

DA-2017/1553 - DRAFT CONDITIONS OF CONSENT

FOR APPROVAL BY APPLICANT OR MINISTER IN ACCORDANCE WITH SECTION 4.33 OF EP&A ACT

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. 's

Site Plan Existing & Demolition - Project No. 2141.10 Dwg DA01.01 Rev 6 dated 22 May 2018 prepared by hayball

Site Plan Proposed - Project No. 2141.10 Dwg DA01.05 Rev 7 dated 22 May 2018 prepared by hayball

Site Plan Cut and Fill - Project No. 2141.10 Dwg DA01.06 Rev 4 dated 22 May 2018 prepared by hayball

Existing and Demolition Plan - Project No. 2141.10 Dwg A10.DA01.10 Rev 4 dated 18 April 2018 prepared by hayball

Proposed Ground Floor - Project No. 2141.10 Dwg A10.DA03.01 Rev 4 dated 18 April 2018 prepared by hayball

Proposed Elevations and Sections - Project No. 2141.10 Dwg A10.DA06.01 Rev 3 dated 18 April 2018 prepared by hayball

Proposed Roof Plan - Project No. 2141.10 Dwg A10.DA03.10 Rev 2 dated 7 November 2017 prepared by hayball

Floor Plan Ground Floor - Project No. 2141.10 Dwg B10.DA03.01 Rev 3 dated 9 November 2017 prepared by hayball

Floor Plan First Floor - Project No. 2141.10 Dwg B10.DA03.02 Rev 3 dated 9 November 2017 prepared by hayball

Roof Plan - Project No. 2141.10 Dwg B10.DA03.03 Rev 2 dated 7 November 2017 prepared by hayball

Elevations - Project No. 2141.10 Dwg B10.DA06.01 Rev 2 dated 7 November 2017 prepared by hayball

Elevations-2 - Project No. 2141.10 Dwg B10.DA06.02 Rev 3 dated 9 November 2017 prepared by hayball

Sections- Project No. 2141.10 Dwg B10.DA06.03 Rev 2 dated 7 November 2017 prepared by hayball

Sections-2 - Project No. 2141.10 Dwg B10.DA06.04 Rev 2 dated 7 November 2017 prepared by hayball

Materials and Finishes Schedule - Project No. 2141.10 Dwg DA20.00 Rev 2 dated 7 November 2017 prepared by hayball

Intrusive Hazmat Surveys PS106122-Wollongong P.S.-OHH-RPT-001 Rev B dated 30 April 2018 prepared by WSP

Additional Contamination Investigation REF: E29857Krpt3 dated 18 May 2018 prepared by Environmental Investigation Services

and 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 **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.

- 3 **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.
- 4 **Protection of Public Infrastructure**
Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.
- Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.
- Any damage to Council's assets shall be made good, prior to the commencement of the operation.
- 5 **Tree Removal**
This consent permits the removal of the following trees as indicated on the Landscape Plan prepared by Tract dated October 2017 and/or Arborist report prepared by Paul Shearer Consulting dated 23.4.2018 consisting of tree(s) numbered, T2, T4, T5, T6, T8, T9, T10, T11, T12, T13, T14, T15, T16, T17, T18, T19, T20, T29, T31, T32, T37, T40, T46, and T47.
- Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.
- All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.
- All recommendations in Arborist's Report by Paul Shearer Consulting dated 23.4.2018 section 3.0 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering.
- 6 Tree pruning of tree(s) numbered T1, T7, and T28 is permitted to be carried out in accordance with the recommendations of the Arborist's Report by Paul Shearer Consulting dated 23.4.2018 to accommodate the proposed works and construction site access.
- 7 The design changes identified in Section 3.10 of the Arborist Report (prepared by Paul Shearer Consulting dated 23.4.2018) shall be implemented to minimize tree impacts in relation to tree numbers T1, T7, T21, T35, T48, T50, T51, T52 and T53. Amended plans shall be prepared demonstrating compliance with these recommendations prior to construction works commencing.

Prior to Construction

- 8 **Remediation Action Plan**
A Remediation Action Plan must be submitted to Council prior to construction. The Remediation Action Plan must be prepared by a suitably qualified and experienced consultant who is certified under one of the following 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.
- 9 **Asbestos Management Plan**
A site specific Asbestos Management Plan for the development shall be prepared by a suitably qualified person and submitted to the Council prior to construction.

- 10 **Detailed Drainage Design**
A detailed drainage design shall be submitted with the Construction 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 General Arrangement Plan, Drawing no. 4785 C010, Rev P1, by WSP, dated 21/03/2018.
- 11 **On-Site Detention – Design Criteria**
The on-site stormwater detention facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen and a suitably graded invert to the outlet to prevent ponding. Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction plans.
- 12 **On-Site Detention – Identification**
The construction plans are to detail a corrosion resistant identification plaque for location on or close to the on-site stormwater detention (OSD) facility. The plaque shall include the following information and shall be installed prior to occupation:

“The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.

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Any specialist maintenance requirements.”
- 13 **Orifice/Weir Calculations**
Orifice and weir calculations for the on-site detention facility shall be provided on the construction plans prior to construction. The orifice shall be of circular shape, designed to allow free discharge and have no influence from any tailwater levels in the downstream drainage system.
- 14 **Retaining Wall on Common Boundary**
Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.
- 15 **Engineered Overland Flow Path**
The engineered overland flow path along the eastern boundary of the development site must be designed to ensure all upslope runoff is catered for on the site in events up to the 100 year ARI and no concentration of flows occur onto neighbouring property. The overland flow path must have sufficient capacity to cater for upslope runoff, have suitable scour protection and any overland flow generated within the site in events up to the 100 year ARI. Suitable freeboard must be provided to ensure no concentration of flow onto adjoining properties. These requirements shall be reflected on the Construction plans and supporting calculations provided within associated documentation prior to construction.
- 16 **Construction Environmental Management Plan**
Prior to the commencement of work, a construction environmental management plan shall be prepared. The plan shall address as minimum the vehicle traffic, dust, plant and machinery noise, water and sediment management, site security, working hours, contact information, incident response and contingency management. The plan shall be implemented at all times during the course of demolition and construction.
- 17 **Present Plans to Sydney Water**
Approved plans must be submitted online using Sydney Water Tap, available through 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.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

- 18 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction plans and supporting documentation.
- 19 A final Landscape Plan is to be prepared prior to commencing works. The final Landscape Plan shall address the following requirements:
- a) planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.
A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
 - b) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
 - c) the landscape plan must reflect the tree removal and compensatory tree planting approved by this consent.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the prior to occupation of the site.

- 20 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to construction, confirming that the landscape plan and the drainage plan are compatible.
- 21 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 construction.

22 **Planting to Child care centres, schools or near playgrounds**

The developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below:

- a) plants known to produce toxins;
- b) plant with high allergen properties;
- c) plants with profuse flowering that are likely to require excessive maintenance or be a vector for pests or high concentrations of insects or invertebrates that may cause a disruption or hazard to people or property;
- d) plants which produce excessive amounts of fruits or nuts, or which may be considered particularly enticing to children, toxic or likely to pose a choking hazard;
- e) plants with thorns or spiky foliage and branches; and
- f) any weed or potential weed species.
- g) Avoid planting plants such as Asthma weed (*Parietaria judaica*), Rhus (*Toxicodendron succedaneum*), Yellow oleander (*Thevetia peruviana*), Cactus, chillies, Dumb cane (*Diffenbachia*), Mushrooms, Angels Trumpet (*Brumansia*), Cycads, Grevilleas, Oleander (*Nerium oleander*), Poinsettia, Rhubarb, White cedar (*Melia azederach*), Yesterday Today Tomorrow (*Brunsfelsia*), Agapanthus, Amaryllis, Arum Lily, Azaleas and Rhododendrons, Daffodils, Foxgloves, Lily of the Valley and any other species that have the characteristics listed above which could place children at risk. The developer shall consult and undertake further research to ensure the most up to date information is available to determine plant suitability.

23 **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 prior to construction.
- 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.

24 **Engineering Plans and Specifications - Retaining Wall Structures**

The submission of engineering plans and supporting documentation of all proposed retaining walls must be provided prior to construction. 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:

- a) A plan of the wall showing location and proximity to property boundaries;
- b) an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c) details of fencing or handrails to be erected on top of the wall;
- d) sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
- e) the proposed method of subsurface and surface drainage, including water disposal;
- f) reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
- g) the assumed traffic loading used by the engineer for the wall design.

25 **Signs and Linemarking for Smith Street Drop-off/Pick-up zone**

A sign and linemarking diagram must be endorsed by the Local Traffic Committee and approved by Council prior to the works commencing.

26 **Bicycle parking**

Six (6) additional bicycle parking spaces are required to be provided within the site.

27 **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 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.

28 **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.

- 29 **Enclosure of the Site**
The site must be enclosed with a suitable security fence to prohibit unauthorised access. No building work is to commence until the fence is erected.
- 30 **Demolition Works**
The demolition of the existing 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 in accordance with the relevant regulatory and legislative requirements. 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.
- 31 **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.
- 32 **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.
- 33 **Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works**
At least five (5) days' notice must be given in writing to any residence or business within 100 metres of the site to which this consent pertains of the impending demolition works. The written notice must include at least the following information:
- a) a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
 - b) details of the primary contractor and/or company conducting the demolition works;
 - c) the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.
- 34 **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.
- 35 **Temporary Sediment Fences**
Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.
- 36 **All-weather Access**
An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.
- 37 **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.

- 38 **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 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.
- 39 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:
- (a) Digging or disruption to footpath/road reserve surface;
 - (b) Loading or unloading machinery/equipment/deliveries;
 - (c) Installation of a fence or hoarding;
 - (d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
 - (e) Pumping stormwater from the site to Council's stormwater drains;
 - (f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
 - (g) Construction of new vehicular crossings or footpaths;
 - (h) Removal of street trees;
 - (i) Carrying out demolition works.
- During Demolition, Excavation or Construction**
- 40 **Recommendations of the Noise Impact Assessment Report**
Management measures detailed in the Noise Impact Assessment (Acoustic Logic, 14 August 2017) must be fully implemented.
- 41 **External Speakers for the Public Address System and Bells**
External speakers for the public address system and bells shall be installed so they are directional facing away from residential receivers.
- 42 **Prior approval from Council for any works in Road Reserve**
Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.
- Note:** This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.
- 43 **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 44 **No Adverse Run-off Impacts on Adjoining Properties**
The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.
- 45 **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.

46 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.

47 Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a) Does not spill onto the road pavement and
- b) is not placed in drainage lines or watercourses and cannot be washed into these areas.

48 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

49 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.

50 Dust Suppression Measures

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

51 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>).

52 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.

53 Waste Inventory Report

A Waste Inventory report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- a) the description of the material (including identified hazardous material;
- b) an estimate of the quantity by volume and weight;

- c) the name of the transporter and the registration details of the relevant vehicle; and
- d) the intended destination of the material.

54 **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.

55 **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

56 **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.

57 **External Plant and Equipment**

External plant such as air conditioners and other equipment likely to emit noise shall be located so adjoining areas are not adversely affected.

Prior to Occupation

58 **Site Contamination Validation Report**

A Site Contamination Validation Report must be submitted to Council prior to occupation of the development. The Validation Report shall verify that:

- a) All site contamination remediation works have been satisfactorily completed;
- b) The site is not affected by any soil strata and/or groundwater table contamination above NSW Environment Protection Authority threshold limit criteria; and
- c) The site no longer poses any environmental or health risk and is therefore rendered suitable for the proposed development.

The Site Contamination Validation Report must be prepared by a suitably qualified and experienced consultant who is certified under one of the following 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.

59 **Restriction on Use – Engineered Overland Flow Path**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the engineered overland flow path on the eastern boundary of the development site which prohibits the making of any alterations to the surface levels of the swale/mound and prohibits the erection of ancillary buildings, fences, placement of fill and the planting of trees over the swale. The name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council. The instrument must be registered prior to use of the development.

60 **Consolidation of lots**

Prior to occupation of the development, all the following lots must be consolidated into a single parcel of land.

- Lot 1 DP 61915;
- Lot 1 DP 781988;

- Lot 2 DP 781988;
- Lot 3 DP 781988;
- Lot 4 DP 781988;
- Lot 5 DP 781988;
- Lot 1 DP 307856;
- Lot 2 DP 307856;
- Lot 1 DP 340380
- Lot 6 DP 781988;
- Lot 7 DP 781988; and
- Lot 7 DP 152417.

Documentary evidence demonstrating the lots have been consolidated must be submitted to Council prior to occupation of the development.

61 Acoustic Compliance Report

The developer shall submit a noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustical Society (AAS) or the Association of Australasian Acoustical Consultants (AAAC) in relation compliance with the recommendations of the Noise Impact Assessment Report prepared by Acoustic Logic Consultancy Pty Ltd dated 14 August 2017 and the requirements of condition 40.

62 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. The above requirements must be undertaken prior to use of the development.

63 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 obtained prior to the use of the development.

64 Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer, is required prior to the use of the development. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with the construction plans.

65 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, twenty four (24) x 200 litre container mature plant stock shall be placed along in appropriate locations within the property boundary of the site prior to use of the site. The suggested species are *Pyrus calleryana* 'Bradford' and *Lophostemon confertus*.

66 **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 obtained prior to the use of the development.

67 **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer is required prior to the use of the development. 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 plans.

68 **Completion of Landscape Works**

The completion of the landscaping works as per the final approved Landscape Plan is required prior to use of the site.

69 **Waste Inventory**

A copy of the Waste Inventory which was maintained on-site during the demolition work and copies of relevant receipts of waste material being deposited at a waste disposal facility shall be forwarded to Council's Regulation and Enforcement Division, prior to commencement of the use.

Operational Phases of the Development/Use of the Site

70 **Fire Safety Measures**

All new and existing fire safety measures shall be maintained in working condition, at all times.