

Attachment 4 – Draft Conditions of Consent

Approved Plans and Specifications

1. TO BE INSERTED BY COUNCIL

General Matters

2. Tree Removal

This consent permits the removal of trees numbered T1 – T15 as indicated on the submitted Landscape Concept Plan by Ochre Landscape Architects Issue: Development Application dated 26.10.12. No other trees shall be removed without prior written approval of Council.

3. Tree Retention

The developer shall retain existing trees indicated on submitted Landscape Concept Plan by Ochre Landscape Architects Issue: Development Application dated 26.10.12 consisting of tree numbered T16 – T18.

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 dated 19 October 2012 by David Potts 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.

4. Street tree removal

The developer shall remove existing street trees indicated on the submitted Landscape Concept Plan by Ochre Landscape Architects Issue: Development Application dated 26.10.12

Tree removal costs are to be borne by developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate 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. Construction Certificate

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

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

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

7. **Disability Discrimination Act 1992**

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

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

8. **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

9. **Footpath Paving**

The developer is responsible for the construction of footpath paving for the frontage of the development for the full width of the verge as indicated on the submitted Landscape Concept Plan by Ochre Landscape Architects Issue: Development Application dated 26.10.12. The type of paving for this development, in accordance with the Wollongong City Council Public Domain Technical Manual is as follows:

- Main body of pavement is to be quartz/blue metal aggregate concrete with a honed finish to WCC approved method.
- Adjacent to the zebra crossing (nodal area), body of pavement is to be exposed aggregate concrete—mix as specified by WCC
- Header course to be 300 x 300 x 40mm Golden Gunmetal 'milled' finish Urbanstone (or approved equivalent).
- **Sealant:** Penetrating sealer 'Spirit Premium Seal' by Spirit Marble & Tile Care Pty Ltd (or approved equivalent).

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb.

Footpath must be installed to the satisfaction of WCC.

Landscape Plan to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.

10. **Street Tree Planting**

The developer must address the street frontage by installing street tree planting. The number and species for this development are four, 200 litre *Tristanopsis laurina* or approved equivalent. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be installed to the satisfaction of WCC.

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

11. **Water fixtures**

Appliances and fixtures are to be a minimum of 3 star rated.

12. **Detailed Drainage Design**

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably

qualified civil engineer strictly in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009 and conditions listed under this consent.

13. **Stormwater Disposal**

Stormwater from the development must be piped to the existing on-site stormwater disposal system or to Council's existing stormwater drainage system in accordance with Chapter E14 of the Wollongong DCP2009. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

14. **Existing/Proposed Levels**

Existing and proposed levels to Australian Height Datum (AHD), including floor, ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

15. **Roofwater Drainage**

All roof gutters and downpipes shall be designed in accordance with the current version of AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.

16. **Fire Safety Schedule**

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

17. **Prior Approval for Occupation of Council's Footpath/Roadway or Entering and Exiting a Construction Site**

A section 138 Road Occupancy Approval under the Roads Act must be obtained from Council prior to the commencement of any works or road occupation, on the road reserve (NB: road reserve includes road, footpath and nature-strip). Examples of where this is required are:

- carrying out demolition works involving truck movements entering and leaving the site;
- loading or unloading machinery on the road reserve;
- materials or equipment deliveries to and from the site;
- installation of a fence or hoarding on road reserve;
- stand a mobile crane or concrete pump on the public road reserve;
- pump stormwater from the site to Council's stormwater drains;
- store waste containers, skip bins and/or building materials on part of Council's road reserve;
- installation of services to mains such as water, sewer, gas, electricity and stormwater drainage;
- construction of new vehicular crossings or footpaths;
- partial road closures;
- carrying out survey or investigation works on the road reserve;
- any activity which uses part of Council's road/footpath area or proposes an interruption to pedestrian and/or vehicular traffic;

(Note: Council considers the impact of any application and may not approve an application which will require the applicant to reconsider the proposed methodology).

18. **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.**

19. **The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.**

20. **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.
21. The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- 21.1 deletion of the Syzygium species on the eastern boundary as the existing Syzygium have found it to be too exposed on that area.
 - 21.2 a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
 - 21.3 the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
 - 21.4 any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

22. 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.
23. 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.
24. 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.

25. **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- 25.1 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.
- 25.2 Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree

protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- 25.3 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- 25.4 Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

26. **Engineering Plans and Specifications - Retaining Wall Structures**

The submission of engineering plans and supporting documentation of all proposed retaining walls to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

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

Prior to the Commencement of Works

27. **Appointment of Principal Certifying Authority**

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

- 28.1 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
- 28.2 notify Council in writing of their intention to commence work (at least two days notice is required).

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

28. **Sign – Supervisor Contact Details**

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

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

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

29. **Structural Engineer's Details**
Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.
30. **Enclosure of the Site**
The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.
31. **Demolition Works**
Demolition works shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the NSW WorkCover Authority.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.
32. **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.
33. **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:

33.1 a standard flushing toilet; and
33.2 connected to either:
33.2.1 the Sydney Water Corporation Ltd sewerage system or
33.2.2 an accredited sewage management facility or
33.2.3 an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.
34. **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**
Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.
35. **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.
36. **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.

37. **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:
- (a) Digging or disruption to footpath/road reserve surface;
 - (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, telecommunications and power;
 - (f) Construction of new vehicular crossings or footpaths;
 - (g) Removal of street trees;
 - (h) Carrying out demolition works.
38. **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.

During Demolition, Excavation or Construction

39. **Pipe Connections**
All pipe connections to existing pits within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall 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.
40. **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 shall be notified immediately in the event of any damage to Council's assets. Any damage to Council's assets shall be made good to the satisfaction of Council, with all associated costs borne by the developer.
41. **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing civil engineer.
42. **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to the existing on-site stormwater disposal system or to Council's existing stormwater drainage system. Prior to undertaking any connection to Council's existing stormwater drainage system the developer shall obtain a permit from and arrange inspections with Council's Regulation and Enforcement Division.
43. **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.
44. **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.

45. **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.

46. **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.

47. **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 5.00 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:

- 47.1 the variation in hours required;
- 47.2 the reason for that variation;
- 47.3 the type of work and machinery to be used.

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

48. 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.

49. **Acid Sulphate Soils**

Any spoil material extracted or excavate from the foundation must be neutralized with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site.

Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to the pouring of concrete.

50. **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

Prior to the Issue of the Occupation Certificate

51. **Drainage WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved

Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifying Authority prior to the issue of the final occupation certificate.

52. **Fire Safety Certificate**

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

52.1 Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and

52.2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

53. **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.

54. The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, fifteen 100 litre container mature plant stock shall be placed along the eastern property boundary of the site. The suggested species are *Melaleuca linariifolia*.

Operational Phases of the Development/Use of the Site

55. **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site.

56. **Fire Safety Measures**

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

57. **LCD sign**

The LCD sign on the corner of Market and Harbour Streets must not flash or display scrolling or variable messages. The message displayed may however be altered from day to day.