

ANNEXURE 5

Recommended Conditions of Consent

Various Allotments
Terralong, Akuna and Shoalhaven Streets
Kiama

FURTHER REVISED PROPOSAL DRAFT CONDITIONS OF DEVELOPMENT CONSENT

RECOMMENDED CONDITIONS OF DEVELOPMENT CONSENT:

DEFERRED COMMENCEMENT CONDITION

Pursuant to section 4.16(3) of the Act, this development application has been determined by granting of “Deferred Commencement” consent, subject to the following matter 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.

The maximum amount of time that Council will allow for this matter to be resolved is two (2) Years from the date of this consent.

This consent does not operate until the applicant has satisfied the consent authority with respect to the above matter. Details must be submitted to consent authority for approval.

GENERAL

1. The development shall be implemented generally in accordance with the details set out on the plan/drawings prepared by ADM Architects and supporting documents endorsed by Council that form part of Development Application 10.2016.304.1 including the following architectural drawings numbered: A-000-Z, A-001-ZA A-002-Z, A-100-Z to A-111 Z, (except for A104-Z & A 109-Z), A 104-ZA & A 109-ZA, A-201 Z to A-208-Z, A-301-X to A304-X, A-401- Z, A-402-X to A404-X, 405-Z to A 406-Z, A-407a-Y to A407c-Y, A-408a to A429-b3-Y, A-501-Z to A-512-Z, A-601-X, A 701-Z to A-702-Z, A-801-Z to A803-Z, A-901-Z, and Landscape Plans prepared by Ochre Landscape Architects and numbered 1733-02-E and 1733-04-A except as amended by the following conditions.
2. The development shall be completed in accordance with the external materials and colour schedule detailed on drawings number A501-Z, A502-Z and A-503-Z prepared by ADM Architects and as follows:
 - (a) Residential Component (Buildings A, B and C) and Commercial component Shoalhaven Street
 - i. Dulux “Lexicon” – Concrete slab edges and upturns.
 - ii. Dulux “Milton Moon” – General Walling.
 - iii. Colourbond “Ironstone” – Garage Doors, podium and feature walls.
 - iv. Bluestone Cladding – Cladded base feature walling.
 - v. Clear glass – all glazing and glass balustrading.
 - vi. Powdercoat “Silver Pearl” – Window frames, Aluminium elements and louvres.

- (b) Residential Component (Building D & E) Akuna Street
 - i. PGH Smooth Mineral – Walling
 - ii. Dulux “Lexicon” – Concrete Slab edges and upturns
 - iii. Dulux “ Western Myall” – Walling
 - iv. Dulux “Signature” – Walling
 - v. Colourbond “Timeless Grey” – Cladding with expressed seam
 - vi. Zinc – cladded base feature walling
 - vii. Clear glass – All glass and glass balustrading
 - viii. Powdercoat “Silver Pearl” – Window frames, aluminium elements and louvres
- (c) Retail / Commercial Component (Terralong Street)
 - i. Dulux “Timeless Grey” – Walling.
 - ii. Bluestone cladding – Cladded feature walling.
 - iii. Zinc – Cladding.
 - iv. Dulux “Milton Moon” – Walling.
 - v. Clear Glass – All glazing.
 - vi. Colour Back Glass.
 - vii. Powdercoat “Silver Pearl” – Window frames and Aluminium elements.

Any modifications to the approved external materials and colour scheme will require the separate approval of Council

- 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 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 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, Akuna Streets and the unnamed laneway off Akuna Street for the purpose of carrying out activities associated with the development.
- 7. 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 (see condition 41(e)). A copy of the approved CEMP shall be kept on site at all times.

8. 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.
9. 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.
10. 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 and supplementary reports dated 23rd June 2017 and 27th October 2017 and the Certificate issued 31st October 2017. Full details demonstrating compliance shall be specified on the Construction Certificate plans and specifications prior to release of the Construction Certificate. 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_06,
 - *The BCA Section J Assessment Report No. 160920-A prepared by Greenview Consulting,*
 - *Construction Environmental Management Plan Prepared by Jones Nicholson. dated 30 November 2016 and as amended by the conditions of this consent.*
11. This consent does not make provision for the subdivision of the proposal. The separate approval of Council will be required for the future subdivision of the development.

Advertising Signage

12. 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 H – Double-sided illuminated blade sign.
13. 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.
14. The cost of relocation or adjusting of levels of any public utilities shall be borne by the developer.
15. Any substation installed to service the proposal shall not be located within the road reserve and shall be screened from the public domain.

16. 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.
17. 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.
18. Boom gates and security gates in car parking areas which can cause queuing to occur in public roads shall not be installed unless approved in writing by the Roads Authority.
19. The applicant shall obtain a Registered professional engineers report on the structural integrity of the existing stone retaining wall along the northern boundary. This report shall be used as a guide in the preparation of the construction certificate drawings and construction program. A copy of the report is to be submitted to the accredited Certifying Authority prior to the issue of the Construction Certificate.

The Proposed Supermarket

20. 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 Supermarket including the use of the loading dock.

Site Remediation

21. 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

22. 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.

Waste Management

23. All 96 residential units will share recycling, garbage and food/garden organics bins, with the minimum number of bins to be provided:
- (a) 15 x 240L red lid garbage – serviced twice a week (Monday and Friday).
 - (b) 10 x 1100L yellow lid recycling – serviced twice a week (Monday and Friday).
 - (c) 8 x 240L green lid organics bins (for food and garden waste) – serviced once a week (Monday).

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Lot Consolidation

24. Prior to the issue of any Construction Certificate the applicant shall provide to the accredited Certifying Authority evidence that any existing lots in which proposed buildings straddle a boundary have been consolidated with the adjoining lot.

Amendments to Approved Plans

25. Prior to issue of a Construction Certificate the applicant is to submit revised architectural drawings for the approval of Council which detail the following:
- (a) The presentation of the pedestrian walkway from Akuna Street through to the retail arcade is to be modified to read as a commercial element separate to and from the residential building. This is to be achieved through different architectural detailing and materials.
 - (b) The Architectural and Landscape Drawings are to be modified with the provision of plantings at the Residential Level 1 and extending along the western boundary to the north of the raised planter box to the edge of the service lane.
 - (c) Additional visual screen treatments are to be installed to all north facing bedrooms from Residential level 1 to 3 to screen the loading area from residential apartments. Such screening devices could include a combination of double or acoustic glazing; acoustic louvres; enclosed balconies (wintergardens); solid balcony balustrades; external screens and soffits.
 - (d) The installation of a minimum of 3 moveable screens per primary balcony for each unit within Buildings A, B and C.

Contributions

26. 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 \$516,886.08

Unnamed Laneway off Akuna Street

27. 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.

Service Lane Egress

28. Prior to the issue of any Construction Certificate the applicant shall provide to the accredited Certifying Authority certification from a Registered Surveyor that Lot 51 in DP 1200006 has a minimum clear span, free of any obstructions, of at least 3.0 metres over its entire length.

Vehicle Access, Car Parking and Traffic Management

29. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the following requirements have been met:
- (a) Car parking spaces, parking aisles, blind aisles, access driveways, circulation roadways and ramps 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;
 - iii. AS 2890.3 - 2015 Bicycle Parking; and
 - iv. AS 2890.6 - 2009 Off-street parking for people with disabilities.
 - (b) The car parking area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS 1906.1, 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) 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 38(d) of this consent.
30. Prior to the issue of any Construction Certificate the developer shall submit a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual and AS 1742 – Traffic Control Devices for Works on Roads to the Principal Certifying Authority and / or Council. 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. This plan is required to maintain public safety, minimise disruption to pedestrians and vehicular traffic within the locality and protect services, during demolition, excavation and construction phases of the development.

Stormwater Drainage

31. Prior to the issue of any Construction Certificate, the accredited 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.

32. Prior to the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the approved stormwater plans comply with the plans and modelling lodged in support of the development application for the water quality control system. The following corrections shall be made on engineering plans and submitted to the Certifying Authority for approval prior to issue of the Construction Certificate:
- (a) The water quality modelling uses a 2 m² x 0.59 m deep pit whereas the size shown on the drawings submitted with the development application show 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 submitted with the development application show only 900mm. This requires to be amended.
 - (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. This requires to be amended.
 - (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. This requires to be amended.
33. 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 accredited Certifying Authority for their approval prior to the issue of any Construction Certificate.
34. Prior to the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the approved stormwater plans have been certified by a suitably qualified Civil and/or Environmental engineer stating that the stormwater design for the proposal strictly complies with the “Kiama Municipal Council Water Sensitive Urban Design Policy”.
35. Prior to the issue of any Construction Certificate, the accredited 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% Annual Exceedance Probability events must be incorporated in the design. Overflow paths must also be provided in low points and depressions.
36. 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 the constructed stormwater drainage system and water quality system meets with the stormwater requirements conditioned within this consent.

37. Prior to the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off.
38. 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

Lighting

39. Prior to the issue of any Construction Certificate the developer shall submit to the accredited 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. The Principal Certifying Authority shall ensure that all work is completed in accordance with the requirements of the street lighting asset owner prior to the issue of any Occupation Certificate.

Environmental Management

40. 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
 - (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) The developer shall submit to the accredited 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.
 - (c) 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.

- (d) A Dilapidation Report prepared by a suitably qualified civil engineer. The report is to be submitted to and accepted by the PCA and Council before the issue of a Construction Certificate. The dilapidation report shall address all adjacent boundaries, structures, buildings, development, road network 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.

The Dilapidation Report will also stipulate the need for additional dilapidation surveys 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 / road /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.

- (e) An amended Construction Environmental Management Plan (CEMP) prepared by a qualified environmental consultant specific addressing all the environmental impacts and controls required to be implemented associated with the demolition, site remediation, excavation and construction stages of the development.

The amended CEMP is to include but not limited to environmental management associated with all site remediation to be undertaken, asbestos management, noise and vibration controls air, dust and site water quality monitoring, unexpected finds protocol, incidents management contingency, dewatering of excavations, deliveries and transportation of materials to and from the site, litter management and including (but not limited to):

- 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;
 - Noise and Vibration Management Plan;
 - Air Quality (Dust Control) Management Plan;
 - Waste Management Plan;
 - Tree Protection Plan; and
 - Traffic and Pedestrian Management Plan.
- (f) The preparation and submission of an acoustic and design assessment for any affected units from noise generated from the use of the roof top communal open space area located on the roof top of proposed Building D & E.

Waste Management

41. 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 15 x 240L garbage bins, 8 x 240L organics bins and 10 x 1100L yellow lid 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 28 x 240L garbage bins and 28 x 240L yellow bins at any one time) that does not obstruct vehicle or pedestrian access.
42. Prior to the issue of a Construction Certificate design plans and specifications for the space to be provided and nominated within the kitchen for the interim storage in bins or containers as supplied for source separated garbage, recyclables and food organics from each unit are to be supplied to the Principal Certifying Authority. Details should also include the specification of the proposed internal bins and signs to be provided.

Reference should be made to design control requirements C2 and C3 in Chapter 11 Section 6 of Kiama Development Control Plan 2012.

43. Prior to the issue of a Construction Certificate Design plans and specifications for the bin storage areas are to be supplied to the Principal Certifying Authority ensuring that it:
- (a) will accommodate the minimum number of bins required of:
 - Residential - 15 x 240L garbage bins, 10 x 1100L yellow lid recycling bins and 8 x 240L green lid organics bins at any one time;
 - Commercial - 28 x 240L red lid garbage bins and 28 x 240L yellow lid recycling bins at any one time.
 - (b) be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards mobility and applicable legislation as amended including design requirements for access and mobility and gradients for ramps and pathways
 - (c) be provided with natural ventilation, mechanical ventilation or air conditioning complying with the National Construction Code, Building Code of Australia and all relevant Australian Standards
 - (d) be designed to minimise noise generated from the bins being moved in and out of the room, or from any compaction or other equipment located therein
 - (e) have the floor constructed and finished to a smooth even surface, coved at the intersection with walls and plinths
 - (f) have the floor drained to a sump that is connected to Sydney Water Corporation sewage system and complies with any applicable plumbing codes, legislation and license requirements
 - (g) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock for bin washing purposes
 - (h) have walls constructed of solid impervious materials, cement rendered internally to a smooth even surface coved at all intersections and must be finished in a light colour.
 - (i) have the ceiling constructed of solid impervious materials with a smooth even and light colour finish and capable of being easily cleaned
 - (j) have a close fitting and self-closing door.
 - (k) be provided with artificial light controlled by switches located both outside and inside the storage room.

Noise

44. Prior to the issue of a Construction Certificate the developer shall provide the Principal Certifying Authority an acoustic report from a suitably qualified and/or experienced acoustical engineer (e.g. a member of the Australian Acoustical Society) to assess the impact of the parking noise, patron noise, loading dock noise, waste collection service, air conditioner, compressors and exhaust canopy ducting and any other potential offensive noise from the business. The report is to include recommendations that mitigate and attenuate any noise issues identified. The noise shall be no more than 5 dB above background during the allowed hours of 7:00 am and 10:00pm weekdays and 8:00 am

and 10:00 pm weekends and public holidays. During the restricted hours (between 10:00 pm and 7:00 am weekdays and 10:00 pm and 8:00 am weekends and public holidays) noise is not to be audible in a habitable room of a residential premises. The noise report must include a set of recommendations that will attenuate noise so that it complies with the *Protection of the Environment Operations Act 1997 and Regulations*.

Landscape Plan

45. 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 prepared by Ochre Landscapes Drawing No. 1733-LD02-18C and dated 21st May 2017.

Management Plan for Trolleys

46. A plan for the ongoing management of shopping trolleys is to be submitted to Council for approval prior to the issue of a Construction Certificate. The management plan is to include details for a built-in coin operated collection system, as well as signage/public education programs that can be implemented as to reduce the risk of trolleys not being returned to the store in an appropriate manner.

Accessibility & Adaptable Housing

47. 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.
48. All twenty-five (25) 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.

Prior to the Commencement of Construction

49. 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.

50. Under the provisions of the Act, work (including demolition) may not commence on the development until the following is carried out:

- (a) Construction Certificate has been issued by Council or an Accredited Certifier and relevant conditions of development consent are satisfied and complied with; 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.

Bank Guarantee

51. Prior to the commencement of work, the developer shall lodge with Council a bond of **\$300,000** in the form of an unconditional bank guarantee or cash, 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.

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/replacement 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;
- (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; and
- (e) Full compliance with all consent conditions

Site Works

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. Prior to commencement, the developer shall provide hoarding around the site where it adjoins a public road and man-proof fencing around the remainder of the site in

accordance with Australian Standard AS4689-2007. Work shall not commence until certification from a suitably qualified engineer stating that compliance with AS4689-2007 has been issued. The certification shall be provided to the Principal Certifying Authority and Council prior to commencement.

54. Prior to commencement of works, the developer shall provide tree protection measures around all trees to be protected, in accordance with Australian Standard AS4970-2009. Work shall not commence until certification from a suitably qualified Arborist stating that compliance with AS4970-2009 has been issued. The certification shall be provided to the Principal Certifying Authority and Council prior to commencement
55. 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.
56. 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.
57. 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.
58. 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.

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 all recommendations of the *"Preliminary Geotechnical Assessment"* prepared by SMEC and dated 1st March 2018 (the "SMEC Report") and the *"Summary of Responses regarding Earthworks and Geotechnical Stability Issues"* prepared by SMEC and dated 29th September 2017 and including but not limited to:
 - (a) Observations and measurement of groundwater inflows is to be undertaken in accordance with Section 8.3 of the SMEC report.
 - (b) Only contractors with significant experience in basement excavation into residual soils and extremely low to medium strength rock in the Illawarra area be considered for basement excavation. The SMEC Report should be provided in its entirety to prospective contractors prior to tendering for site works. Furthermore, a suitably qualified geotechnical professional should be present during excavations to assess and advise on exposed ground conditions.
 - (c) All proposed earthworks shall be carried out in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments* and as detailed in Section 8.6 of the SMEC Report.
 - (d) The reuse of excavated material is to be undertaken in accordance with Section 8.7 of the SMEC Report.
 - (e) The design and construction of shallow and deep foundations is to be undertaken in accordance with Section 8.8 of the SMEC Report. A geotechnical engineer shall be engaged to inspect foundation excavations (both shallow and deep) to assess whether the material exposed in the base is consistent with the geotechnical model and assumed bearing pressures, prior to placement of steel and pouring concrete.
 - (f) The design and construction of the development shall be in accordance with AS 1170.4-2007 in terms of earthquake design, and in accordance with Section 8.9 of the SMEC Report.

- (g) The design and construction of the development shall be carried out in accordance with the support requirements detailed in Section 8.10 (including sub-sections 8.10.1 to 8.10.4) of the SMEC Report.
- (h) A geotechnical engineer is required to be involved with all future investigations and design relating to the proposed development. Written compliance certification from the geotechnical engineer is to be submitted to Council and the PCA at the following stages confirming:
 - i. That the plans submitted for Construction Certificate approval are consistent with the relevant recommendations of the SMEC Report.
 - ii. That excavation and construction works have been carried out in accordance with the recommendations of the SMEC Report.
 - iii. If changes to the design are required to be undertaken, then the geotechnical engineer has been consulted during the design process and that such changes have been undertaken in accordance with the recommendations of the geotechnical engineer.

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 deems 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".
 - (d) Should asbestos material be found:
 - a. A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and

- b. A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.
- c. Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

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, and including the top most roof height, 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. The footpath and access driveways with the frontage road, Shoalhaven Street and immediately adjoining the site shall be prepared and paved using the paving bricks complying with Kiama Municipal Council's Town Centre Strategy and shall be constructed in compliance with the Kiama Development Code as appended to Kiama development Control Plan 2012. The pavers shall be Claypave Regal Tan; with the exception of those parts of the Akuna Street frontage where stone set permeable paving and timber decking is to be provided to limit disturbance to trees that are to be retained along this part of Akuna Street and in accordance with the Landscape Concept Plans prepared by Ochre Landscapes, Drawing No. 1733-LD02-18E and dated 21st May 2017 and 1733-LD04-18A and dated 15 August 2018.
82. Prior to commencement of works on site 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 50 mm diameter.
 - (d) Recommend appropriate treatments as required when construction conflicts with tree protection.
 - (e) Recommendations for the design, and supervision of the construction of the board walk where trees are impacted.

- (f) 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.
- (g) 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).

During Construction

- 83. 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 always.
- 84. No material, plant or equipment shall be stored on a public road without the prior permission of the roads authority.
- 85. Any material deposited on public roads resulting from the works must be removed within the same day.
- 86. Plant and equipment shall not be left unattended on any public road.
- 87. The emission of dust from the site must be controlled and in this regard watering equipment shall be kept on the site always for this purpose.
- 88. 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.
- 89. Sediment traps must be installed on-site around all affected stormwater inlets and drainage lines. All sediment control measures must be maintained daily until the site has been fully revegetated.
- 90. 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 surrounding road network 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 RMS 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 road and footpath levels will be varied, or the surface is altered, plans and specifications to Council's requirements shall be provided for assessment and approval. Fees will apply.

Site Requirements during Demolition and Construction

91. 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 development.
 - (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.
- (r) The Waste Management Plan shall be strictly adhered to at all stages during the demolition and 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.
- (s) During construction the Applicant shall provide, inside the property boundaries a suitable waste contained for the disposal of all papers, plastics and other lightweight materials.
- (t) 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

92. All excavations must be kept free from the accumulation of water. Any dewatering 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

93. 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

94. 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

- 95. 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.
- 96. 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

- 97. 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:

- 98. 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.
- 99. All fill material excavation or ground activities must be managed under the Civil Contractors Unexpected Finds Guidelines Protocol for managing contamination.
- 100. 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.
- 101. 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.
- 102. 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.
103. 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.
104. 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.
105. The existing trees on site nominated for removal as detailed in the Arboricultural Impact Assessment by Allied Trees dated March 2018 Reference no. D2902D shall be removed for the development.
- The trees that are to be retained are T7, T9, T10, T11, T12, T15, T18, T20, T27, T29, T30 and T31 as detailed in the above report.
106. Protection fencing shall be erected to protect the trees to be retained as detailed in the Arboricultural Impact Assessment by Allied Trees dated March 2018 Reference no. D2902D. 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.
107. 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.
108. 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.
109. 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.
110. During construction any other matter arising that may harm the existing trees on adjacent properties shall be referred to the Project Arborist.
111. During construction of the boardwalk the project arborist shall attend and supervise the work when tree roots are exposed.

Prior to the Issue of an Occupation Certificate

112. The development shall not be occupied until such time as all conditions of this development consent are met.
113. 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.

114. 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.
115. Prior to the issue of any Occupation Certificate, the following items shall be provided in the adjoining road network to the satisfaction of Road Authority
- i. Footpaths adjoining the development site are to be formalised with pavers or concrete paths (or any other material as approved by Council) at a grade of no more than 2.5% from the site boundary to the kerb line. All work shall be designed and constructed in accordance with Council's *"Driveway and Footpath Works Procedure Manual"*;
 - ii. Shoulder, footpath, stormwater drainage, part road width, pavement, asphalt surfacing and kerb in Akuna Street for the full length of the property frontage;
 - iii. Any redundant vehicle crossing shall be restored to barrier kerb in compliance with Council's *"Driveway and Footpath Works Procedure Manual"*;
 - iv. All footpath access driveways in compliance with Council's *"Driveway and Footpath Works Procedure Manual"*;
 - v. Central medians in Shoalhaven Street at Bong Bong Street intersection to provide for a dual "Stop" signage on each approach;
 - vi. Blisters on the road at the carpark egress in Shoalhaven Street to gain improved sight distances;
 - vii. Road widening of Shoalhaven Street on the approach to Terralong Street to provide for a short section of two lanes;
 - viii. "No right turn" sign for articulated vehicles from Terralong Street into Shoalhaven Street;
 - ix. Line-marking and signposting for re-allocated on-road car parking spaces;
 - x. Street lighting;
 - xi. Pit lids; and
 - xii. 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. 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.

The approved construction work shall be completed to the satisfaction (in writing) of Council prior to the issue of any Occupation Certificate. The Principal Certifying Authority shall not issue any Occupation Certificate until a confirmation letter is provided to them

116. 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.
117. 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.
118. Prior to issue of any Occupation Certificate and/or operation of the development an electronic car parking management system shall be installed for all car parking spaces which are provided for the commercial and retail uses in the development. The minimum requirements for the system shall include ultrasonic detectors for each space - linked to an electronic message board, located on each level, at each blind aisle and external to the building, which informs customers of the available spaces remaining. The system shall remain in good working order for the lifespan of the development.
119. Prior to issue of any Occupation Certificate, each residential space shall be clearly signposted with the apartment number.
120. Prior to issue of any Occupation Certificate, each residential visitor spaces shall be clearly signposted with the wording that it is a visitor's space and time limits apply. The visitor's space shall not be made unavailable through the location of security systems such as gates or boom gates.
121. Prior to issue of any Occupation Certificate, each car wash bay shall be clearly signposted with the wording that it is a car wash bay. Each carwash bay shall be supplied with its own individual cold-water tap and power point. A waste and recycling bin shall also be provided in close proximity to the carwash bays.
122. 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.
123. 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.

Landscaping

124. Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from the landscape architect stating that all landscape works have been

completed in accordance with the approved landscape plans and the conditions of the development consent.

125. 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.

Environmental Management

126. 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 1997 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.
- (c) A Management plan for the operation and use of the rooftop communal area shall be developed and should include details such as hours of operation, maximum number of occupants permitted in the area, types of functions permitted, limitations relating to the consumption of alcohol and the management of waste.
- (d) A compliance certificate from the acoustic engineer for any specific design requirements regarding the units located below or adjacent to the rooftop communal area.

Waste Management

127. A completed Waste Management Compliance Sheet (Appendix 1C) (po002.doc) including supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet and submitted to Council.

128. 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).*
129. 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.
130. Prior to occupation the developer shall purchase the required minimum number of bins for residential units prior to final occupation certificate being issued.
131. As on-site servicing of waste bins is proposed as part of this development, a Waste Service Deed of Agreement will be required to be entered into between Council, for the residential component and any other waste service provider for the retail component. The Waste Service Deed of Agreement to be submitted to Council shall:
- (a) Include any other specific requirements as specified by the Waste and Recycling Services Contractor and the Council, that must be complied with by residents, which includes, but is not limited to, the bin pick-up location, placement and return of bins, collection days and times and insurance requirements.
 - (b) Be reviewed and amended with any new requirements of Council and its Waste and Recycling Services Contractor.

Post Issue of an Occupation Certificate

Service Vehicles

132. 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.
133. 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 informed of this requirement in their leasing agreements.

Waste Management

134. 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

135. 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.

Landscaping

136. Landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
137. 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.

Management of Trolleys

138. Shopping trolleys are to be managed in accordance with the Plan of Management for shopping trolleys approved by Council under condition 44 of this approval to reduce the risk of trolleys not being returned to the store in an appropriate manner.

Reasons for the Imposition of Conditions

139. 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).
140. 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).
141. Ensure that the landscape works are completed established and maintained in accordance with the approved plans and conditions.
142. Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies.
143. Ensure the stormwater run-off from the site is disposed of in an orderly and satisfactory manner.
144. Minimise any likely adverse environmental impact of the proposed development.
145. 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.
146. Protect the community from damage or injury from any building material stored on the footpath or road reserve.
147. Provide for adequate on-site car parking commensurate with the traffic generation of the development.
148. Minimise any likely adverse impact on the streetscape and visual quality of the area as a result of the development.