

ATTACHMENT 5 - DRAFT CONDITIONS FOR DA-2010/37

General Matters

- 1 **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.
- 2 **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.
- 3 **Occupation Certificate**
A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 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 issue of any Occupation Certificate or commencement of the operation.
- 5 **Geotechnical**
 - a. Hard bedrock will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
 - b. An earthworks plan is to be developed by a geotechnical consultant prior to start of soil and rock excavation.
 - c. All earthworks are to be in accordance with the geotechnical recommendations included in the earthworks plan developed for Geotechnical Condition 2.
 - d. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
 - e. All earthworks, drainage, retaining wall and footing construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- 6 **Restricted Vegetation Removal**
This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings, structures, permanent accessways and car parks. This consent also permits the removal or lopping of trees within three (3) metres of approved buildings. No other trees or vegetation shall be removed or lopped, without the prior written approval of Council.

Trees to be removed on the subject site: Trees number 1 – 3, 5 and 6. Total number: five (5 No.)
Note Tree No. 1 is within Council road reserve and on crest of hill and all necessary traffic control would be required.

7 **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 “complying or exempt development”, under Wollongong Development Control Plan No 1 – Complying Development or Wollongong Development Control Plan No 2. – Exempt Development.

8 **Maintenance of Access to Adjoining Properties**

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

9 **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 – 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.

Prior to the Issue of the Construction Certificate

10 **Section 94A Levy Contribution**

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

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of \$142,420.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 158.1.

The following formula for indexing contributions is to be used:

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 index for Sydney) used in the proceeding indexation calculation

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

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

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

(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council).

11 **Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.

12 **Integral Energy Requirements**

The submission of documentary evidence from Integral Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Integral 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, Integral Energy PO Box 6366, Blacktown 2148.

13 **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.

14 **Acoustic Report**

An acoustic report assessing all the operational noise including noise from mechanical plants such as air conditioning unit, refrigeration, compressors and their compliance with NSW Noise Guidelines. The acoustic report shall be prepared by a member of the Australian Acoustic Society (AAS) or The Association of the Australian Acoustic Consultants (AAAC). Any recommendations contained within this report are required to be implemented during construction and/or operation of the building.

15 **Driveway Longitudinal Section**

A driveway longitudinal section from the centreline of the road, through the existing invert of kerb and gutter to the top of concrete floor level in the proposed basement is required to be submitted for the separate approval of Council's Regulation and Enforcement Division prior to the release of a Construction Certificate.

The longitudinal section is required to incorporate the following matters:

- a. This longitudinal section should be drawn up at a scale of 1:100 both horizontal and vertical, showing chainages starting at 00 from the centreline of the road, from the left side of the page to the right.
- b. Information should include the location of the invert of gutter, the front boundary line of the property, existing and proposed surface levels, proposed grades and location of vertical curves. The longitudinal section must comply with Council's standard drawing 5000-C34-1 – Maximum Internal Grading - Units and Commercial Developments and the latest version of AS/NZS 2890.1 – Parking Facilities, Part 1: Off-street car parking.

- 16 **Waste Management Plan - Operational**
A waste management plan for the operation of the retail premises, day surgery and medical suites is required to be submitted for the separate approval of Council prior to the issue of a Construction Certificate.
- 17 **Crime Prevention Through Environmental Design**
The recommendations contained within the CPTED report prepared by Chalmers Paige shall be implemented and shall be reflected on the plans to be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The recommendations shall be implemented in full prior to the release of an Occupation Certificate.
- 18 **Footpath Paving**
The developer is responsible for the construction of footpath paving for the entire frontage of the development. The type of paving for this development is full width 300 x 300 x 50mm dark grey honed paver equal to Hanson 'Santa Fe Iliad'(note: no longer in production) or approved equivalent to Public Domain Technical Manual and Council Standard Footpath drawings. A nominal two percent (2%) minimum 1%, maximum two and a half (2.5%) cross fall to be provided from property line to back of kerb.

Driveway threshold finish from property boundary line to face of kerb: To match footpath and be suitably engineered to withstand traffic loadings.
Driveway finish within property boundary line: to contrast with threshold.

Hazard tactile markers to be provided to terrace stairs to AS 1428.4.

Footpath must be installed to the satisfaction of Wollongong City Council's Manager of Works.
Landscape Plan to be submitted to Council prior to issue of Construction Certificate showing proposed paving and location of all services.
- 19 **Street Trees**
The developer must address the street frontage by installing street tree planting. The number and species for this development is one (1 No.) *Tristanopsis laurina luscious* (Water gum) 75 litre pot 2m height, 1.2m wide. Street trees are to be installed in accordance with Wollongong City Council Landscape Technical Policy No. 98/4. 'Dial before you Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and tree guard/staking installed to the satisfaction of Wollongong City Council's Manager of Works. Staking to consist of minimum 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.
- 20 **Podium Planting**
All podium planting areas to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding to be installed to protect membrane from damage. All podium planting areas to be provided with an adequate drainage system connected to stormwater drainage system. Planter box to be backfilled with free draining planter box soil mix. Organic mulch only. Maximum decorative gravel pebble size 10mm diameter.
- 21 **Stormwater Level Spreaders**
Full construction details of the Stormwater Level Spreaders 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.
- 22 **On Site Stormwater Detention – Design Criteria**
The on-site stormwater detention facility must incorporate a minimum 900mm diameter lockable inspection lids for access and maintenance purposes, 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.

23 **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 [DA2010/37] any specialist maintenance requirements.

24 **Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

24.1 rear and side property boundaries (behind the building line) are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

This requirement is to be reflected on the Construction Certificate plans.

25 **Integration of Rooftop Structures in Approved Building Envelope**

All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.

26 **External Finishes**

The development shall be constructed and finished in materials and colours consistent with the submitted schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

27 **Site Access**

Appropriate signage shall be provided to facilitate left in left out vehicular site access. A sign within the property boundary informing exiting drivers of access to Crown Street via Darling Street or Denison Street shall be provided. A Left Turn Only sign shall be located in the footpath directly east of the driveway in clear view of vehicles exiting the site. A No Right Turn sign shall be located in the footpath directly west of the driveway in clear view of westbound vehicles travelling along Loftus Street. This requirement shall be reflected on the Construction Certificate plans.

28 The disabled access ramp(s) shall comply with Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

29 Access for the disabled must be provided to the whole floor in accordance with AS1428.1 (2001) – Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

30 **Parking and Access**

The development shall make provision for a total of 108 car parking spaces including 4 spaces for people with a disability, 5 motorcycle parking spaces and 20 bicycle parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in parking from the numbers shown in the approved DA plans shall be dealt with via a section 96 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

31 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 Australian Standard AS2890.1 (1993), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

32 Each disabled person's parking space shall comply with Australian Standard AS2890.6 (2009). This requirement shall be reflected on the Construction Certificate plans.

- 33 The main entry point to the building shall be in accordance with Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.
- 34 The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 35 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.
- 36 Ramps for internal parking areas shall be designed in accordance with AS2890.1 - Parking Facilities - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.
- 37 A minimum of 2.5m of headroom height shall be provided for paths of travel between the site vehicular entry and disabled parking spaces. The remaining car parking and manoeuvring areas shall have a minimum of 2.2 metres headroom height. This requirement shall be reflected on the Construction Certificate plans.
- 38 Gradients and widths of ramps and access driveways between the ground level and lower ground level shall be provided in accordance with Australian Standard AS2890.2 - Off Street Commercial Vehicle Facilities. Gradients and widths of ramps between lower ground level and basement 4 level shall be provided in accordance with Australian Standard AS2890.1 - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.
- 39 Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian / New Zealand Standard AS/NZ 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.
- 40 The developer must obtain an easement to drain water over those parts of other land through which stormwater drainage from the land is to be conveyed. Evidence that the easement has been created must be submitted prior to the issue of the Construction Certificate.
- 41 Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 42 Provision shall be made along the boundary of the property (No.59 New Dapto Road) and within the interallotment drainage easement to prevent waste and surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.
- 43 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 44 Details of the proposed method of connection of the On-site Detention (OSD) facility to Council's drainage system must be provided with the detailed drainage design for the site. The details must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 45 The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of Council's Wollongong DCP

2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

- 46 The developer must provide on-site detention storage for stormwater runoff in conjunction with the inter-allotment drainage system. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of Council's Wollongong DCP 2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

47 **Landscaping**

The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape Technical Policy No 98/4 and in accordance with the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate.

- 48 The provision of common tap(s) 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 indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.

- 49 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.

- 50 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.

- 51 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.

52 **On-Site Detention – Structural Design**

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

53 **On-Site Detention - Maintenance Schedule**

A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of Council's Wollongong DCP 2009.

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

- 55 The car parking areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties. The final design details of the proposed floodlighting system shall be reflected on the Construction Certificate plans. The erection of the floodlighting system shall be in accordance with the approved final design.

Prior to the Commencement of Works

56 **Traffic Committee Approval**

A signage plan showing the provision of No Right Turn and Left Turn Only signage within the road reserve shall be submitted to the City of Wollongong Traffic Committee. Approval shall be

gained prior to the commencement of works. The cost of the works proposed are to be borne by the developer.

57 **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 Regulation and Enforcement 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 RTA 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:

- 57.1 proposed ingress and egress points for vehicles to/from the construction site;
- 57.2 proposed protection of pedestrians, adjacent to the construction site;
- 57.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 57.4 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;
- 57.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 57.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 57.7 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 Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. - "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- 57.8 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
- 57.9 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.

58 **Sign – Supervisor Contact Details**

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

- 58.1 stating that unauthorised entry to the work site is not permitted;
- 58.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 58.3 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:

- 59.1 a standard flushing toilet; and
- 59.2 connected to either:
 - 59.2.1 the Sydney Water Corporation Ltd sewerage system or
 - 59.2.2 an accredited sewage management facility or
 - 59.2.3 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 **Consultation with NSW WorkCover Authority**

Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

62 **Demolition Works**

The demolition of the existing dwellings and associated 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 NSW WorkCover Authority.

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.

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 **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:

- 64.1 the location of hazardous materials throughout the site;
- 64.2 a description of the hazardous material;
- 64.3 the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- 64.4 an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- 64.5 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;

64.6 identification of the disposal sites to which the hazardous materials will be taken.

65 **Asbestos Hazard Management Strategy**

The preparation of an appropriate hazard management strategy by an asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". The strategy shall be submitted to the Principal Certifying Authority prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a NATA accredited hygienist and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

66 **Consultation with NSW WorkCover Authority – Prior to Asbestos Removal**

The applicant or appointed contractor is to give NSW WorkCover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.

67 **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.

68 **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.

69 **Waste Management**

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 reusable materials.

70 **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:

- 70.1 installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- 70.2 installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area;
- 70.3 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;
- 70.4 irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

71 **Footpath Levels**

Footpath levels must be obtained from Council's Works and Services Division prior to works commencing. This can be achieved by filling out an application form and payment of the relevant fee.

All such structures and internal driveways shall be constructed to these approved levels.

The longitudinal grade of the footpath must be parallel to the top of kerb level and all building entrance adjustments for level access to building floor levels must be developed within the private property of the building in accordance with the requirements of the latest versions of AS1428.1, the Building Code of Australia and the Disability Discrimination Act. No adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted for access points to buildings.

A copy of the approved levels shall be submitted to the Principal Certifying Authority prior to works commencing.

72 **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

73 **Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

74 **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.

75 **Sediment Traps**

Sediment traps must be installed on-site around all affected stormwater inlets and drainage lines in accordance with Council's Guidelines. All sediment control measures must be maintained until the site has been rehabilitated (ie turf installed or grass cover established).

76 **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.

77 **Erosion Controls – Vehicular Entry/Exit Points**

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

During Demolition, Excavation or Construction

78 **Restricted Hours of Work**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to

1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- 78.1 the variation in hours required;
- 78.2 the reason for that variation;
- 78.3 the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that EPA Environmental Noise manual restricts use of power tools (electronic or pneumatic) to between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on Saturdays.

- 79 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

80 **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

81 **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 permission from Council's Regulation and Enforcement Division.

82 **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.

83 **Re-direction or Treatment of Stormwater Run-off**

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

84 **Forty Eight Hours Notice – Prior to Works Commencing in any Road Reserve**

The applicant shall consult with Wollongong City Regulation and Enforcement Division, giving 48 hours notice to arrange an on-site meeting, prior to any works commencing in any road reserve (footpath/carriageway). The purpose of the meeting will be to discuss any relevant issues such as a schedule of inspections, the need for a road opening permit and the provision of a traffic control plan as part of the works.

85 **Redundant Crossings**

Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing must be restored. This work shall be carried out by Council, or a Council approved contractor at the developer's expense.

86 **Temporary Road Closure(s)**

If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee.

Note: It may take up to six weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information.

87 **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 Regulation and Enforcement Division prior to 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 with the appropriate fee, 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 RTA Traffic Control at Worksites Manual.

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

88 **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.

89 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by an Approved Contractor**

The removal of any asbestos material must be carried out by an approved contractor if over 10 square metres in area in strict accordance with WorkCover Authority requirements..

90 Asbestos waste must be prepared in accordance with WorkCover requirements and disposed of to an EPA licensed landfill site.

91 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.

92 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

93 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.

94 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

95 **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.

96 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

97 **Mailboxes**

The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.4 of Wollongong Development Control Plan 2007. The mailboxes must be provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like.

Prior to the Issue of the Occupation Certificate

98 **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 requirements stated in Chapter E14 of Council's Wollongong DCP 2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

99 **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.

100 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, four (4 No.) 200 litre (min 3m clear trunk) container mature plant stock shall be placed along the northern property boundary of the site in appropriate location. The suggested species is: *Livistona australis* Cabbage tree palm.

101 **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 (DA2010/37).

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.

102 **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.

103 **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.

104 **Lot Consolidation**

Prior to the issue of any Occupation Certificate all the lots are to be consolidated into one title and registered with the Land and Property Management Authority.

Operational Phases of the Development/Use of the Site

105 **Separate Consent for Use of Retail**

Separate development consent is required for use and fit out and the retail component of the development.

106 **Site Access**

Appropriate signage shall be provided to facilitate left in left out vehicular site access. A sign within the property boundary informing exiting drivers of access to Crown Street via Darling Street or Denison Street shall be provided. A Left Turn Only sign shall be located in the footpath directly east of the driveway in clear view of vehicles exiting the site. A No Right Turn sign shall be located in the footpath directly west of the driveway in clear view of westbound vehicles travelling along Loftus Street.

107 **Stacked Parking Spaces**

The stacked parking spaces within the parking area are to clearly signposted and reserved for staff only.

108 **Locked Waste Management Area**

The waste management area is to be locked at all times (other than being access for maintenance purposes) so that members of the general public cannot access the area at any time.

109 **CCTV**

A CCTV system is to be set up both capturing external and internal areas of the building to improve security.