

DRAFT CONDITIONS FOR : DA-2011/437

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Plans and Specifications	Items seeking DA approval plans - sheets 1 to 4 - dated 4 July 2011 - NSW Government Public Works Government Architects Office Overall concept design plan - number DAL01 - dated 19 April 2011 - NSW Government Public Works Government Architects Office Overall concept design plan - number DAL02 - dated 19 April 2011 - NSW Government Public Works Government Architects Office Overall concept design plan - number DAL03 - dated 19 April 2011 - NSW Government Public Works Government Architects Office Statement of environmental effects - number SEE00687 - dated 27 April 2011 - Wollongong City Council Summary of analysis and design report - revision 3 - dated 19 April 2011 - NSW Government Public Works Government Architects Office Access report - dated 11 August 2010 - Accessibility Solutions (NSW) Pty Ltd Water sensitive Urban Design and Stormwater harvesting concept design report - dated August 2010 - Equatica
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General Matters

1) **Tree Retention and Transplantation**

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.

The developer shall transplant the existing Chinese Weeping Elms and nominated Palms to an appropriate location within the Wollongong local government area by an experienced and qualified contractor.

2) **Water Feature**

The proposed water feature opposite the Wesley Uniting Church is to be designed to incorporate a remote control system with back to base monitoring.

3) **Operation Times of the Water Feature**

Discussions shall be carried out between the managing agency of the Mall and Wesley Uniting Church and an agreement is to be prepared in relation to appropriate operation times of the water feature.

4) **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.

5) **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.

6) **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.

7) **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.

8) **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.

Prior to the Issue of the Construction Certificate

9) **Construction Management Plan**

The applicant must prepare a Construction Management Plan that clearly outlines the method and staging of works to be carried out, all safety measures to be taken with respect to pedestrian safety, and how affected retailers and the general public will be notified of work commencement and any disruptions. Consultation with relevant stakeholders should aid the preparation of the Construction Management Plan and should as a minimum involve the preparation of a schedule for timing of works agreed to during consultation. Included within the management plan must be the undertaking that under no circumstances will any demolition, excavation or building works be carried out from 1 October to 31 January of any year. The Construction Management Plan must be consistent with all measures detailed within the Site Management, Pedestrian and Traffic Management Plan required by condition number 39 and submitted prior to the issue of a Construction Certification.

10) **Footpath Paving**

The developer is responsible for the construction of footpath paving for the entire development. The type of paving for this development is to be in accordance with the nominated pavement indicated in the submitted landscape plan number DAL01 dated 19 April 2011 by Public Works GAO.

The footpath must be installed to the satisfaction of Council's Manager of Regulation and Enforcement.

11) **Tree Planting in Pavement**

The developer must install tree planting in accordance with the submitted landscape plan number DAL01 dated 19 April 2011 by Public Works GAO. 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 installed to the satisfaction of Council's Manager of Works. These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

12) **Landscaping/Planting within Vicinity of Drainage Infrastructure**

Provision shall be made within the proposed landscape design such that there will be no impact on the integrity or service life of the existing/proposed drainage pits and pipelines located within the road reserve. This requirement shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

13) **Tank Overflows**

Overflows from the underground water storage tanks must be connected to Council's existing stormwater drainage system. This requirement shall be reflected on the plans issued for Construction Certificate Stage.

14) **Roofwater and Stormwater Connection to Drainage System**

All roofwater and stormwater discharge connections shall be made into the existing underground drainage system.

15) **Bicycle Parking**

Bicycle Parking shall be provided on the site adjacent to the following four intersections:

- 1) Crown Street and Keira Street
- 1) Crown Street and Kembbla Street
- 2) Church Street and Court Lane
- 3) Church Street and Globe Lane

Bicycle Parking shall comply with Australian Standard AS2890.3 (1993) – Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.

16) **Building Code of Australia/Australian Standards requirements**

The following information will be required prior to the issue of the Construction Certificate in accordance with the Building Code of Australia and/or relevant Australian Standards:

- a) Details of termite protection in accordance with AS3660.1 (1995).
- b) The location of smoke detectors in the building.
- c) A schedule and location of all proposed essential services in the building in accordance with Section E of the Building Code of Australia.
- d) Proposed method of egress from the building in accordance with Section D of the Building Code of Australia.
- e) Means of protection of openings in accordance with Section C of the Building Code of Australia.
- f) Specific materials proposed to be used to satisfy the requirements of Specification C1.1 of the Building Code Australia.
- g) Fit out details for the disabled toilet(s) in accordance with AS1428.1 (2001).
- h) Details of footing/slab design in accordance with AS2870 (1996).
- i) A Wind Classification for the site in accordance with AS4055 and AS1170.2.
- j) Details of the proposed method car park ventilation in accordance with Section E of the Building Code of Australia and AS1668.
- k) A certificate from an "accredited access consultant" certifying that the building complies with the requirements of AS1428.1 (2001).

17) **Disabled Access and Facilities**

In accordance with the Access Report recommendations prepared by Accessibility Solutions (NSW) Pty Ltd dated 11 August 2010, the provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and 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.

18) 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.

19) Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- a) entrance;
- b) lift or bank of lifts; and
- c) sanitary facility.

This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

20) **Crime Prevention through Environmental Design (CPTED)**

The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS1158 (1999) or AS4360 (1999) (*only appropriate if the land is in public ownership*). This requirement shall be reflected on the Construction Certificate plans.

21) The submission of documentary evidence to the Principal Certifying Authority from the NSW Fire Brigade, NSW Ambulance Service and the NSW Police Service verifying that each of the emergency service authorities are able to override the security system, in the event that a security intercom system is proposed to be installed within the development, prior to the release of the Construction Certificate.

22) The preparation of a safety audit report for the internal and external operation of the approved development in general accordance with the Department of Infrastructure, Planning and Natural Resources (now Department of Planning) "Crime Prevention Through Environmental Design" Guidelines/NSW Police Service "Safer by Design" Guidelines and in conjunction with any other requirements of the NSW Police Service, prior to the release of the Construction Certificate. This report shall address specific design features to minimise crime and safety related matters such as theft, graffiti, vandalism, undesirable activities etc and be supported by appropriate plans. The recommended strategies contained in the safety audit report shall be implemented, prior to the occupation or use of the development.

23) 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.

24) The full design details of the proposed floodlighting system and associated light spillage measures/devices for the development are required to be submitted to the Principal Certifying Authority for endorsement, prior to the release of the Construction Certificate. The proposed floodlighting system and associated light spillage measures shall be in general accordance with the requirements of Australian Standard AS4282 - Control of Obtrusive Effects of Outdoor Lighting. The approved light spillage measures shall be installed on the floodlighting system, prior to the use or operation of the floodlighting system. The approved light spillage measures shall be maintained at all times.

- 25) The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate.
- 26) Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining 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.
- 27) The depth and location of all services (ie gas, water supply, stormwater, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 28) Details of the proposed pits, any alterations to the existing pits, and connecting pipeline to Council's existing drainage system shall be provided in conjunction with the detailed drainage design for the site. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
- 29) **Landscaping**
The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape DCP 2009 Chapter E6 Landscape 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.
- 30) 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 as detailed in the Wollongong City Council DCP 2009 Chapter E6 Landscape. This requirement shall be reflected on the Landscape Plan, prior to the release of the Construction Certificate.
- 31) 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.
- 32) The implementation of an ongoing landscape maintenance program in accordance with the approved Landscape Plan, 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.
- 33) **Provision of a Fire Hydrant**
The provision of a fire hydrant in accordance with AS2419 (1994) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.
- 34) **Geotechnical check of structural design**
The geotechnical aspects of the *structural design* relating to the *development* must be checked and certified by the author or *verifier* of the *geotechnical report*.

Prior to the Commencement of Works

- 35) **Heritage Interpretation Plan**
The applicant is to prepare a Heritage Interpretation Plan that incorporates the provision of interpretative installations to explain the historic significance of the three (3) nearby heritage items and heritage generally within the area. Preparation of this plan must be carried out in consultation with Council's Consultant Heritage Adviser. A copy of the Heritage Interpretation Plan is to be submitted to Council for approval prior to the commencement of works.

36) **Public Art Plan**

The applicant is to prepare a Public Art Plan for the site which identifies public art opportunities, locations and events within the Mall. An artist shall be employed by the applicant to develop concepts for site specific artworks which are consistent to the theme and treatment of the upgraded Mall. Preparation of this plan must be carried out in consultation with the managing agency for the Mall to ensure any art related events do not conflict with other community or cultural events. A copy of the Public Art Plan and proposals for artworks are to be submitted to Council for approval prior to the issue of a Construction Certificate.

37) **Event Management Plan**

An Event Management Plan is to be created in consultation with the Crown Street Mall managing agency and Wollongong Tourism, in conjunction with public consultation. This plan would cover events such as parades, markets, large performances etc. The plan is to remain in a state where it can be continually adapted to meet the needs of the community and to make best use of the facilities provided through the refurbishment of the mall. A copy of the Events Management Plan is to be submitted to Council prior to the commencement of works.

38) **Consent to Enter and Exit Demolition or Construction Site**

Any use of the footpath or road reserve for demolition or construction purposes requires Council approval under the Roads Act 1993 prior to any proposed interruption to pedestrian and/or vehicular traffic flows.

Where it is proposed to carry out demolition activities, construction vehicles entering and leaving the site from a public road reserve, or the installation of a fence or hoarding, consent must be obtained from Council's Regulation and Enforcement Division prior to the works commencing.

39) **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 consent under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement 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:

- a) proposed ingress and egress points for vehicles to/from the construction site;
- b) proposed protection of pedestrians, adjacent to the construction site;
- c) 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 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);

- 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, in accordance with the provisions of the Roads Act 1993.

40) **Pavement Design**

The pavement design for all motor vehicle trafficable access areas must be carried out by a qualified geotechnical/civil engineer in accordance with the 'Australian Road Research Board' design criteria and the version of the Wollongong City Council Subdivision Code which are current at the date of this consent. The pavement design must be submitted to Council's Manager Design and Technical Services for approval prior to the laying of any pavement material.

41) **Consultation Prior to Work Commencing**

It is the responsibility of the developer to contact both adjoining businesses and Crown Street Mall Management at least fourteen (14) days prior to any work commencing on the site with regard to demonstrating the proposed programme of works and explaining the likely disruption to both vehicular and pedestrian access within the site.

42) **Civil Works – Engineering Drawings**

The applicant shall submit a detailed design plan for engineering works within the road reserve prior to the works commencing. The plan shall include existing and proposed survey levels to Australian Height Datum (AHD) of the adjacent shop floor levels, ground, grates, pipe inverts and pavement levels. Also cross sections shall be provided at all building entrance points and driveway designs complying with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards where applicable. The drawings must show all public utility underground lines, pits, poles, stormwater lines and pits. If any adjustments to public utilities are proposed the applicant must also submit documentary evidence that they have the consent of the owner of the public utility authority. The drawings and surveys should also include levels of existing infrastructure such as kerb and gutter, public utility, pits, poles and stormwater drainage structures as well as adjacent road carriageway and footpath levels and extend 10 metres past the limit of the proposed works. The above information must be submitted to Wollongong City Council's Manager Design and Technical Services for approval.

43) **Dilapidation Report**

The contractor shall provide Council 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.

44) **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 the erection of the building (at least two days notice is required).

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

45) **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.

46) **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.

47) **Hoardings (within any Public Road Reserve)**

The site must be enclosed with a suitable hoarding (type A or B) or security fence to satisfy the design and installation requirements of the latest versions of the WorkCover Overhead Protective Structures Code of Practice, Occupational Health and Safety Act, the Occupational Health and Safety Regulation and Australian Standard AS 2601. An application must be lodged and a consent obtained from Council's Regulation and Enforcement Division before the erection of any such hoarding or fence. The applicant must ensure that any such Type A fencing only opens inwards into the private property.

Note: No building or construction work must commence before the hoarding or fence is erected.

48) **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.

49) **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.

- 50) **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.
- 51) **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.
- 52) **Supervision of Works and Notification to Council of Works in Road Reserve**
The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.

The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.
- 53) **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.
- 54) **Site Management Program – Sediment and Erosion Control Measures**
A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.
- 55) **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.
- 56) **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.
- 57) The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

58) **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.

59) **Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

60) **Road Occupancy Licence from the Roads and Traffic Authority**

Prior to any works commencing, the applicant shall obtain a road occupancy licence from the NSW Roads and Traffic Authority in conjunction with Council's permit under Section 138 of the Roads Act 1993.

61) **Application for Occupation of Footpath/Roadway**

Any use of 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 the Roads Act 1993. Where it is proposed to carry out activities such as, but not limited to, the following:

- (a) Loading or unloading machinery/equipment/deliveries;
- (b) Installation of a fence or hoarding;
- (c) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- (d) Pumping stormwater from the site to Council's stormwater drains;
- (e) Installation of services, including water, sewer, gas, stormwater and power;
- (g) Construction of new vehicular crossings or footpaths;
- (h) Removal of street trees;
- (i) Carrying out demolition works

an application for occupation of footpath/roadway must be submitted to Council's Regulation and Enforcement Division and a consent under S.138 of the Roads Act obtained prior to the works commencing.

62) **Civil Works – Engineering Drawings**

The applicant shall submit a detail design plan for engineering works within the road reserve prior to the works commencing. The plan shall include survey levels to AHD and cross sections at all building entrance points and driveway designs complying with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards. These must be submitted as separate engineering drawings for assessment by Council.

The drawings must show all public utility underground lines, pits, poles, stormwater lines and pits. If any adjustments to public utilities are proposed the applicant must also submit documentary evidence that they have the consent of the owner of the public utility authority.

The drawings and surveys should include levels of existing infrastructure such as kerb and gutter, public utility, pits, poles and stormwater drainage structures as well as adjacent road carriageway and footpath levels and extend 20 metres past the limit of the development site.

During Demolition, Excavation or Construction

- 63) **Timing of Works**
No excavation or construction works shall be carried out from 1 October to 31 January of any year.
- 64) **Items of Historical Significance**
During excavation and construction works should any historic stone, kerbing, paving or guttering be discovered during works, the works in the affected area shall stop and Council's Heritage staff be contacted for advice on potential incorporation of the historic fabric into the proposed new street elements.
- 65) **Access**
All works must be carried out in accordance with the recommendations detailed in the Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated 11 August 2010.
- 66) **Protection of Council Infrastructure**
The contractor shall provide adequate protection to all Council assets prior to work commencing and during construction. Council's Manager Design and Technical Services must 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 contractor.
- 67) **Pipe Connection**
All pipe connections to existing pits within the road reserve must be constructed flush with the pit wall in accordance with good engineering practice. The developer must ensure that the condition of the pit is not compromised and that the service life of the pit is not reduced as a result of the connection.
- 68) **Road Occupancy Licence (ROL) from the RTA**
The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.
- 69) **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 70) **Civil Engineering – Compliance Certificates and Inspections**
Inspections and/or Compliance Certificates are required for each of the following respective stages:
 - a) completion of installation of erosion and sedimentation control structures;
 - b) prior to backfilling pipelines, subsoil drains and dams;
 - c) completion of backfilling pipelines, subsoil drains and dams;
 - d) prior to casting pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, footways, cycleways, vehicular crossings and dish crossings;
 - e) completion of sub-grade and sub-base;
 - f) completion of basecourse pavement and prior to application of protective seal;
 - g) prior to backfilling public utility crossings in road reserves;
 - h) prior to placement of asphaltic concrete or wearing surface;
 - i) final inspection after all works are completed and "Works As Executed" plans have been submitted to Council; and
 - j) concrete core test results and pavement density results.

- 71) **Piping of Stormwater to Existing Stormwater Drainage System**
All excess stormwater collected from the proposed stormwater collection grates/pits 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 Regulation and Enforcement Division.
- 72) **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.
- 73) **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.
- 74) **Notification to Adjoining Property Owners Prior to Commencement of Works**
The contractor shall be mindful of maintaining access to existing properties fronting the drainage works. It would be prudent to provide some form of notification 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.
- 75) **Redundant Crossings**
Any existing vehicular crossings rendered unnecessary by this development must be removed and normal kerbing and guttering must be restored.
- 76) **Protection of Public Places**
If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:
- a) A hoarding or fence must be erected between the work site and the public place;
 - b) an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
 - c) the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
 - d) safe pedestrian access must be maintained at all times;
 - e) any such hoarding, fence or awning is to be removed when the work has been completed.
- 77) **Temporary Road Closure(s)**
If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.
- 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. 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.
- 78) **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 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 RTA Traffic Control at Worksites Manual.
- Note:** This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

- 79) **Branch or Root Pruning in accordance with Australian Standard**
Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).
- 80) **Installation of Root Barrier**
The installation of a root barrier against the building in the vicinity of the existing trees is required to protect the existing or proposed development. The nature, extent and depth of the root barrier shall be determined on site by a qualified arborist in consideration of the on-site conditions and tree species.
- 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) **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 material (including identified hazardous material);
 - b) an estimate of the quantity by volume and weight;
 - c) the transporter and registration details of the relevant vehicle;
 - d) the intended destination of the material;
 - e) a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.
- 83) **Restricted Hours of Work (not domestic residential scale)**
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:
- a) the variation in hours required;
 - b) the reason for that variation;
 - c) 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.
- 84) 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.
- 85) The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.
- 86) **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.

- 87) **Spillage of Material**
Should, during the construction period, 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 Regulation and Enforcement Division this material shall be removed immediately. Evidence that any approval to place material on the road pavement or road reserve shall be available for inspection by Council officers on site at any time.
- 88) 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.
- 89) Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.
- 90) All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2:1 and comply with Council's "Policy for Development on Sloping Sites".
- 91) All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.
- 92) All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 93) **Lead Based Paint**
To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.
- 94) The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.
- 95) **Geotechnical excavations**
No excavation is to occur within the zone of influence of structures on adjoining properties.
- 96) **Support for excavations geotechnical**
There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
- 97) **Civil Works – Final Construction Drawings**
Prior to any civil infrastructure construction works commencing, the applicant must submit, to Council's Manager Works and Services, final construction drawings with specifications to ensure that the civil construction works can be built in accordance with Council's requirements.
- 98) **Compliance with Statutory Authorities / Government Departments**
Compliance with the requirements of any Statutory Authorities or Government Departments such as, but not limited to:
- NSW Workcover Authority;
 - NSW Roads & Traffic Authority;
 - NSW Environment Protection Authority;
 - NSW Police Service; and
 - NSW Fire Brigades.

Prior to the Issue of the Occupation Certificate

- 99) **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 the road reserve has been undertaken in accordance with the approved construction plans. In addition, full works-as-executed plan, prepared and signed by a Registered Surveyor must be submitted. This plan must include the location and levels of the drainage lines, associated structures and finished surface levels. This information must be submitted to Wollongong City Council's Manager Design and Technical Services for approval prior to the use of the development.

- 100) The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, 98, 800 litre container mature plant stock shall be placed within the property boundary of the site. The suggested species are as per the submitted landscape plan number DAL01 dated 19 April 2011 by Public Works GAO.

Operational Phases of the Development/Use of the Site

101) **Access Certification**

Prior to the use of development, the Principal Certifying Authority (PCA) must ensure that a certificate from an “accredited access consultant” has been issued certifying that the building complies with the requirements of AS 1428.1 and the recommendations of the Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated 11 August 2010.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council’s Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.