

Title	Supplementary Report to the JRPP
JRPP Number	2011SYW087
Application Number	DA-1210/2011
Proposed Development	Demolition of existing structures and construction of a residential flat building comprising fifty-one residential units and two levels of basement car parking with vehicular access to be provided from Campbell Street and associated landscaping and service features.
Property Description	Part Lot 1 DP 1053951, Part Lot 2 1053951 93-95 Campbell Street Liverpool NSW 2170
Applicant	Gelder Architects
Land Owner	Talbus Pty Ltd
Capital Investment Value	\$11,000,000
Recommendation	Refusal



1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

This supplementary report is prepared in addition to Council's principal report which was prepared for the consideration of the Sydney West Joint Regional Planning Panel at its meeting on 19 April 2012. It is noted that this principal report recommended the refusal of the application based on a number of design issues and non compliances with SEPP 65 provisions.

At its meeting of 19 April 2012, the JRPP unanimously resolved to defer the application to allow the applicant to address issues relating to flooding, basement design, and communal open space.

This supplementary report has been prepared providing an assessment of the amended proposal and whether issues concerning flooding, basement design, and communal open space have been resolved.

1.2. The proposal

The proposal has been amended in response to the issues raised concerning flooding, basement design, and communal open space. As a consequence of these amendments the proposal has reduced the overall yield of the development as well as changes to the unit mix.

The development, as amended now seeks approved for the construction of a residential flat building comprising a total of 51 residential units comprising of 7 x studio units, 24 x one bedroom units, 15 x two bedroom units and 5 x three bedroom units.

The proposal also incorporates a reduced building footprint which has resulted in increase in area available for communal open space.

1.3 The site

The subject site is identified as Part Lot 1 DP 1053951 and Part Lot 2 DP 1053951, being No. 93 -95 Campbell Street Liverpool.

1.4 Issues

The issues being considered in the assessment of the amended proposal are:

- Communal open space
- Flooding impact of the development specifically flood storage
- Traffic impact of the development specifically basement design
- Non compliance with front setback to the Hume Highway

1.5 Exhibition of the proposal

The amended application was exhibited for a period of 14 days in accordance with Liverpool Development Control Plan 2008 from 4 July 2012 to 19 July 2012. No submissions were received during the exhibition of the amended proposal.

It is noted however, that a total of two submissions were received during the initial exhibition period.

The issues raised in the submissions include:

- Construction noise, and potential cracks to adjoining residences
- Traffic generation and parking congestion
- Type of development should be villas / townhouses and Council should have purchased the property to develop housing for the elderly

The issues raised in the submissions have been taken into consideration and are addressed in detail further within the principal report (attached under separate cover).

1.6 Conclusion

Following detailed assessment of the proposal against the relevant planning controls and given the significant issues raised by the Design Review Panel with respect of SEPP 65 assessment, the proposal is considered unsatisfactory in its current form and is thus recommended for refusal.

2. SITE DESCRIPTION

The subject site is identified as Part Lot 1 DP 1053951 and Part Lot 2 DP 1053951, being No. 93 -95 Campbell Street Liverpool.

An aerial photograph of the subject site is illustrated in Figure 1 below.



Figure 1: Aerial photograph of subject site

The site is an irregular shaped corner allotment located on the eastern side of Copeland Street (Hume Highway) with secondary frontage to Campbell Street to the southern boundary, comprising a total site area of 1835.91sqm. The subject site currently contains minimal vegetation and two existing detached dwellings which are both orientated to Campbell Street.

An aerial photograph of the subject site and locality is illustrated in Figure 2 below.

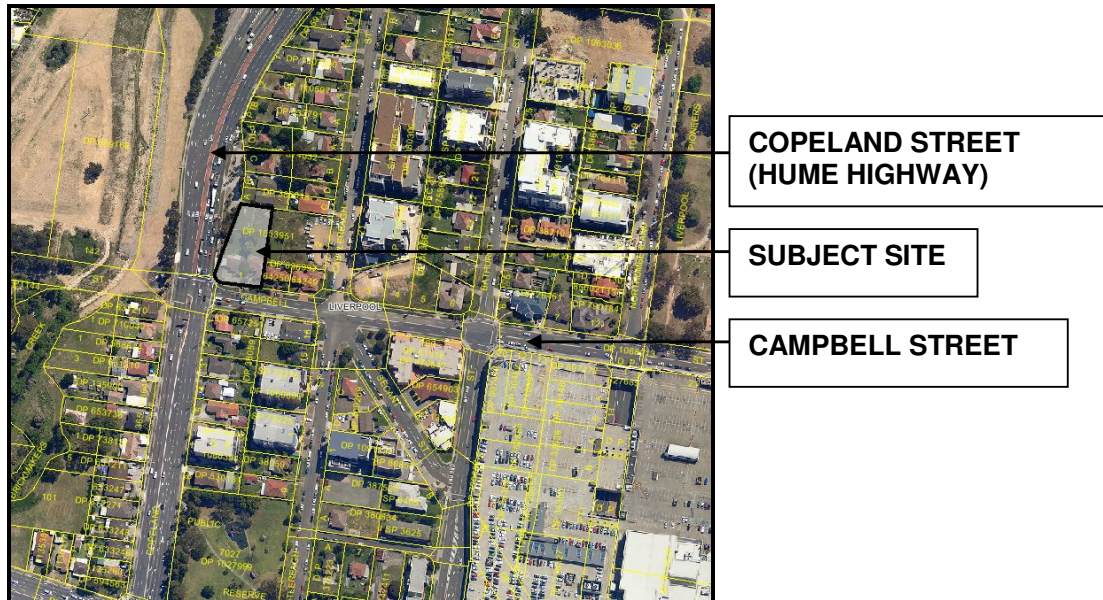


Figure 2: Aerial of locality

3. BACKGROUND

As canvassed above, the development application was previously considered by the JRPP at its meeting on 19 April 2012 where Council recommended refusal of the application. A copy of the principal report is attached (under separate cover).

The JRPP unanimously resolved to defer the application to allow the applicant to address issues relating to flooding, basement design, and communal open space. The minutes of the JRPP are as follows:

"The Panel understands that the Plans before the meeting in this matter today are the full set of amendments but the Council assessment finds these plans to be unsatisfactory. Among the list of unsatisfactory matters are non compliance with technical matters in relation to flooding and basement design. The Panel believes that the applicant should be given further time to meet standards in relation to those two matters. The Panel generally accepts other aspects of design but is concerned with the non compliance with the communal open space and specifically the requirements in that regard in relation to SEPP 65 and the residential flat design code.

The Panel unanimously defers the application to allow plans that meet the standards in relation to basement design and flooding and communal open space to be addressed and in this regard any amending plans must be lodged with Council within four weeks of this decision."

In accordance with the JRPP resolution, the applicant submitted amended plans for consideration. These amended plans form the basis of the assessment contained within the supplementary report.

4. DETAILS OF THE PROPOSAL

The amended proposal seeks consent for the demolition of existing structures and construction of a residential flat building comprising 51 residential units and two levels of basement car parking with vehicular access to be provided from Campbell Street and associated landscaping and service features.

The proposal has been revised to reduce the overall number of residential units from 53 to 51 and provides the following unit mix:

- 7 x studio units
- 24 x one bedroom units
- 15 x two bedroom units
- 5 x three bedroom units

An extract of the streetscape elevations for the development are provided in Figure 3 below.



Figure 3: Extract of Streetscape Elevations

As a consequence of the reduced building footprint increased setbacks have been provided along the northern boundary of the site.

The proposed residential flat building provides for a centralised core accommodating two lifts. This component of the proposal has been amended to provide a direct link through a corridor to the primary communal open space area located adjacent to the northern boundary of the site.

The amended proposal is accompanied by a detailed landscape plan which provides for improved resolution of private and public areas within the development site. The landscape plan also improves the amenity for future occupants of the site through ensuring courtyards are private and has also incorporated embellishments to communal open space such as seating, bbq areas and dining areas.

An extract of the Landscape Plan is provided in Figure 4 below.

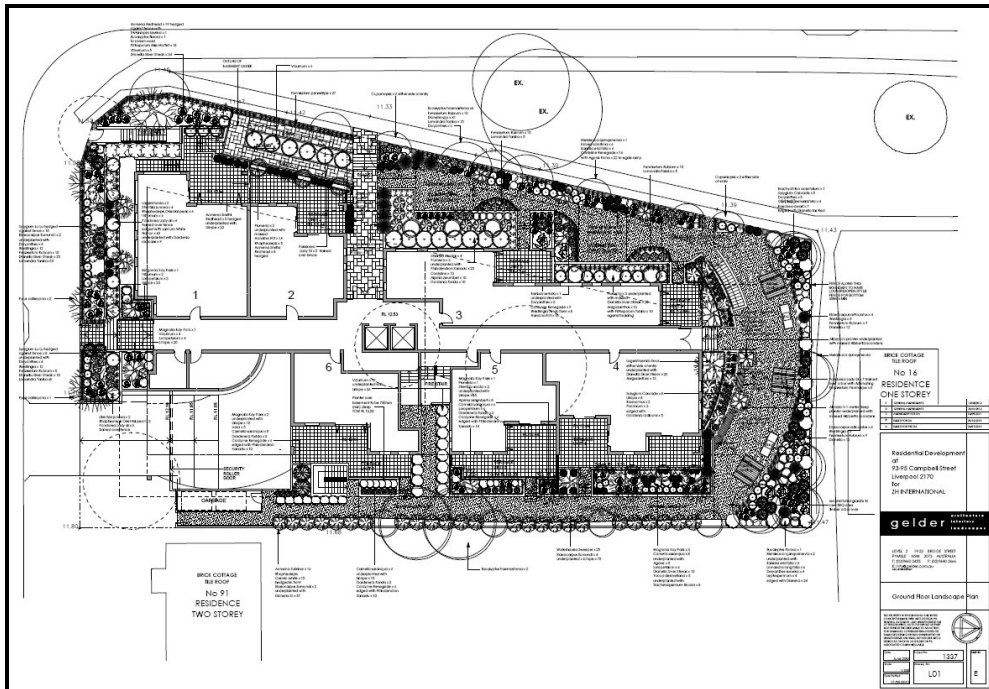


Figure 4: Extract of Landscape Plan

The proposal as amended is accompanied by revised stormwater and engineering plans as well as a flood report to address issues raised previously by Council's Floodplain Management Engineer.

A copy of the amended architectural plans is contained within Attachment 1.

5. COMMUNAL OPEN SPACE

As outlined within the principal report prepared for the consideration of the JRPP, concern was raised regards to the site planning of the communal open space as proposed as per the original proposal.

Specifically, Council's Design Review Panel (DRP) raised concerns with the design, location and function of the communal open space area. The DRP were of the view that the original proposal was likely to reduce the amenity of future residential occupants. Specifically the DRP concluded that:

- *"Communal open space is remote and not visible from the main lobby, which would compromise its purpose as well as potential to stimulate social interaction within the development; and*
- *Location of the proposed communal open space is likely to affect privacy of bedrooms in adjacent dwellings".*

As canvassed earlier, the proposal has been amended to increase the area of the communal open space. In addition, the proposal is accompanied by a revised landscape plan which illustrates further embellishment within the communal open space and improved linkages through the site.

An important change has been the provision of a direct link to the communal open space from the service core of the development. This is illustrated in an extract of both the original and amended landscape plan below.

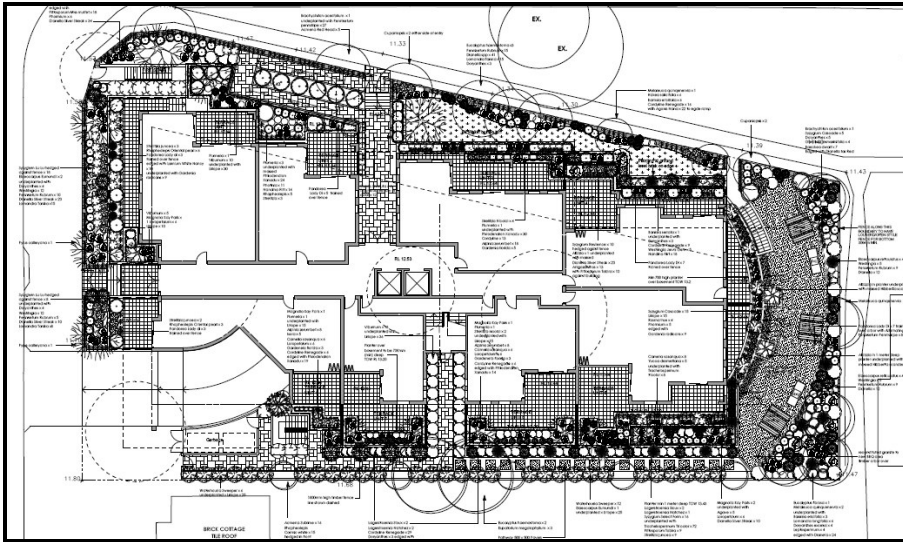
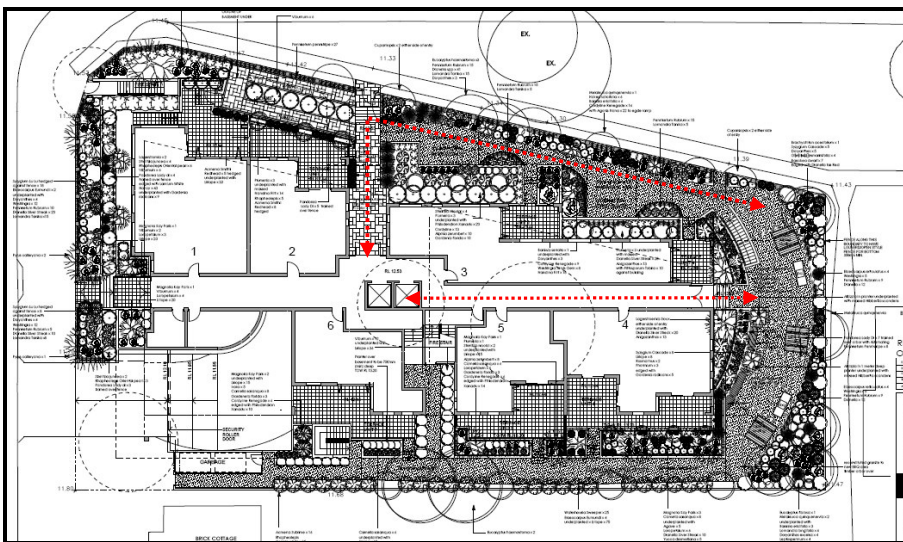


Figure 5: Original Landscape Plan (now superseded)



Increased communal space at the eastern boundary of the site providing a link to primary common open space

Improved linkage to primary communal open space from service core

Figure 6: Amended Landscape Plan

The amendments to the ground floor plan and landscape plan have also resulted in a better definition of both public and private open space and ensure that the internal amenity of future occupants is maintained.

The applicant has submitted the following in support of their application and amendments to the communal open space which form part of the amended application:

"The communal open space has been further revised to address aspects of SEPP 65 and has been increased by reducing the building footprint of the building. This includes increasing the width of the communal area between Copeland Road (western boundary) and the building and the width of the area between the building and the eastern boundary, which are both directly linked to the rear communal space at the northern portion of the site. The space at the northern end of the site, provides a very generous area for recreational activities and the communal open space along the western boundary has been amended to provide opportunities for some recreational activities."

It is considered that the amended proposal resolves the concerns raised by the DRP in regards to the communal open space provided for the development. The following comments are made in response to the DRP concerns:

“Communal open space is remote and not visible from the main lobby, which would compromise its purpose as well as potential to stimulate social interaction within the development”

Comment:

As outlined above the proposal has been amended to provide a link from the service core of the development to the communal open space located adjacent to the northern boundary of the site. The proposal as amended provides a useable area adjacent the northern boundary with minimum dimensions of 22 metres by 5 metres which has been embellished with outdoor furniture and bbq areas.

The Residential Flat Design Code accompanying SEPP 65 outlines that where communal open space is provided, that the following design measures should be implemented to facilitate it use:

- Locating it in relation to buildings to optimise solar access to apartments;
- Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape;
- Designing its size and dimensions to allow for the 'program' of uses it will contain;
- Minimising overshadowing; and
- Carefully locating ventilation duct outlets from basement car parks.

It is considered that the location of the primary communal open space area adjacent the northern boundary is the most suitable location on the site for communal open space when considering the site constraints. This primary open space area is considered to be of reasonable space and embellished with appropriate facilities and landscaping which ensures that there is a clear definition of public and private space.

It is also noted that the landscape plan nominates other areas on the site as communal open space. The areas identified adjacent both the eastern and western boundaries. It is considered that these areas identified as communal open space are unlikely to be effectively utilised as a consequence of either their dimensions or their location.

The area identified adjacent the eastern boundary is only 2m wide which is unlikely to be utilised. The areas identified adjacent the western boundary while have larger dimensions their outlook onto Copeland Street (Hume Highway) is unlikely to offer an appropriate amenity to facilitate the active use of these areas.

Nevertheless, the additional open areas do accommodate deep soil zone planting and have increased the landscape opportunities within the site. Overall it is considered that the amendments to the floor plates and to the landscape plan have satisfactorily resolved the concerns raised by the DRP.

“Location of the proposed communal open space is likely to affect privacy of bedrooms in adjacent dwellings”.

Comment:

The floor plans have been amended to address this concern. The amendments to the floor plans have resulted in improved internal amenity through the rationalisation of internal uses. This has resulted in improved amenity for future residential occupants where internal passive and active areas have been clearly designated.

The amendments have also resulted in the internal active uses such as living areas and courtyards being located adjacent communal open space. The courtyards adjacent areas designated as communal open space have also been terraced and embellished with greater landscaping to provide a better definition of public and private open space.

The living area adjacent the primary open space area along the northern boundary has also been provided with highlight windows.

These amendments to the plans are highlighted in Figures 7 and 8 below.

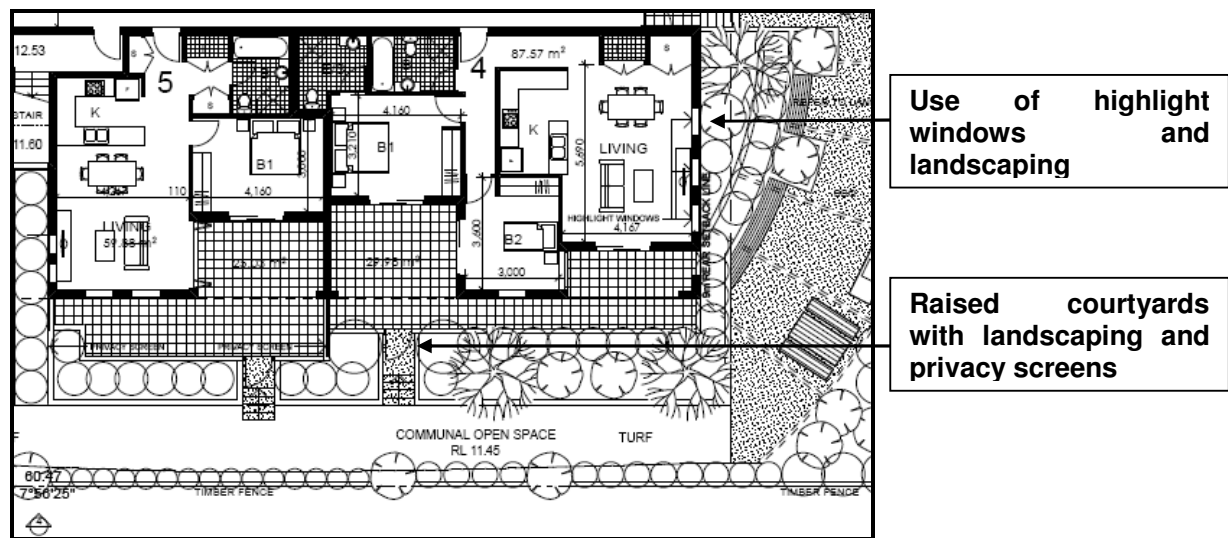


Figure 7: Extract of Ground floor plan (adjacent eastern boundary)

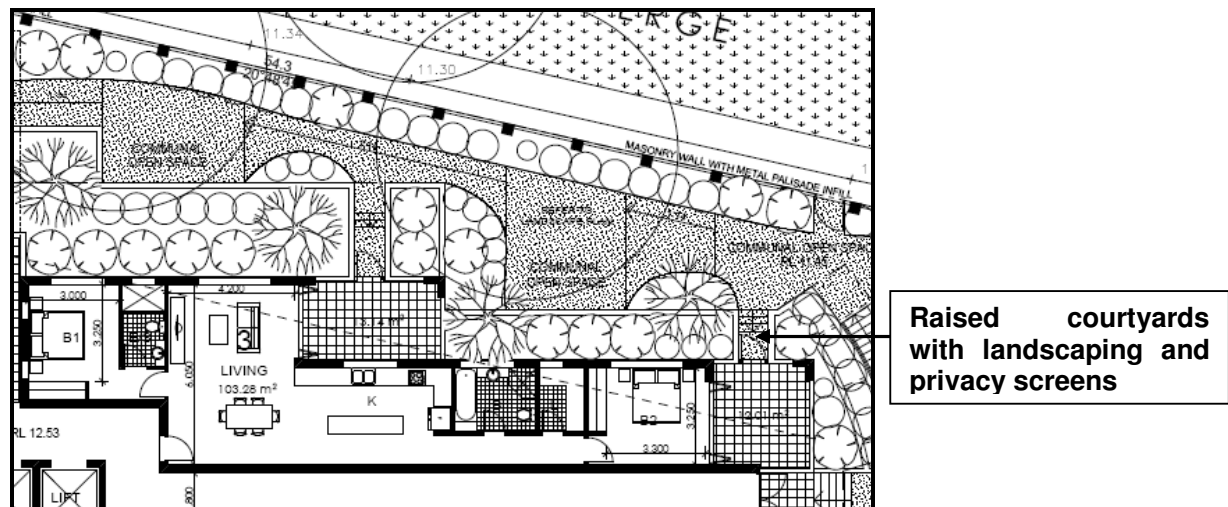


Figure 8: Extract of Ground floor plan (adjacent western boundary)

Given the above, it is considered that the proposal as amended has satisfied the concerns raised by the DRP in relation to any impacts of the communal open space area and privacy within the development.

6. FLOODING IMPACT

As outlined within the principal report prepared for the consideration of the JRPP, the subject site is identified as medium risk flood prone land. Council's Floodplain Management Engineer's were of the view that the information originally accompanying the development application has not adequately addressed flooding risk. Of specific concern was that the application had failed to demonstrate that adequate compensatory floor storage was provided.

In response to the JRPP resolution of its meeting of 19 April 2012, the applicant has revised the proposal and has submitted a flood risk assessment report. The report identifies that the proposed development aims to provide flood storage areas internally and externally to the building. The external flood storage areas are incorporated within the surrounding landscaping areas. The internal flood storage area is to be located between the first basement level and below the ground floor level. The report recommends that to allow floodwaters to pass through, voids are to be located around the flood storage area perimeter.

Council's Floodplain Management Engineer's have assessed the proposal and reviewed the flood risk report and the following comments are made:

"The Flood Risk report dated 24 July 2012 prepared by the Northern Beaches Consulting Engineer's Pty Ltd has provided the calculations and details of compensatory flood storage...the proposed development is supported subject to fulfilling flood related development controls".

The flood related development controls form part of the recommended conditions provided by Council's Floodplain Management Engineer. Should the development application be approved the recommended conditions have been incorporated into the draft conditions for consideration.

7. TRAFFIC IMPACT

As outlined within the principal report prepared for the consideration of the JRPP concern was raised by Council's Traffic Engineer in regards to the whether the basement design complied with AS 2890.1 requirements. Council's Traffic Engineer was of the view that in order to comply. A substantial redesign of the basement car park was required.

As outlined within the report, the proposal and basement design has been amended in response to the concerns raised by Council. Council Traffic Engineer has reviewed and assessed the revised plans and basement design and has concluded that the proposal is acceptable.

The specific comments were made in relation to the amended proposal:

- *"Car parking is in terms of DCP and acceptable. Minimum requirement for accessible spaces is two, whereas seven are provided.*
- *Parking space dimensions in terms of AS 2890.1.*
- *Accessible parking spaces in terms of AS 2890.6.*
- *Access ramp from Campbell Street has been redesigned to comply with AS 2890.1 requirements.*
- *Minimum storage between kerb and security door has been redesigned to store two cars.*

- All ramps have been redesigned to 1:4 gradient.
- Curved ramp has been redesigned to 6.7 metres wide between kerbs.
- Exit maximum grade below security door has been redesigned to 1:20 for 80% of queue length.
- Parking for service vehicle shown on ground level, but vehicle would have to reverse to Campbell Street. This would be unacceptable given that vehicles would approach from Hume Highway where sight distance would be less than the permitted minimum.
- Entry/exit would need to be left in left out to minimise conflict with vehicles at signals."

Council's Traffic Engineer concluded that the proposal was acceptable subject to conditions. Should the development application be approved the recommended conditions have been incorporated into the draft conditions for consideration.

8. OTHER OUTSTANDING ISSUES

As outlined within the principal report, a significant concern raised by Council was the non compliance with the front setback to Copeland Street (Hume Highway).

Liverpool Development Control Plan 2008 (LDCP 2008) – Part 4 applies to the site and the subject application. Part 4 of LDCP 2008 prescribes controls relating to development within the Liverpool City Centre.

Controls have been provided within Part 4 of LDCP 2008 which nominates street building alignment and street setback controls. The controls require a street building setback of 8m for sites with a frontage to Copeland Street/Hume Highway as illustrated within Figure 3 of LDCP 2008.

An extract of Figure 3 is provided in Figure 9 below.

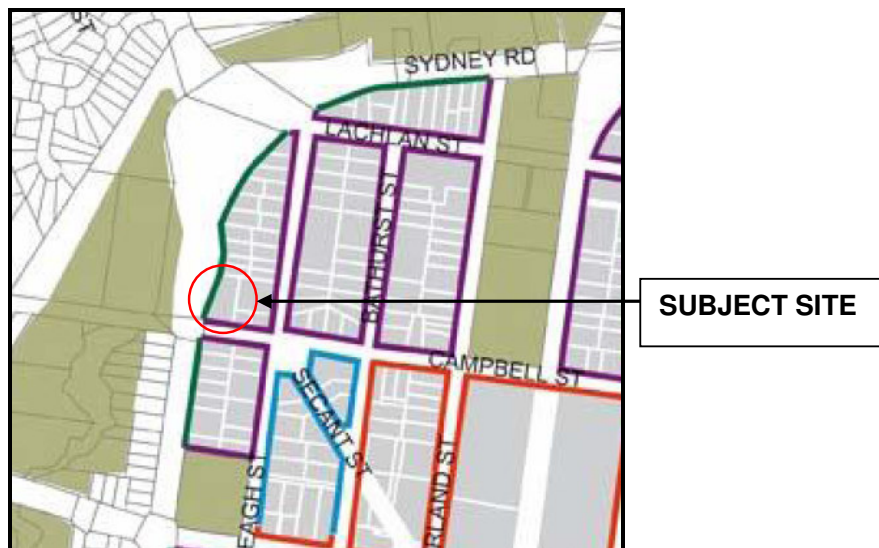


Figure 9: Extract of Figure 3 of LDCP 2008 Part 4.

The objectives of the street setbacks and building alignments is to establish the front building line as it is considered that they assist in contributing to the public domain by enhancing streetscape character and the continuity of street facades. The DCP recognises that the way

in which a building addresses the street has important implications for the quality of the public domain.

Despite the amendments to the proposal, the development does not comply with this control. The applicant has put forward the following submission in relation to this non-compliance with the LDCP 2008:

“The proposal is not compliant with the setback requirement of 8m to Orange Grove Road. This is due to the geometry of the site boundary along Orange Grove Road and the fact that there is a very large open reserve area between the subject site and the road. The building has a varied setback from the street boundary which is due to the orientation of the site and built form is stepped in order to maximise the northern aspect of the building. The distance between the western boundary to Orange Grove Road ranges from 17.4m at the northern end to 5.5m at the southern end providing a very large reserve area between the building and the street.”

The applicant has identified on the ground floor plan which is provided in Figure 10 below the extent of the 8m setback from Copeland Street/Hume Highway.

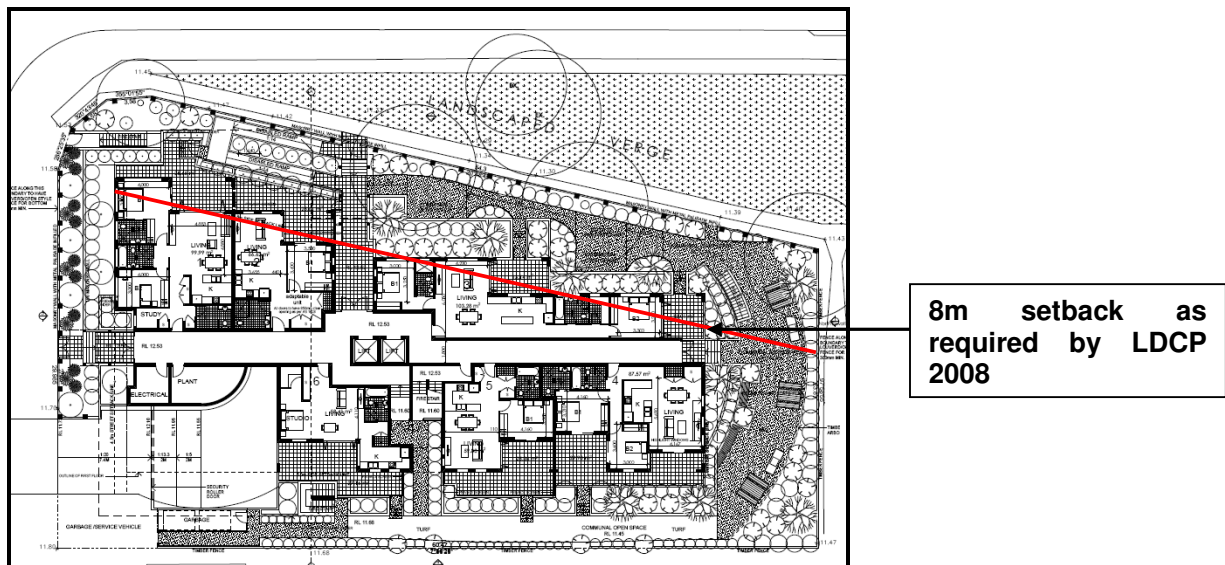


Figure 10: Extract of ground floor plan with 8m setback

Despite the amendments to the proposal, the development still results in a substantial non compliance with the street alignment and setback controls prescribed by LDCP 2008. It is considered that this non compliance is not acceptable and that the 8m setback should be complied with.

The submission put forward by the applicant that the location of the “landscaped verge” immediately adjacent the sites frontage to Copeland Street/Hume Highway should be relied upon is not considered appropriate. This borrowed amenity from the existing verge within the road reserve should not be relied upon as a landscaped area or in regards to a physical separate between the subject site and the road reserve.

It is important to note that LLEP 2008 actually zones this “landscaped verge” SP2 – Classified Road. An extract of LLEP 2008 zoning map is provided below. It is considered that the proposal would require a significant redesign to comply with this control and while the proposal as amended has incorporated a number of measures which has addressed

Council's previous concerns raised in relation to communal open space, the issue surrounding the non compliance with the street alignment and setback remains outstanding.

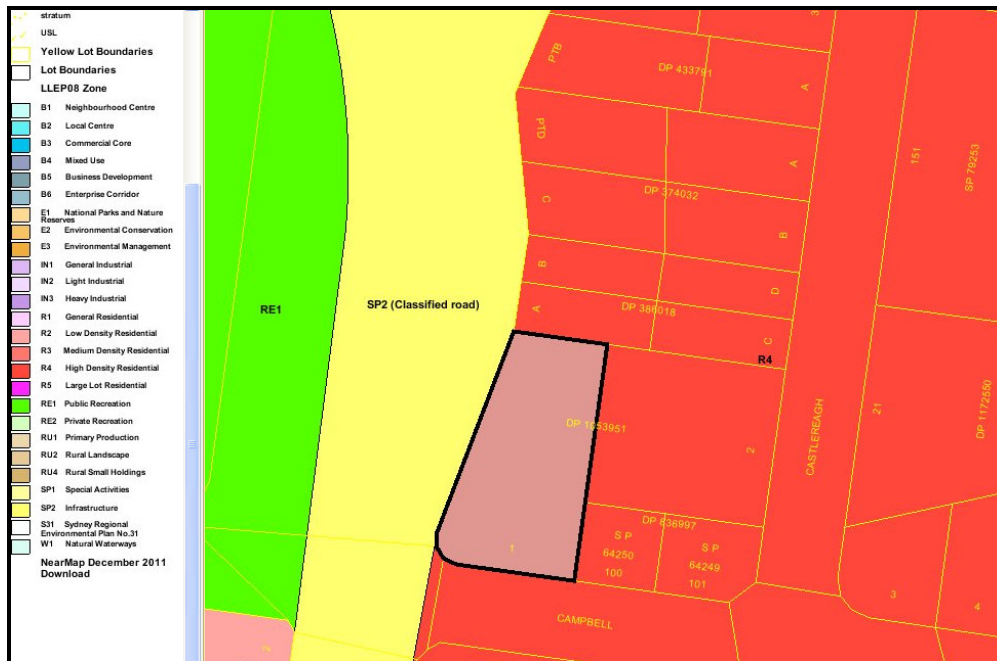


Figure 10: Extract of LLEP 2008 zoning map

It is acknowledged that the JRPP resolution of 19 April 2012 did not identify this non-compliance as being an area for the applicant to address, however with the significant departure from the control still proposed as part of the development application, support of the development application can still not be provided.

Given the extent of redevelopment that is likely to occur along this western edge of the Liverpool City Centre, it is not considered that variation to this control should be given lightly given that the objective of the controls is to establish and create consistent building lines.



Figure 11: Properties to the north of the subject site



Properties containing single dwellings.

Existing residential flat building approved under previous planning controls

It is expected that these properties will be subject to re-development in the future.

Figure 12: Properties to the south of the subject site

In addition, Council's DRP recognised the strategic importance of this control and where of the view that The Panel has not been persuaded that extent of the proposed non-compliance is justified, or that compliance with the DCP's setback control is either unnecessary or unwarranted.

9. COMMUNITY CONSULTATION

The amended application was exhibited for a period of 14 days in accordance with Liverpool Development Control Plan 2008 from 4 July 2012 to 19 July 2012. No submissions were received during the exhibition of the amended proposal.

It is noted however, that a total of two submissions were received during the initial exhibition period. The issues raised in the submissions include:

- Construction noise, and potential cracks to adjoining residences
- Traffic generation and parking congestion
- Type of development should be villas / townhouses and Council should have purchased the property to develop housing for the elderly

The issues raised in the submissions have been taken into consideration and are addressed in detail further within the principal report (attached under separate cover). In summary, it is not considered that the issues raised in the submissions warrant the refusal of the development application.

10. CONCLUSION

As outlined in detail within this report issues design issues pertaining to communal open space have been resolved. As a consequence of amendments to the development to resolve this issue other it is acknowledged that other improvements have been made to the development such as improved internal planning which has resulted in separate of passive and active uses within the units. It has also allowed for more detailed planning within the landscape design which has contributed to the better definition of public and private space.

The amendments to the proposal and submission of additional information specifically a flood impact assessment has now resolved issues raised by Council's Traffic and Floodplain Management Engineer's.

Notwithstanding of the above, Council maintains that the development would have benefited from a re-design of the proposal in the early stages of the application as recommended by both Council and the DRP. Of specific concern was the setback and street alignment to Copeland Street/Hume Highway which has a significant bearing on the development footprint.

It is considered that site planning and design decisions which incorporate the required street setbacks and street alignments are fundamental to configuration and form of the development. In order to comply with Council's controls a redesign of the proposal would be required.

For reasons outlined within this report, it is not considered appropriate for Council to depart from the street alignment and setback control which has strategically been adopted for the perimeter of the Liverpool City Centre. The rational put forward by the applicant has not considered to adequately demonstrate that compliance with this control is unnecessary and it is not considered appropriate for the applicant to "borrow" amenity from the existing verge within Copeland Street/Hume Highway which currently provides for greater separation between the development site and the existing road.

In consideration of all of the above, Council's recommendation for refusal of the application is maintained.

Should the JRPP choose to approve the development application as amended, a copy of draft conditions incorporating the recommendations of both Council's Traffic and Floodplain Management Engineer's are contained within Attachment 2.

11. RECOMMENDATION

That the Sydney West JRPP refuse Development Application DA-1210/2011 for the following reasons:

1. Pursuant to Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the relevant matters contained under the Liverpool Development Control Plan 2008. Specifically:
 - a. The proposal does not provide for a 8m street alignment and setback to Copeland Street (Hume Highway) as required by Figure 3 of Liverpool Development Control Plan 2008 Part 4 – Development in Liverpool City Centre.
 - b. The non compliance with the street alignment and setback controls is contrary to the objectives Building to Street Alignment and Street setbacks prescribed by Section 2.1 of Liverpool Development Control Plan 2008 Part 4 – Development in Liverpool City Centre. The proposal is not considered to provide for appropriate front setbacks nor do the setbacks establish the desired spatial portions for Copeland Street (Hume Highway) where a 8m street alignment and setback is required.

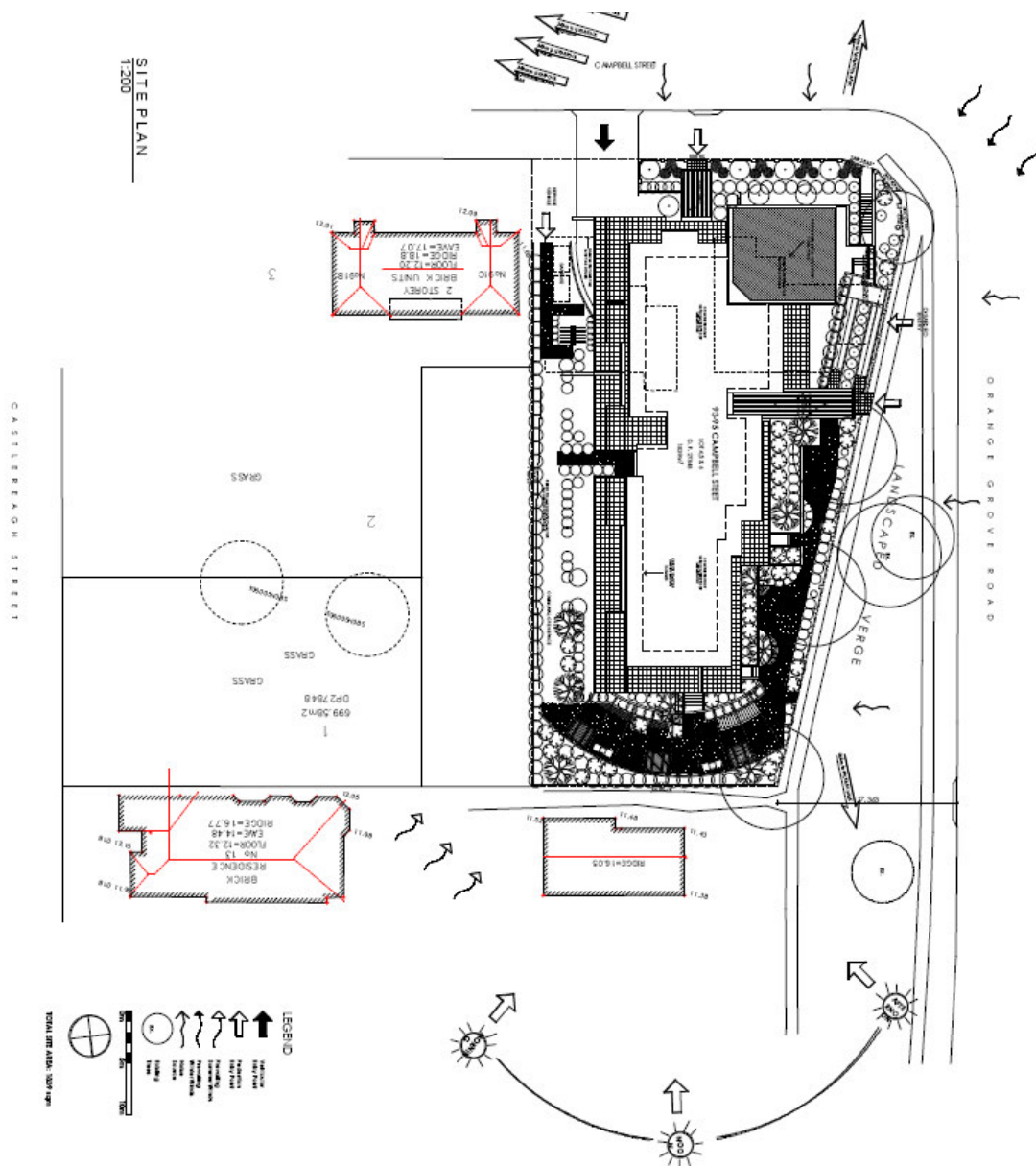
2. Pursuant to Section 79C(e) of the Environmental Planning and Assessment Act 1979, due to the above reasons, approval of the proposed development would not be in the public's interest.

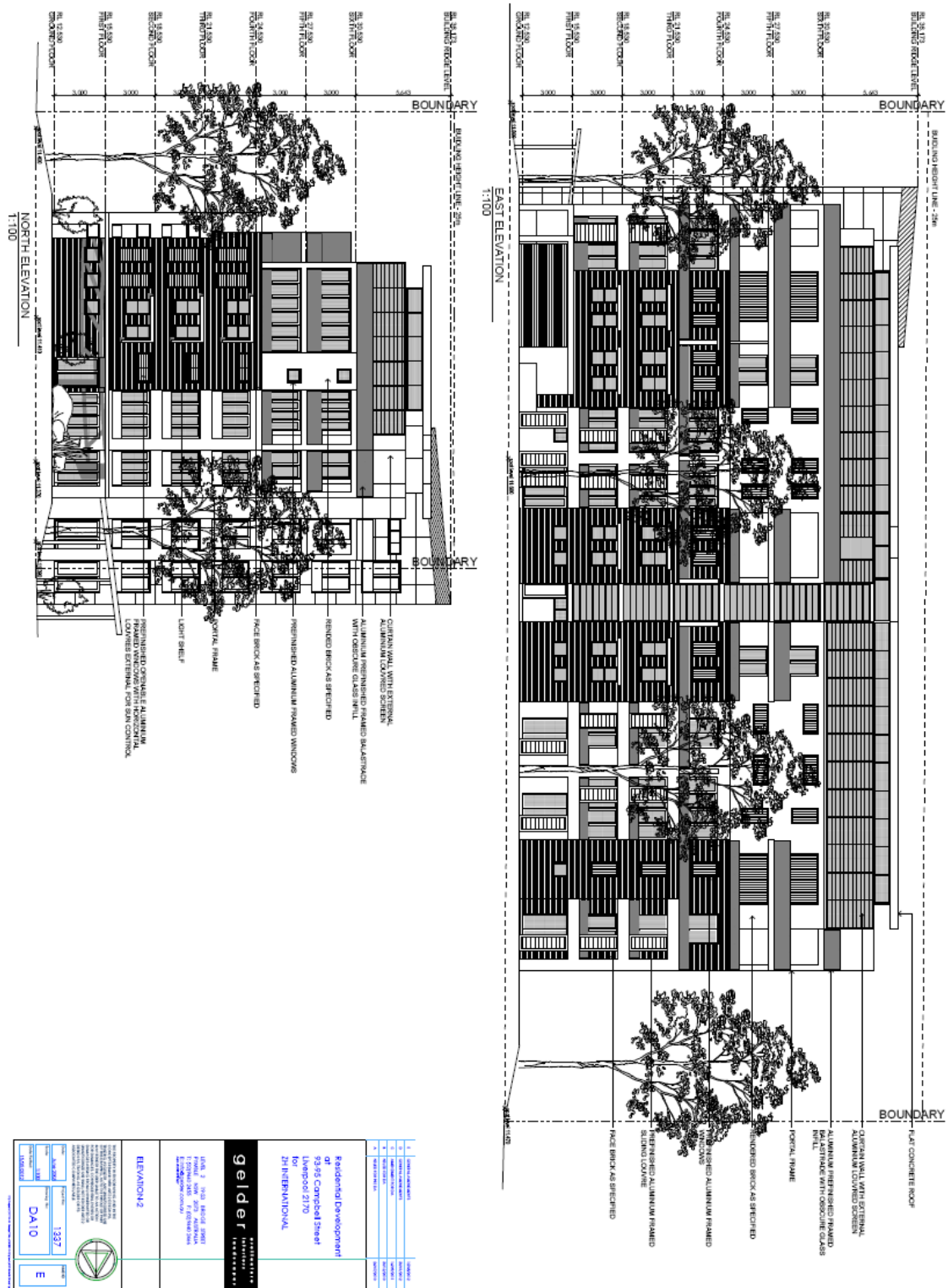
12. ATTACHMENTS

- 12.1 Amended architectural plans
- 12.2 Draft conditions of consent (without prejudice)
- 12.3 Principal planning report prepared for JRPP determination meeting of 19 April 2012 (under separate cover)

Attachment 12. 1

Amended architectural plans





Attachment 12.2

Draft conditions of consent (without prejudice)

DEFINITIONS

AEP	Annual Exceedance Probability
BCA	Building Code of Australia
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RTA	Roads and Traffic Authority

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
 - (a) Architectural plans project no. 1337 sheets DA01 – DA12 Revision E prepared by gelder architects dated 15/05/2012.
 - (b) Landscape plans project no. 1337 sheets L01 & L02 Revision E prepared by gelder architects dated 15/05/2012.
 - (c) Demolition plan project no. 1337 sheet DA13 Revision E prepared by gelder architects dated 15/05/2012.
 - (d) Drainage plans reference 170710 sheets 1 – 5 Revision D prepared by Aztec Engineers dated May 2012.
 - (e) Schedule of external colours and finishes prepared by gelder architects.except where modified by the undermentioned conditions.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:

SECTION 94A PAYMENT (Liverpool Contributions Plan 2007 Liverpool City Centre)

2. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2006 Liverpool City Centre.

The total contribution is **\$221,353**

A breakdown of the contributions payable is provided in the attached payment form.

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

C = Original contributions as shown on the consent

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

The Contributions Plan may be inspected at Council's Administration Centre, Level 2, 33 Moore Street, Liverpool or at www.liverpool.nsw.gov.au.

Please note. Payment must be accompanied by the attached form.

Roads & Maritime Services (RTA Requirements)

3. The proposed access on Campbell Street shall be restricted to a left-in, left-out arrangement due to the proximity of the driveway to the signalised intersection at the Hume Highway and Campbell Street. These right turn restrictions should be enforced by installing a triangular central median island at the driveway fronting Campbell Street in order to channel entry and exit movements. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
4. The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
5. A demolition and construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval, prior to the issue of a Construction Certificate.
6. The proposed development should be designed such that road traffic noise from the Hume Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
7. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of the Hume Highway and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of the Hume Highway.
- c. Any other issues that may need to be addressed. (Contact: RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. All vehicles shall enter and exit in a forward direction.

9. All works associated with the development are to be at no cost to the RMS.

Provision of Services

10. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA.

11. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
12. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

Fee Payments

13. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

14. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council’s road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Security for Cost of Damage and Completion of Public Work

15. Prior to issue of a CC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
- (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
 - (c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- (a) cash deposit with the Council, or
- (b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within 6 years of the date of issue of the subdivision certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

Dilapidation Report

16. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

Site Development Work

17. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
18. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Notification

19. The certifying authority must advise Council, in writing of:
- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Design Verification Statement

20. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Crime Prevention Through Environmental Design

21. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
- (a) Back to base alarm systems shall be considered;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;
 - (f) Corrugated ramps should be considered to prevent skate boarding activities;
 - (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;

- (h) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
- (i) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

Driveway/Services

- 22. Parking for service vehicle must be demonstrated to have safe access to Campbell Street in terms of adequate sight distance. Details demonstrating compliance are to be submitted to the satisfaction of Council's Traffic Engineers prior to the issue of a Construction Certificate.
- 23. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
- 24. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
- 25. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.
- 26. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

Paving

- 27. Periphery Type/ Core Type paving is to be installed along the entire Copeland and Campbell Street frontage/s, as part of this development, in accordance with the Liverpool CBD Street Tree and Landscape Strategy and, The Liverpool CBD Streetscape and Paving Guidelines.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Senior Development Engineer on 1300 36 2170 for further information.

Permit to Carry out Works

28. A separate application for a permit to carry out works must be issued by Council for –
- (a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit are/is: Stormwater construction within road reserve at Copeland Street, the reconstruction of the kerb and gutter fronting Campbell Street and construction of periphery paving.

Stormwater

29. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the approved plans.
30. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

Engineering Works

31. The structural adequacy of any retaining walls, including the hydrostatic loads caused by a full storage area should be checked and certified by a suitably qualified engineer.
32. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
33. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Recommendations of Acoustic Report

34. The recommendations outlined in the approved acoustic report prepared by Noise and Sound Services report no. nss 21686 dated September 2011 shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

Flooding

35. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. $11.8\text{m} + 0.5\text{m} = 12.3\text{m}$ Australian Height Datum).
36. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $11.8\text{m} + 0.5\text{m} = 12.3\text{m}$ Australian Height Datum).

37. An engineers report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard (i.e. $11.8\text{m} + 0.5\text{m} = 12.3\text{m}$ Australian Height Datum).
38. The basement shall be protected from inundation of floodwaters for floods up to and including the 1% AEP flood plus 0.1m freeboard (i.e. $11.8\text{m} + 0.1\text{m} = 11.9\text{m}$ Australian Height Datum).
39. Suitable warning systems signage and exits shall be provided to ensure the safe evacuation of persons from the basement to the lowest habitable floor level during times of flood.
40. Barriers shall be provided to prevent floating vehicles from leaving the site during a 1% AEP flood.
41. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
42. The development shall be consistent with any relevant flood evacuation strategy or similar plan.
43. Fencing shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
44. Fencing shall be constructed to withstand the force of floodwaters or collapse in a controlled manner so as not to obstruct the flow of water, become unsafe during times of flood or become moving debris.
45. There shall be no net loss of floodplain storage volume below the 1% AEP flood. Compensatory flood storage shall be provided on-site in accordance with Flood Risk Report dated 24 July 2012 prepared by Northern Beaches Consulting Engineers Pty Ltd. The design of compensatory flood storage area shall be undertaken keeping provision for effective drainage of floodwater following a flood event. The developer shall submit detailed design drawings of compensatory flood storage area for Council's approval prior to issue of Construction Certificate.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Construction Certificates

46. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
47. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

48. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

Notification/Principal Certifying Authority

49. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A of the Act.
50. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
51. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.
52. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Facilities

53. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Construction Requirements

54. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.

55. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
56. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.
57. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

Demolition

58. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

Site Facilities

59. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

60. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
 - (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Hoarding

61. A construction hoarding of class (either A, B, or C, whichever is applicable) must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

This applies, as follows:

- (a) If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or
- (b) If craning of materials is to occur across a public area or road reserve area.

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

Notification of Service Providers

62. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating

or telephone 13 20 92.

Reports

63. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

Site Contamination

64. A Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced land contamination consultant in accordance with DECCW (EPA) Guidelines. The RAP shall be submitted and approved by the PCA.
65. Implementation of the findings of the Phase 2 Investigation must be reviewed by a contaminated land auditor accredited under the DECCW (EPA) Contaminated Land Management Act 1997. The accredited auditor must provide Council with a copy of the Site Audit Statement.

Waste Classification

66. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

Environmental Management

67. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
68. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

Building Work

69. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
 - (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
 - (c) prior to covering any stormwater drainage connections; and
 - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

Identification Survey Report

70. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Hours of Construction Work and Deliveries

71. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

72. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

Demolition Work

73. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

Disabled Access

74. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code.

General Site Works

75. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
76. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Car Parking Areas

77. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Traffic Management

78. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
79. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
80. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
81. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Waste Management Plan

82. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Vegetation

83. Permission is hereby granted for the removal of any tree within 3 metres of the building footprint. Trees located outside this area or not indicate on the plan are not to be removed without the consent of Council.

Landscaping Works

84. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
85. Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines.

Fencing

86. Any gate associated with a front fence shall swing inwards from the property.

External

87. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
88. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
89. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Contamination

90. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
91. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

92. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.
93. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

94. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
95. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
96. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Erosion Control

97. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
98. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
99. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

100. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

101. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
102. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Certificates

103. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
104. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
105. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
106. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
107. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

BASIX

108. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Landscaping

109. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Road Works

110. Suitable concrete vehicular footpath crossings must be provided at the entrance to and exit from the property. These crossings must be constructed in accordance with Council's standard requirements for light duty vehicular crossings. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc.
111. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.
112. Prior to issue of Occupation Certificate, the kerb and guttering shall be reconstructed along the frontage of the property on Campbell Street

Design Verification Statement

113. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
 - (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

Recommendations of Acoustic Report

114. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
 - (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

Site Contamination Validation Report

115. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
 - (a) describe and document all works performed;
 - (b) include results of validation testing and monitoring;
 - (c) include validation results of any fill imported on to the site;
 - (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
 - (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

Garbage Services

116. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the residential component of the development as well as serving requirements. These waste/garbage bins are to be kept at all times within the residential waste/garbage compartment rooms except before and after collection days. Waste/garbage bins are to be returned to the compartment room as soon as practical after waste has been collected.
117. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
 - (a) Ventilation
 - (b) Acoustics

F. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

Graffiti

118. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Waste Storage Area

119. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
120. Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected and returned as soon as possible after collection by the same persons.
121. Any bin bays must be:
 - (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (f) Garbage is to be placed wholly within the garbage bins provided;

- (g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
- (h) The area is to be kept tidy;
- (i) A phone number for arranging disposal of bulky items;
- (j) Graphic illustrative content to be 50%.
- (k) Bin bay signs are available from Council;
- (l) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute;
- (m) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
- (n) Maximum compaction ratio is 2:1;
- (o) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

Car Parking/Loading

- 122. A total of 56 off street car parking spaces must be provided in accordance with Council's relevant development control plan. 7 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
- 123. All parking areas shown on the approved plans must be used solely for this purpose.
- 124. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
- 125. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Noise

- 126. Any alarm installed on the site is to be "silent back to base" type. Any intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
- 127. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5dB(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

(c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Landscaping

128. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice.
- d) The Planning Assessment Commission has not conducted a review of the application.
- e) These conditions are imposed to control development, having regard to Section 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) “DIAL BEFORE YOU DIG” DIAL 1100
Before any excavation work starts, contractors and others should phone “Dial Before You Dig” service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au
- i) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- j) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

ATTACHMENT (A)

CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contributions Plan 2007 (Liverpool City Centre)

Note to the applicant: When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI July Quarter 2012 and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-1210/2011

APPLICANT: Gelder Architects

PROPERTY: 93-95 Campbell Street Liverpool

PROPOSAL: Demolition of existing structures and construction of a residential flat building comprising fifty-one residential units and two levels of basement car parking with vehicular access to be provided from Campbell Street and associated landscaping and service features.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$4,253	GL.10000001870.10112
Whitlam Centre Extensions	\$3,141	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$4,055	GL.10000001870.10099
Woodward and Collimore Parks	\$19,082	GL.10000001869.10093
Georges River Foreshore	\$133,575	GL.10000001869.10105
Bigge Park	\$28,623	GL.10000001869.10105
Pioneer Park	\$28,623	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
<u>TOTAL</u>	<u>\$221,353</u>	

----- OFFICE USE ONLY -----

RECORD OF PAYMENT

Total Amount paid: _____ Date: _____

Receipt No.: _____ Cashier: _____