

## Attachment 8: Draft Conditions

### General Matters

#### 1) **Geotechnical**

- a) All work is to be in accordance with the preliminary geotechnical recommendations contained in the report dated 19 April 2011 by Douglas Partners and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b) An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks based on their preliminary site geotechnical assessment.
- c) Foundation systems are to be designed for Class P soils. Other foundation systems may be acceptable if supported by appropriate geotechnical advice.
- d) All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- e) Hard bedrock will be difficult to excavate. Alternative excavation methods should be considered carefully to minimise noise and vibration as recommended by the geotechnical consultant.
- f) 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.

#### 2) **Tree Retention**

The developer shall retain existing trees no. T4, T9 and T10 indicated within the Arborist's Report by Jacksons Nature Works dated 20 October 2011.

Any branch pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

All recommendations in Arborist's Report by Jacksons Nature Works dated 20 October 2011 pages 3 and 4, are to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

#### 3) **Tree Removal**

This consent permits the removal of trees numbered T1 – T3 and T5 – T8 by Jacksons Nature Works dated 20 October 2011.

No other trees shall be removed without prior written approval of Council.

#### 4) **Street Tree Removal**

The developer shall remove the existing the street tree – *Callistemon viminalis*, no. T8 as indicated in the submitted arborist report by Jacksons Nature Works dated 20 October 2011.

Tree removal costs are to be borne by the developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate OH&S policies and procedures (including traffic control) to ensure that works are carried out in a safe manner and in accordance in Council's own OH&S policies.

The developer must apply for (and be granted) permission under section 138 of the roads act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

- 5) **Building Work - Compliance with the Building Code of Australia**  
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 6) **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) **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.

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

- 8) **Footpath Paving**  
  
The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development is to be in accordance with the Wollongong City Council Public Domain Technical Manual. 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.  
  
The driveway entry threshold finish from the property boundary line to face of kerb is to match the footpath and be designed to withstand predicted traffic loadings.  
  
The driveway threshold finish within the property boundary line is to contrast with the driveway entry.  
  
The footpath must be installed to the satisfaction of WCC Manager of Works.  
  
The landscape plan is to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.
- 9) **Dilapidation Report Prior to Construction Certificate**  
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.
- 10) **Street Trees**  
  
The developer must address the street frontage by installing street tree planting. The number and species for this development are three *Pyrus ussuriensis*, 200 litre in accordance with the Wollongong City Council Public Domain Technical Manual. Dial before you Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.  
  
Tree pits must be installed to the satisfaction of WCC Manager of Works.  
  
These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

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

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

12) **Structures Adjacent to the Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of AS2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc.

13) The development shall provide shower/change facilities and lockers as shown on the approved plans. This requirement shall be reflected on the Construction Certificate plans. Any change in numbers from those shown in the approved development application plans shall require Council's consent.

14) **Stormwater Pipeline**

A hydraulic grade line analysis and longitudinal section of the proposed stormwater pipeline within the road reserve in Rawson Street shall be provided in conjunction with the detailed drainage design for the site. The longitudinal section shall show calculated flows, velocity, pipe size/class, grade, inverts and existing/proposed surface levels. The analysis shall also demonstrate the suitable performance of the proposed and existing piped drainage system for the 10 year ARI storm occurrence. In the event that the Council drainage system is not found to have the required capacity, then that section of pipeline shall be amplified, or the flows shall be restricted from the subject site to ensure the capacity of the existing Council drainage system is not exceeded. This information shall be referred to the Manager Design and Technical Services for approval. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

15) **Vertical Catchments – Stormwater Runoff on Boundary Walls**

The developer shall provide adequate allowance for the capture, containment and conveyance of stormwater runoff from vertical catchment areas (on boundary walls) to the on site stormwater management system. This stormwater runoff must be conveyed via the on site stormwater management system to Rawson Street without impacting on any adjoining properties. Calculations and details of this requirement shall be submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.

16) **On-Site Stormwater Detention - Design Criteria**

The on-site stormwater detention facility must incorporate a minimum 900mm square lockable grate for access and maintenance purposes, 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.

17) **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 [DA-2011/770]

any specialist maintenance requirements.

- 18) The development shall make provision for a footpath on Rawson Street along the entire frontage of the site which accords to Council's standards. This requirement shall be reflected on the Construction Certificate plans.
- 19) **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](http://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.
- 20) **Energy Requirements**  
 The submission of documentary evidence from an energy provider to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with the provider for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.
- 21) **Telecommunications**  
 The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.
- 22) **External Finishes**  
 The building shall be constructed of a masonry or brick wall construction with select finishes as per the approved schedule of finishes. The podium wall is to have a painted concrete finish. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 23) **Low Reflective External Finishes**  
 Visible light reflectivity from building materials used on facades should not exceed 20%.
- 24) The gradient for all disabled access ramps shall not exceed a maximum of one (1) (vertical) in fourteen (14) (horizontal) as per the requirements of Australian Standard AS1428.1 (2001) – Design for Access and Mobility – General Requirements for Access – New Building Work. The final design of the proposed disabled access ramps shall be reflected on the Construction Certificate plans.
- 25) **Public area lighting**  
 Those parts of the site (both internal and external to the building) which can be accessed by the public must have lighting provided in accordance with relevant Australian Standards. These areas include but are not limited to lobbies, car parking levels and building entry.
- 26) **Parking and Access**  
 The development shall make provision for a total of 230 car parking spaces, 10 motorcycle parking spaces and 67 bicycle parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.
- 27) 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 (2004), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

- 28) Each disabled person's parking space shall comply with AS2890.6 (2009), and be located to maximise accessibility to the building. The dimensions of the parking space(s) shall be 5.4 metres long by 2.4 metres wide with an adjacent 'shared area' of 5.4 metres long by 2.4 metres wide. The adjacent 'shared area' shall be clearly marked and protected from parking by a bollard. These requirements shall be reflected on the Construction Certificate plans.
- 29) The main entry point to the building shall be in accordance with the current relevant Australian Standard 1428.1 - 2009 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 current Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.
- 30) 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.
- 31) 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.
- 32) 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.
- 33) Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 34) 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.
- 35) **Driveways**  
All driveways within the development shall be constructed with a maximum vertical alignment as shown in Council Drawing N° S-144 (Residential Driveways Maximum Internal Grading). This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
- 36) **Structures Adjacent to Driveway**  
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.
- 37) 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.
- 38) The depth and location of all services (ie gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 39) 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.

- 40) The developer must provide on-site stormwater detention (OSD) storage for stormwater runoff from the development. The OSD system must be designed by a suitably qualified civil engineer in accordance with Chapter E14 of Council's Wollongong DCP 2009 to ensure that the total site stormwater discharge to Rawson Street does not exceed pre development in the 5 year ARI storm and in the 100 year ARI storm. Details of the OSD system discharge and storage volumes must be submitted with the Construction Certificate application.
- 41) **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.
- 42) The submission of a final Landscape Plan to the Principal Certifying Authority is required prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
  - a) Inclusion of street trees along the Rawson Street Frontage, articulation of the awning may be required to accommodate the trees.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.
- 43) 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.
- 44) The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority is required prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 45) 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.
- 46) **Tree Protection and Management**  
Except for those trees permitted to be removed, existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
  - a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
  - b) Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- 47) **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.

48) **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.

### **Section 94A Levy Contribution**

- 49) 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 \$900,000.00 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 155.6.

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](http://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).*

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

50) **Phase 2 Assessment and Remediation Action Plan**

As recommended by the Douglas Partners Preliminary Contamination Assessment dated July 2011, a Phase 2 contamination assessment and Remediation Action Plan are to be submitted to Council for approval prior to issue of the construction certificate.

## Prior to the Commencement of Works

### 51) 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.

### 52) 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:

- 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, pursuant to the provisions of the Roads Act 1993.

53) **Notification to Council for Works on Council Land**

The developer shall advise Council's Manager Design and Technical Services in writing at least seven days prior to the intended commencement of works on the installation of drainage infrastructure on Council's land.

54) **Supervision of Works on Council Land**

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 Council's Regulation and Enforcement Division, prior to the commencement of any works. Also, the submission of a written construction program and anticipated duration of the construction is required, prior to the commencement of any works on Council land.

55) **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.

56) **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.

57) **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.

58) **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.

59) **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.

60) **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.

61) **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.

62) **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.

63) **Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

64) 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.

65) **Construction of Vehicular Crossing**

The applicant shall construct a new concrete vehicular crossing to service the development in accordance with Council's current policies and standards at full cost to the developer.

The applicant shall arrange, through Council's Regulation and Enforcement Division for a Council qualified concrete contractor to carry out the works.

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

66) **Footpath Levels**

Footpath levels must be obtained from Council's Regulation and Enforcement Division prior to the works commencing. The approved footpath levels shall be reflected on the Construction Certificate plans. 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.

67) **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.

**During Demolition, Excavation or Construction**

68) **Works within Council's Road Reserve – Costs**

All works in the road reserve associated with this development must be carried out by the developer or a Council approved contractor entirely at the developer's expense.

69) **Inspections/Compliance Certificates for Works on Council Land**

Inspections and the submission of Compliance Certificates are required for each of the following stages:

- (a) completion of installation of erosion and sedimentation control structures;
- (b) prior to the backfilling of pipelines;
- (c) prior to the casting of pits and other concrete structures;
- (d) prior to the placement of asphaltic concrete or wearing surface;
- (e) final inspection after all works are completed and Work-as-Executed plan(s) has been submitted to Council's Manager Design and Technical.

The developer shall provide Council's Regulation and Enforcement Division with a minimum of 24 hours notice for each of the abovementioned inspections.

70) **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.

71) **Protection of Council Infrastructure**

The developer 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 developer.

72) **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

73) **New Kerb Inlet Pit**

A new kerb inlet pit shall be constructed immediately upstream of the existing pit. The pit shall be generally in accordance with Drawing N° S115/4 Appendix F of Wollongong City Council's Drainage Design Code. The pit shall incorporate a 1.8 m pre-cast lintel and shall be connected to the existing pit with a 375 mm diameter Reinforced Concrete Pipe. This work shall be done by Council, or a Council approved contractor, at the developer's expense.

74) **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a permit from Council's Regulation and Enforcement Division.

75) **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.

76) **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.

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

The applicant shall consult with Wollongong City Council's 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.

78) **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.

79) **Redundant Crossings**

Any existing vehicular crossings, concrete footpaths and drainage outlets to the kerb which are rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council qualified concrete contractor at the developer's expense.

80) **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.

81) **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 eight 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.

82) **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.

83) **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.

84) **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 normal working hours, namely, 7.00 am to 6.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

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

- a) the variation in hours required;
- 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 the NSW DECCW Construction Noise Guideline August 2008 states that the maximum allowable construction noise levels are Background + 10 dB(A) during the standard working hours i.e. between the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on Saturdays.

- 85) 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.
- 86) **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.
- 87) All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.

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

- 88) **Drainage within Road Reserve WAE**  
The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the drainage infrastructure works within road reserve has been undertaken in accordance with the approved 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, 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 issue of the final Occupation Certificate.
- 89) **Mailboxes**  
Prior to issue of the final occupation certificate, mailboxes for residential and commercial tenants are to be constructed to Australia Post standards.
- 90) **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.
- 91) **Site Contamination Validation Report and Site Contamination Audit Statement**  
The submission of a site contamination validation report to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority for its records) is required, prior to the issue of an Occupation Certificate. This validation report shall verify that:
  - a) all site contamination remediation works have been satisfactorily completed
  - b) the site is not affected by any soil strata and /or groundwater table contamination, above NSW EPA threshold limit criteria and
  - c) the site is rendered suitable for the proposed development.

The submission of a site audit statement/final clearance certificate is also required from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

- 92) **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.
- 93) **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.
- 94) **Dedication of Land**  
The area of land to be dedicated to Council must be subdivided to create a separate parcel. This land must be transferred to Council (at no cost to Council) prior to the issue of an Occupation Certificate or commencement of the use.
- 95) **Access Certification**  
Prior to the occupation of the building, the Principal Certifying Authority 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.
- 96) The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, ten x 100 litre container mature plant stock shall be placed within the property boundary of the site. The suggested species are *Tristaniopsis laurina*.
- 97) **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.
- 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.
- 98) **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.

**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.