

**Attachment 6:**

**DRAFT CONDITIONS : DA-2017/730**

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on
  - A01 –C dated 7 September 2018 prepared by ADM Architects
  - A09-D dated 7 September 2018 prepared by ADM Architects
  - A10-D dated 7 December 2018 prepared by ADM Architects
  - A11-D dated 7 December 2018 prepared by ADM Architects
  - A12-D dated 7 December 2018 prepared by ADM Architects
  - A13-E dated 7 December 2018 prepared by ADM Architects
  - A14-E dated 7 December 2018 prepared by ADM Architects
  - A15-D dated 7 December 2018 prepared by ADM Architects
  - A16-D dated 7 December 2018 prepared by ADM Architects
  - A17-D dated 7 December 2018 prepared by ADM Architects
  - A18-E dated 7 December 2018 prepared by ADM Architects
  - A19-C dated 6 September 2018 prepared by ADM Architects
  - A20-D dated 7 December 2018 prepared by ADM Architects
  - A21-C dated 6 September 2018 prepared by ADM Architects
  - A22-B dated 3 October 2017 prepared by ADM Architects
  - A23-C dated 6 September 2018 prepared by ADM Architects
  - A24-C dated 6 September 2018 prepared by ADM Architects
  - A25-C dated 6 September 2018 prepared by ADM Architects
  - A25.1-A dated 7 September 2018 prepared by ADM Architects
  - A25.2-A dated 7 September 2018 prepared by ADM Architects
  - A25.3-A dated 7 September 2018 prepared by ADM Architects
  - A26.1-D dated 7 September 2018 prepared by ADM Architects
  - A26.2-C dated 7 September 2018 prepared by ADM Architects
  - 1767-LD01B dated 5 September 2018 prepared by Ochre Landscape Architects
  - 1767-LD02B dated 5 September 2018 prepared by Ochre Landscape Architects
  - 1767-LD03A dated 5 September 2018 prepared by Ochre Landscape Architectsand any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

**General Matters**

- 2) **Geotechnical**
  - a) A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by a geotechnical consultant.
  - b) An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks.

- c) The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
- d) All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- e) Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- f) All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- g) Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- h) No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- i) At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

3) **Excavation Permit**

The developer must apply for an approval under the Heritage Act 1977 for harm to archaeological relics under s.140 of the Act prior to commencement of any ground disturbance works on the site. The application will clearly need to detail what mitigation measures are proposed to avoid harm to any significant deposits.

4) **Conservation Management Strategy**

The development is to be undertaken in strict accordance with the Conservation Policies detailed in the Conservation Management Strategy, prepared by GML Heritage dated June 2017.

5) **Building Work - Compliance with the Building Code of Australia**

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

6) **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

7) **Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

- 8) **Restricted Vegetation Removal**  
This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.
- 9) **Separate Consent Required for Advertising Signage**  
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.  
  
Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 10) **Occupation Certificate**  
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 11) **Street Tree Removal**  
The developer shall remove existing the street trees indicated on the Landscape Concept Plans by Ochre Landscape Architects Issued 5 September 2018 consisting of trees numbered T5 and T7.  
  
Tree removal costs are to be borne by developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate WH&S policies and procedures (including traffic control) to ensure that works are carried out in a safe manner and in accordance in Council's own WH&S policies.  
  
The developer must apply for (and be granted) permission under section 138 of the roads act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Development Engineering.
- 12) **Heritage – Common Property**  
The heritage buildings located at 131-135 Keira Street (Lot 1 DP 152849 and Lot C DP 65920) and 137-141 Keira Street (Lot 2 DP 152849) Wollongong shall remain common property within the strata plan for the proposed residential apartments.  
This is to ensure that the costs of the ongoing conservation and maintenance of the heritage items are distributed evenly between all members of the Owners Corporation.

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

- 13) **Orifice/Weir Calculations**  
Orifice and weir calculations for the on-site detention facility must be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
- 14) **Detailed Drainage Design**  
A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the concept drainage plans by Jones Nicholson Consulting Engineers, Project No. 17020001, Drawing No's. C00 (Rev1), C01 (Rev 2) dated 29/09/2017, C02 (Rev 2) dated 29/09/2017, C03 (Rev 3) dated 29/09/2017, C04 (Rev 1), C05 (Rev 1), C06 (Rev (1), C07 (Rev1), C08 (Rev 1), C09 (Rev 1), C10 (Rev 1), C11 (Rev 1), C12 (Rev 1), Revisions 1 dated 24/03/2017.

- 15) **On Site Stormwater Detention - Design Criteria**  
The on-site stormwater detention facility must incorporate a minimum 900mm square lockable grate for access and maintenance purposes, provision for step irons where required, provision for safety, debris control screen and a suitably graded invert to prevent ponding (i.e., no sump). Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.
- 16) **On Site Stormwater Detention – Identification**  
Details shall be provided of a corrosion resistant identification plaque for location on or close to the on-site detention (OSD) facility. The plaque shall include the following information:  
The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.  
identification number [DA2017/730]  
any specialist maintenance requirements.
- 17) **Orifice Plate Design and Installation**  
The orifice plate shall be designed and installed such that the orifice invert matches the invert level of the On Site Detention (OSD) control pit. This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.
- 18) **Waterproofing Adjacent to Overflow Paths**  
All buildings/structures located immediately adjacent to the stormwater overflow paths on this development shall be waterproofed to 0.5m above the 1 in 100 year water level within the overflow path. This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 19) **Minimum Floor levels**  
Floor levels located immediately adjacent to overflow paths within the development must be set at a minimum of 200mm above the 1 in 100 year water level within the overflow path. This requirement shall be reflected on the Construction certificate plans and associated documentation and submitted to the Principal certifying authority prior to the release of the Construction Certificate.
- 20) **Road Reserve - Footpath Levels/Gradients**  
Footpath crossfalls from the property boundary (Thomas Street) shall be maintained at 2.5% for the full frontage of the development to Council's kerb and gutter. This requirement shall be reflected on the construction certificate plans and associated documentation and submitted to Council's Development Engineering Manager prior to the issue of the construction certificate.
- 21) **Permit to Enter and Exit Construction Site**  
Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993. Where it is proposed to carry out activities such as construction vehicles entering and leaving the site from a public road reserve and/or installation of a fence or hoarding, a permit must be obtained from Council's Development Assessment and Certification Division prior to the issue of the Construction Certificate.
- 22) **Overland Flow from Adjoining Upslope Properties**  
Stormwater overland flows from adjoining upslope properties shall be accepted on the development site and conveyed to the on-site stormwater management system. This requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 23) **Keira Street – Detailed Civil Engineering Design**  
A detailed civil engineering design shall be provided for the proposed works within the Keira Street road reserve. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall include:

- a. Levels and details of existing and proposed infrastructure such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway and footpath levels, and shall extend a minimum of 10 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at regular intervals including building entrance points demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. Cross sections of the design must be from the crown of the road and continue past the property boundary with a maximum chainage of 10m per cross section.
- d. A hydraulic grade line analysis and long-section of the proposed pit and pipeline drainage system, showing calculated flows, velocity, pipe sizes, grade, invert and ground levels.
- e. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- f. All design and construction must be in accordance with the requirements of Wollongong City Council's stormwater management policy and the Wollongong City Council Public Domain Technical Manual. Evidence that this requirement has been met must be detailed on the engineering drawings.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the construction certificate.

24) **Dilapidation Report Prior to Construction**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate.

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

25) **Revised External Finishes**

The proposed colour material palette is not acceptable for the heritage context. Prior to issue of the Construction Certificate, a revised schedule of external finishes shall be provided to the Principal Certifying Authority. This revised Schedule must be endorsed by the developer's heritage consultant.

26) **BCA Upgrade Works and Conservation Works**

Prior to issue of the Construction Certificate, a detailed Schedule of Works is required showing all works proposed on the heritage buildings to meet both the BCA and the conservation works within the GML Heritage 'Schedule of Conservation Works'. The Schedule of Works is to be endorsed by the developer's heritage consultant and Council prior to issue of the Construction Certificate.

27) **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

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

29) **Car Parking and Access**

The development shall make provision for the following:

**Car Parking**

- 102 residential car parking spaces (including 9 spaces capable of adaption for people with disabilities)
- 17 residential visitor car parking spaces
- 26 commercial car parking spaces (including 1 disabled car parking space)
- 2 car parking spaces for the heritage dwellings

**Motorbike Parking**

- 6 residential motorbike spaces
- 2 commercial motorbike spaces

**Bicycle Parking**

- 28 secure class 2 residential bicycle spaces
- 7 class 3 residential visitor bicycle spaces
- A minimum of 7 secure class 2 staff bicycle spaces
- A minimum of 2 class 3 commercial visitor spaces

**Bicycle End of Trip Facilities**

- 2 shower and change cubicles and a minimum of 7 personal lockers for the staff bicycle spaces to be located near to the secure staff bicycle compound.

This requirement shall be reflected on the Construction Certificate plans. Any change in the above parking numbers shown on the approved development application plans shall be dealt with via a modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

- 30) The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 31) Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
- 32) **Designated Loading/Unloading Facility**  
The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 33) The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 34) **Structures Adjacent to Driveway**  
Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.
- 35) The depth and location of all services (ie gas, water, sewer, electricity, telephone, stormwater etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 36) Details of the proposed junction pit and the connecting pipeline to Council's existing drainage system shall be provided in conjunction with the detailed drainage design for the site. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

- 37) **Landscaping**  
The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (i.e. as part of this consent) for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate.
- 38) The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 39) The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.
- 40) **Tree Protection and Management**  
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
  - b) Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
  - c) Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.
- 41) **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**  
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:
- 1 A plan of the wall showing location and proximity to property boundaries;
  - 2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
  - 3 Details of fencing or handrails to be erected on top of the wall;
  - 4 Sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
  - 5 The proposed method of subsurface and surface drainage, including water disposal;
  - 6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
  - 7 The assumed loading used by the engineer for the wall design.
  - 8 Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

42) **Bicycle Parking Facilities**

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.

43) **Property Addressing Policy Compliance**

Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** ([propertyaddressing@wollongong.nsw.gov.au](mailto:propertyaddressing@wollongong.nsw.gov.au)), for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

44) **Footpath Paving City Centre**

The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual.

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

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

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

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

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

45) **Street Trees City Centre**

The developer must address the Thomas Street frontage by installing street tree planting. The number and species for this development are:

- a) Four Magnolia 'Little Gem' 200 litre container size if the aerial power lines are retained, or,
- b) Four Waterhousia 'Sweeper' 200 litre container size if power is placed underground.

The trees shall be located equidistantly between the planter boxes structures to ensure no pinch points are created.

The trees shall be in accordance with AS 2303:2015 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Development Engineering.

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

46) **Provision of a Fire Hydrant**

A fire hydrant shall be available no more than 60 metres from the site. The location of a fire hydrant shall be shown on Construction Certificate plans. The hydrant must be installed prior to issue of the Occupation Certificate

47) **Endeavour Energy Requirements**

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

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

48) **Telecommunications**

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

49) **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$247,190.63 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

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

Where:

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

**CP1** is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

**CP2** is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 857250	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

- 50) **Site Assessment Report (Stage II) and Remediation Action Plan Under CLM Act 1997.**  
The Stage II (detail site assessment report) to assess the nature and volumes of soil contamination and identify areas of environmental concern (AEC). Based on the Stage-II assessment report a stage III (remediation action plan - RAP) must be prepared so that site is suitable for proposed development. The Stage II and III reports must be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites, published by NSW Office of Environment & Heritage. August 2011. The report shall be prepared by qualified and experienced consultant who has one of the following certification schemes: (1) the Site Contamination Practitioners Australia (SCPA) scheme; (2) the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme; or (3) the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.
- 51) **Heritage Interpretation Plan**  
Prior to issue of the construction certificate, the developer is to prepare a Heritage Interpretation Plan for the proposed development site. This plan should provide detailed recommendations for the delivery of on-site heritage interpretation material and interpretive devices including for the proposed demolition works.  
The plan must be prepared by a suitably qualified and experienced heritage consultant and is to be provided to Council for written endorsement prior to the release of the Construction Certificate.

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

- 52) **Dilapidation Report**  
The developer shall provide Wollongong City Council's Development Engineering Manager with a dilapidation report, identifying the condition of Council assets and all land in the vicinity of the proposed works prior to the commencement of works.
- 53) **Supervision of Works within Road Reserve**  
The works within Council's road reserve shall be supervised by a suitably qualified and experienced Civil Engineer or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number), together with a written construction program and anticipated duration of the construction works shall be submitted to Council's Development Engineering Manager prior to the commencement of works within the road reserve.
- 54) **Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**  
The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Development Engineering for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with 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. This plan shall include the following aspects:
- proposed ingress and egress points for vehicles to/from the construction site;
  - proposed protection of pedestrians, adjacent to the construction site;
  - proposed pedestrian management whilst vehicles are entering/exiting the construction site;

- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Maritime Services Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

- 55) Prior to the commencement of works the condition of the on-site heritage items at 131-135 Keira Street (Lot 1 DP 152849 and Lot C DP 65920) and 137-141 Keira Street (Lot 2 DP 152849) are to be documented through a photographic recording prepared in accordance with the NSW Heritage Branch Guidelines. A copy of the recording is to be provided to Council's heritage staff for written approval prior to commencement of works. A copy of the final recording is to be provided to Wollongong City Council for inclusion in the local studies collection of the Wollongong City Library.

56) **Construction Environmental Management Plan**

Prior to commencement of works, the developer is to submit to the Principal Certifying Authority a construction environmental management plan. The plan shall include as a minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.

57) **Appointment of Principal Certifying Authority**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- b) notify Council in writing of their intention to commence work (at least two days notice is required).

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

58) **Sign – Supervisor Contact Details**

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

- a) stating that unauthorised entry to the work site is not permitted;
- b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

59) **Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

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

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

60) **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

61) **Demolition Works**

The demolition of the existing buildings and structures shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

62) **Notification to SafeWork NSW**

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

63) **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

64) **Consultation with SafeWork NSW – Prior to Asbestos Removal**

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

- 65) **Contaminated Roof Dust**  
Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.
- 66) **Survey Report – Siting of Development within Property Boundaries**  
A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.
- 67) **Support for Neighbouring Buildings**  
This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.  
  
The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 68) **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**  
Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.
- 69) **Certification from Arborist - Adequate Protection of Trees to be Retained**  
A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.
- 70) **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**  
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:
- (a) Digging or disruption to footpath/road reserve surface;
  - (b) Loading or unloading machinery/equipment/deliveries;
  - (c) Installation of a fence or hoarding;
  - (d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
  - (e) Pumping stormwater from the site to Council's stormwater drains;
  - (f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
  - (g) Construction of new vehicular crossings or footpaths;
  - (h) Removal of street trees;
  - (i) Carrying out demolition works.

71) **Site Validation Report**

The submission of a site validation report to Council is required, prior to the commencement of construction of the building. This validation report shall verify that: • all required site contamination remediation works have been satisfactorily completed; • the site is not affected by any soil strata and/or groundwater table contamination, above NSW EPA threshold limit criteria; and • the site is rendered suitable for the proposed development. The report shall be prepared by qualified and experienced consultant who has one of the following certification schemes: (a) the Site Contamination Practitioners Australia (SCPA) scheme; (b) the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme or (c) the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

72) **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: a) the location of hazardous materials throughout the site; b) a description of the hazardous material; c) the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust; d) an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight; e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines; f) identification of the disposal sites to which the hazardous materials will be taken.

**During Demolition, Excavation or Construction**

73) **Stormwater Connections**

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

74) **Protection of Council Infrastructure**

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

75) **Notification to Adjoining Property Owners Prior to Commencement of Works**

The contractor shall maintain access to existing properties fronting the works. Written notification shall be made to the affected properties prior to commencement of works. This is particularly the case if any disruption to access will be required as a consequence of the works.

76) **Water Sensitive Urban Design**

The developer is required to install an appropriate water quality improvement filtration system prior to discharge of stormwater into Council's drain.

77) **Survey Report for Floor Levels**

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

- 78) **Supervision of Engineering Works**  
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 79) **Piping of Stormwater to Existing Stormwater Drainage System**  
Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a permit from and arrange inspections with Council's Development Engineering Manager.
- 80) **No Adverse Run-off Impacts on Adjoining Properties**  
The design of the development shall ensure there are no adverse effects to adjoining properties as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.  
  
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.
- 81) **Copy of Consent to be in Possession of Person carrying out Tree Removal**  
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.
- 82) **Restricted Hours of Construction Work**  
The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.  
Any request to vary these hours shall be submitted to the **Council** in writing detailing:
- a the variation in hours required (length of duration);
  - b the reason for that variation (scope of works);
  - c the type of work and machinery to be used;
  - d method of neighbour notification;
  - e supervisor contact number;
  - f any proposed measures required to mitigate the impacts of the works.
- Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.
- 83) **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**  
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).
- 84) **Asbestos Waste Collection, Transportation and Disposal**  
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.
- 85) **Provision of Waste Receptacle**  
The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

86) **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

87) **Podium Planting**

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter

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

88) **Post Dilapidation Report**

The developer shall provide Wollongong City Council's Development Engineering Manager with a post construction dilapidation report, identifying the condition of Council assets and all land in the vicinity of the proposed works at the completion of works.

89) **Dilapidation Report Following Construction**

A Dilapidation Report prepared by a qualified structural engineer must be submitted to the principal certifying authority, together with the initial Dilapidation Report prepared prior to construction of the approved development.

The report must ascertain whether any structural damage has occurred to adjoining buildings, infrastructure or roads following construction of the development. The report shall be submitted to the satisfaction of the Principal Certifying Authority and a copy must be provided to Council within one month of submission to the Principal Certifying Authority. This must be provided prior to the release of the Occupation Certificate.

90) **Drainage within Road Reserve WAE**

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

91) **Completion of Engineering Works**

The completion of all engineering works within Council's road reserve or other Council owned or controlled land shall be undertaken in accordance with the conditions of this consent and any necessary work to make the construction effective to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

92) **Heritage Documents Wollongong City Library**

Copies of all heritage documents lodged with the development application and also those prepared in response to these conditions of consent are to be provided to Wollongong City Council and placed in the Wollongong City Library prior to issue of the Occupation Certificate.

93) **Consolidation of Allotments**

Prior to issue of the Occupation Certificates, all allotments within the site shall be consolidated. Evidence of consolidation must be provided to the Principal Certifying Authority.

- 94) **Drainage**  
The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 95) **Restriction on use – On-site Detention System**  
The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:  
  
“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.  
  
Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”  
  
The instrument, showing the restriction, must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.
- 96) **Retaining Wall Certification**  
The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.
- 97) The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, fifteen 100 litre container mature plant stock shall be placed throughout the site. The suggested species are to be in accordance with the tree species indicated on the Landscape Concept Plans by Ochre Landscape Architects Issued 27.09.17.
- 98) **Positive Covenant – On-Site Detention Maintenance Schedule**  
A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).  
  
The instrument, showing the positive covenant must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.
- 99) **On-Site Detention – Structural Certification**  
The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.
- 100) **Completion of Landscape Works**  
The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.

- 101) Prior to issue of the Occupation Certificate, the developer shall supply the Principal Certifying Authority written correspondence from the Heritage Council of NSW or its delegate confirming that its requirements under any Heritage Act 1977 approval have been satisfied.
- 102) **Heritage – Conservation Works**  
All Conservation Works specified within the ‘Schedule of Conservation Works’ by GML Heritage dated June 2017 are to be completed prior to issue of the Occupation Certificate. These works are to be completed in strict accordance with the Conservation Management Strategy and to the satisfaction of the developer’s nominated Heritage Consultant. The satisfactory completion of the works required under this condition is to be endorsed in writing by the developer’s Heritage Consultant prior to the release of the Occupation Certificate.
- 103) **Heritage – Schedule of Ongoing Maintenance Works**  
The developer must prepare a Schedule of Maintenance Works for the heritage items at 131-135 Keira Street (Lot 1 DP 152849 and Lot C DP 65920) and 137-141 Keira Street (Lot 2 DP 152849). The schedule should specify detailed maintenance works which will be required to ensure the ongoing upkeep of the heritage items in their post development condition (after the completion of works specified under this consent). The report is to be endorsed by the developer’s heritage consultant prior to the release of the occupation certificate.  
This schedule must be provided to Council’s Heritage staff for written approval prior to the release of the Occupation Certificate.
- 104) **Heritage – Quantity Surveyor**  
Prior to the release of the Occupation Certificate, the developer must engage a quantity surveyor to provide an accurate costing for the works detailed in the endorsed Schedule of Ongoing Maintenance Works. The report is to be endorsed by the developer’s heritage consultant prior to the release of the Occupation Certificate and should inform the development of the strata levy structure for the body corporate of any future subdivision.
- 105) **Heritage Interpretation Works**  
Prior to the release of the Occupation Certificate, the developer is to complete any works that are recommended in the endorsed Heritage Interpretation Plan.

#### **Operational Phases of the Development/Use of the Site**

- 106) **Waste bin collection and storage within the building**  
Placement of bins on the street is prohibited. All bins must be stored and collected within the building.
- 107) **Implementation of Schedule of Maintenance Works**  
The landowner shall revisit and update where necessary the endorsed Schedule of Maintenance Works, no less than every five years.

#### **END OF CONDITIONS**