \$20M; and
 - Where excavation will take place, a security bond in accordance with Council's adopted fees and charges.

Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.

Site Requirements during Demolition and Construction

96. All of the following are to be satisfied/complied with during demolition, construction and any other site works:
 - (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
 - (b) Demolition must be carried out by a registered demolition contractor.
 - (c) No blasting is to be carried out at any time during construction of the building.
 - (d) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
 - (e) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

- (f) Any demolition and excess construction materials are to be recycled wherever practicable.
- (g) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and at a licensed EPA and or lawful facility.
- (h) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- (i) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to be contained within the development site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Kiama Municipal Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (q) Compliance with all requirements and controls as specified in approved Environmental Management Plan (EMP) for the demolition, site remediation, excavation, and construction stages of the development.

Excavation – Water

- 97. All excavations must be kept free from the accumulation of water. Any dewater watering of excavations must be first approved by Kiama Municipal and must not breach any provision of the Protection of the Environment Operations Act 1997 or any other legislation.

Prevention of Nuisance

98. All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, litter, noise and the like during the demolition, excavation and building works.

Dust Control

99. The following measures must be implemented (in part or in total) as identified in the approved Environmental Management Plan and as directed by Kiama Municipal Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered and or treated in a manner as approved by Kiama Municipal Council.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by Kiama Municipal Council.
- (g) All dust that is tracked from the development site and deposited onto public roads and footpaths must continually swept using manual and or mechanical street sweeping equipment.
- (h) All vehicles including wheels, before leaving the site, must be cleaned of dirt, sand and other materials to avoid tracking these materials onto public roads.
- (i) All vehicles transporting excavated material and leaving the site must have their loads covered.

Construction Hours

100. No construction or any other work related activities shall be carried out on the site outside the hours of 7:00 am to 5:00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.
101. Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7:30 am - 5:00 pm Monday to Friday only.

Damage to Adjoining Properties

102. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

Earthwork and Excavated Materials:

103. All proposed earthworks should be carried out in accordance with AS3798-207 *Guidelines on Earthworks for Commercial and Residential Developments*. Placement of fill materials at the site should consider possible adverse impacts associated with vibration and compaction on nearby buildings, structures, slopes and utilities and measures are to be implemented to address any identified issues.
104. All fill material excavation or ground activities must be managed under the Civil Contractors Unexpected Finds Guidelines Protocol for managing contamination.
105. The placement of fill or excavated material must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any adjoining lot, and redirect the flow of any surface or groundwater or cause sediment to be transported onto an adjoining property.
106. Fill brought to the site must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
107. Fill material generated by construction works is to be stockpiled separately and either:
 - Disposed of at a licensed facility as General Solid Waste in accordance with the NSW EPA Waste Classification Guidelines Part 1: Classifying Waste; or
 - Further assessed and correctly classified in accordance with the NSW EPA Waste Classification Guidelines Part 1: Classifying Waste for the purpose of beneficial re-use and compliance with ENM resource recovery framework (The Excavated Natural Material order 2014);
 - All ENM laboratory results must be recorded and documented. Any re-use will require prior approvals/consents from the receiving site and relevant authorities and compliance with any requirements under the Protection of the Environment Operations (Waste) Regulation.
108. Any fill or excavated material found to include Asbestos Containing Material is classified as 'Special Waste' (asbestos waste), and must be managed in accordance with the NSW EPA Draft Protocol for Managing Asbestos During Resource Recovery of Construction and Demolition Waste and in accordance with Safework NSW requirements under the Occupational Health and Safety Regulation 2001.
109. Silt fences or other controls must be provided downhill from the cut and fill areas of the development site (or any other disturbed area). Such fences or controls must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of to comply with the protection of Environment Operations Act.

Prior to the Issue of an Occupation Certificate

110. Pursuant to the requirements of Section 149 of the Roads Act 1993, a lease shall be consented to by Council for any proposed awnings overhanging the road reserve. Evidence of the lease shall be sighted by the Certifying Authority prior to the issue of any Occupation Certificate.

111. A Works-As-Executed (WAE) drawing for all work undertaken shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate. The WAE drawing shall indicate in contrasting coloured ink all changes to the Construction Certificate approved plans and specifications. The WAE plans shall be signed by a Registered Surveyor and certified by a suitably qualified civil engineer stating that all the works as completed, including variations, meet the original intent of the Construction Certificate approved plans and specifications and will have no adverse impact on adjacent properties or on Council infrastructure.
112. Prior to the issue of any Occupation Certificate, the following items shall be provided in the adjoining road network to the satisfaction of the Roads Authority and Council:
- (a) Footpaths adjoining the development site are to be paved at a grade of no more than 2.5% from the site boundary to the kerb line. All work to be in accordance with Council's *"Driveway and Footpath Works Procedure Manual"*;
 - (b) Shoulder, footpath, stormwater drainage, part road width, pavement, asphalt surfacing and kerb in Akuna Street for the full length of the property frontage;
 - (c) Any redundant vehicle crossing shall be restored to barrier kerb in compliance with Council's *"Driveway and Footpath Works Procedure Manual"*;
 - (d) All footpath access driveway in compliance with Council's *"Driveway and Footpath Works Procedure Manual"*;
 - (e) Central medians in Shoalhaven Street at Bong Bong Street to provide for a dual "Stop" signage on each approach;
 - (f) Blisters on the road at the carpark egress to gain improved sight distances;
 - (g) Road widening of Shoalhaven Street on the southern approach to Terralong Street to provide for a short section of two lanes on this approach;
 - (h) A Line marking and sign-posting plan;
 - (i) Bollards between the existing laneway and proposed delivery driveway;

The requirements listed above shall be shown on plans which demonstrate compliance with the requirements of the Roads Authority and/or Council. Approval shall be pursuant to the requirements of the Roads Act 1993. Prior to any approval the plans shall be referred to the Kiama Traffic Committee (KTC) for endorsement. Where components of the plans are not endorsed by the KTC, the requirements listed above will have been deemed to have been met.

The approved construction work shall be completed to the satisfaction (in writing) of the Roads Authority prior to the release of any Occupation Certificate. The Principal Certifying Authority shall not issue any Occupation Certificate until this certification is provided to them.

113. Under the provisions of Section 88B 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 the on-site stormwater detention system and water quality systems. 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 prior to issue of any Occupation Certificate.

114. 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 Principal Certifying Authority prior to issue of any Occupation Certificate.
115. 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.

116. 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.
117. 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.

118. Prior to the release of the Occupation Certificate a Compliance Certificate from the Project Arborist shall be issued to the Principal Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.
119. Prior to the issue of any Occupation Certificate for the development following is to be submitted to Certifying Authority and Kiama Municipal Council
 - (a) A verification acoustic report from an acoustic engineer/ consultant certifying that all the design recommendations as specified in the Acoustic Noise & Vibration Solutions P/L report (Reference No. 2016 – 541) dated 2nd December 2017 and response dated 23rd June 2017 have been fully complied with.

This includes but not limited to all recommended acoustic treatment and glazing requirements applicable to all residential units including those facing the Kiama Inn and the retail and commercial premises, the installation of air conditioning units, and the installation of mechanical ventilation systems that form part of the development including the car parking areas. The report must verify and include testing results that confirm that all air conditioning systems and mechanical ventilation systems installed at the development site and the usage of the loading dock will not cause offensive noise or a nuisance and complies with the provisions of the of the Protection of the environment Operations Act 1979 and applicable legislation

- (b) Site Validation Report prepared by a suitably qualified environmental consultant specialising in land contamination certifying that the development site has been remediated in accordance with the approved Remedial Action Plan.

Post Issue of an Occupation Certificate

120. Articulated delivery vehicles servicing the development shall not make a right hand turn from Terralong Street into Shoalhaven Street without the approval of Council. Businesses located within the development shall be informed of this requirement in their leasing agreements.
121. Furniture and white good pickups and deliveries for the residential apartments shall be undertaken from the commercial delivery area located within the site and not from any public road. Tenants shall be shall be informed of this requirement in their leasing agreements.
122. Prior to occupation, the following documents must be submitted to the Certifying Authority:
 - (a) Written certification that:
 - i. the waste bin storage rooms for the residential and commercial component of the development have been constructed in accordance with the approved design plans and specification and comply with development standards as specified in Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements *Section 5 Garbage, Recycling Bin Storage Rooms Point (Design Controls C1, and C8)*;
 - ii. space has been provided and nominated within the kitchen (or an alternate location) in each unit for the interim storage of bins or containers as supplied for source separated garbage, recyclables and food organics as specified in Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements *Section 6 Internal Bins/Containers (Source Separation) (Design Controls C2, and C3)*.
123. Prior to occupation the developer shall provide a restriction on the use of land which requires that there shall be no occupation of any building on the land unless a Waste Services Deed of Agreement for the provision of waste and recycling and food organics services, with a Council approved waste contractor, is in place. The document shall meet terms acceptable to Council and shall be submitted to Council for its approval. Upon approval, the restriction shall be registered with NSW Lands & Property Management Authority Information pursuant to Section 88B of the Conveyancing Act 1919. The Principal Certifying Authority shall not issue any Occupation Certificate until this matter has been fully complied with.
124. Prior to occupation the developer shall purchase from Kiama Municipal Council a minimum of 17 x 240 L garbage, 7 x 1100 L recycling and 10 x 240 L organics bins for the residential component of the development.

Advertising Signage

125. A Development Application, where required, shall be submitted to Council and approval obtained prior to the erection of any advertisement or advertising structure not covered by the DA 10.206.304.1. In this regard this approval consents to signage associated with the ALDI supermarket as detailed in plans prepared by Steiner Richards Architects (except for signs E & G). The signs approved by this approval include:
 - (a) Pylon Sign A – illuminated sign and car parking directional sign;

- (b) Sign B – Double sided under awning illuminated sign;
- (c) Sign C – Wall mounted non-illuminated sign;
- (d) Sign D – Wall mounted sign;
- (e) Sign F – Double-sided under awning illuminated sign;
- (f) Sign Hi – Double-sided illuminated blade sign.

On-site Management of Waste

126. An on-site caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management from the residential and commercial components of the development, including:

- moving bins to and from the bin storage rooms to the nominated collection point on collection days as specified by waste collection contractors;
- washing bins and maintaining all bin storage rooms in a clean and sanitary condition to prevent odours, flies and other pests and vermin;
- ensuring that residents and occupants using individual or shared waste bins deposit the correct materials in the garbage, recycling and food organics bins;
- distributing educational information as provided by Council and to provide advice to new and existing residents and tenants how to correctly sort and use the garbage, recycling and food organics bins and service;
- removing any contamination or prohibited or non-compliant waste materials from any recycling and food organics bins prior to collection or if notified by the waste collection contractor or Council;
- arranging for the prompt removal and disposal of all dumped rubbish left beside bins or inside the bin storage rooms;
- providing, maintaining and displaying information signs in accordance with Councils waste requirement in the bin storage rooms.

Conveyancing Requirements

127. 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.

Reasons for the Imposition of Conditions

128. 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).
129. 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).
130. Ensure that the landscape works are completed established and maintained in accordance with the approved plans and conditions.
131. Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies.
132. Ensure the stormwater run-off from the site is disposed of in an orderly and satisfactory manner.
133. Minimise any likely adverse environmental impact of the proposed development.
134. 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.
135. Protect the community from damage or injury from any building material stored on the footpath or road reserve.
136. Provide for adequate on-site car parking commensurate with the traffic generation of the development.
137. Minimise any likely adverse impact on the streetscape and visual quality of the area as a result of the development.