

DEFINITIONS

AEP	Annual Exceedance Probability
NCC	National Construction Code (formerly Building Code of Australia)
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
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>
RMS	Roads and Maritime Services

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 drawings DA01/K, DA02-1/F, DA02-2/F, DA03-1/D, DA03-2/D, DA04/F, DA04/C, DA05/F, DA06/D, prepared by Leffler Simes Architects dated 15/08/2012.
 - (b) Landscape plans drawings 000 issue I, 101 issue J, 102 issue G, 103 issue G, 104 issue H, 501 issue E, 502 issue C, prepared by Site Image Landscape Architects dated 03/07/2012.
 - (c) Intersection linemarking plans and utilities and services adjustment plans drawings 12399_CC_C602 revision 02, 12399_CC_C603 revision 02, 12399_CC_C800 revision 01, prepared by Henry & Hymas dated 04/06/2012.
 - (d) Civil engineering works drawings 12399_DA_C000 revision 01, 12399_DA_C101 revision 01, 12399_DA_C200 revision 01, 12399_DA_C201 revision 01, 12399_DA_C202 revision 01, 12399_DA_SE01 revision 01, 12399_DA_SE02 revision 01, prepared by Henry & Hymas dated 05/09/2012.
 - (e) Traffic report prepared by Colston Budd Hunt & Kafes dated April 2011 and as revised by supplementary report prepared by Colston Budd Hunt & Kafes dated 6 September 2012.
 - (f) Waste management plan prepared by Hydrox Nominees dated May 2011.
 - (g) Schedule of external colours and finishes labelled Masters Home Improvement Centre Issue A dated 05/12/2011.
 - (h) Flood Reports including Cumulative Impact Assessment Report by FloodMit Pty Ltd dated 12 April 2012, Ref: J1207_L1.doc, Flood Assessment Report, Proposed Home Improvement Centre Warwick Farm by FloodMit dated April 2011, Ref: J1102_R2.doc and Letter Reports by FloodMit dated 31 August 2012, Ref: J1225_L2.doc and dated 02 August 2011, Ref: J1115_L1, and complementary storage civil plan prepared by ACOR consultants dated 23 January 2012.
 - (i) Access report prepared by Access design Solutions dated 29 April 2011.
 - (j) Acoustic report prepared by Acoustic Logic dated 02/05/2011.
 - (k) Arborist report (tree catalogue) prepared by Eco Logical Australia dated 9 January 2012.

- (l) Flora and fauna assessment prepared by Whelan Insites dated 16 June 2011 and supplementary ecological report prepared by Eco Logical Australia dated 23 January 2012.
- (m) Statement of Heritage Impact prepared by Graham Brooks & Associates dated 26 March 2010 and Heritage Interpretation Strategy prepared by Graham Brooks & Associates dated December 2011.

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:

Fee Payments

- 2. 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.
- (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.

- 3. 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

- 4. 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 \$50,000 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

- 5. 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

- 6. 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.
- 7. 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

- 8. 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.

Fire Safety Measures

- 9. A schedule specifying all of the essential fire safety services which are required for the building shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

Crime Prevention Through Environmental Design

10. 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) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (c) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (d) 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;

Driveway/Services

11. 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.
12. 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.
13. 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.
14. 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.

Permit to Carry out Works

15. A separate application for a permit to carry out works must be issued by Council for –

A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The works in the existing road reserve requiring a Council Section 138 permit are:

- (a) Road and drainage construction work on Warwick Street adjacent to the site; and
- (b) Stormwater connection to the existing pits.

Drainage

16. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
 - (a) These plans must satisfy the following requirements:
 - i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
 - ii. Council's Trunk Drainage Scheme(s),
 - iii. Council's Development Control Plans,
 - iv. All proposed road and drainage works must adequately match existing infrastructure
 - (b) These plans must incorporate the following:
 - i. A geotechnical report forming the basis of a road pavement design
 - ii. An acoustic report identifying the height of the required acoustic fence to achieve the noise levels as defined in Council's D.C.P. No.4.
 - iii. A geotechnical report identifying any contamination of the site, the chemicals present, and proposed remediation required
 - iv. A drainage study identifying the location and design required of any drainage channel, or detention basin.
17. All on site detention shall be checked and certified by an accredited stormwater drainage designer.

Stormwater

18. 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.
19. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (ARI), is required. The plan must show how the stormwater generated by this site, and other inter-allotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On Site Detention Policy

20. Prior to the issue of a Construction Certificate, all stormwater drainage pipes within the proposed road reserve must be inspected using CCTV camera by an

experienced operator. Inspections are to be in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Viewing and assessing of the video footage is to be undertaken by the Consulting Engineer and a certified report including the video footage is to be prepared and submitted to Council. Any defects found in the lines will need to be rectified to satisfaction of Council.

Public Road Design/Construction Within Road Reserve Areas

21. All roads are to be designed 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 their roads or swales, as appropriate, connecting into the major trunk drainage system.
22. Road construction (shoulder) – road shoulder shall be designed at Governor Macquarie Drive – adjacent to the subject land to include footpath formation, kerb and gutter, drainage, pavement construction including reconstruction of any temporary (sealed or unsealed) pavement or road shoulder, sealing and service adjustments in accordance with Council's current design specification for subdivisions (as amended) and to the satisfaction of the roads authority. Engineering details shall be submitted in conjunction with the CC application for approval, to the roads authority. The design and construction of these works requires a Roads Act 1993 – Section 138 Permit to carry out works. The permit is to be obtained by the applicant prior to other development CC's being issued by the PCA (subdivisions) for works under the EP&A Act.
23. Road construction (full width) – full formation shall be designed at Warwick Street – adjacent to the subject land to include kerb and gutter, footpath formation, drainage, pavement construction, sealing and service adjustments in accordance with Council's current design and construction specification for subdivision (as amended) and to the satisfaction of the roads authority. Engineering details shall be submitted in conjunction with the CC application for approval, to the roads authority. Where the works are within an existing dedicated road reserve, the Section 138 Roads Act Permit to Carry Out Works permit is to be obtained from Council by the applicant prior to other CC's being issued by the PCA (subdivisions) for works under the EP&A Act.
24. A kerb and guttering design plan for Warwick Street is to be submitted for approval prior to CC.
25. A construction traffic management plan must be submitted for approval prior to CC.

Erosion and Sediment Control

26. 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.

Road lighting

27. The applicant is to provide a road lighting design plan for the development with due consideration given to all areas operating characteristics, proposed traffic

management devices and intersections including all works within the road reserve and adjoining public spaces. The applicant shall request from Council's Transport Planning Section, the appropriate lighting subcategories required for the development. The lighting subcategory provided to the applicant from Council will be consistent with the requirements of Australian Standard AS/NZS 1158 – Road Lighting.

The design shall be prepared by a level 3 service provider (listing of accredited providers may be obtained from the Ministry of Energy and Utilities, telephone 9901 8816).

On completion of the road lighting design plans, the plans and a schedule of annual charges shall be forwarded to Council's Transport Planning Section for their acceptance of the ongoing maintenance charges. These plans shall include a statement by the designer certifying that the design meets Council's specification and all requirements of AS/NZS 1158. CC's for the development shall not be issued prior to Council providing this letter of acceptance.

This letter of acceptance and approved plans shall then be submitted to Integral Energy for their approval and certification for connection to their public lighting network.

An Occupation Certificate shall not be issued prior to Council receiving a compliance certificate from Integral Energy stating that the applicant has made the necessary arrangements with Integral Energy for the provision of the approved public lighting works.

Engineering Works

28. The maximum ponding depth of any above ground stormwater storage area shall not exceed 300mm.
29. 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.
30. The proposed retaining walls on the property associated with the aboveground Onsite Detention system must be of masonry construction. Details are to be included with the plans and specifications to accompany the CC.
31. 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.
32. The traffic management plan is to be prepared by an accredited designer and submitted to and stamped 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.

Geotechnical report

33. A geotechnical investigation of the existing pavement of the street adjacent to the proposed development shall be undertaken along with an assessment of the structural adequacy of the existing pavement and, in the event that the existing pavement of Manning and Munday Street is considered inadequate, a recommendation for remedial treatment shall be submitted to Council for approval.

Recommendations of Acoustic Report

34. The recommendations provided in the approved acoustic report 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. Habitable and general commercial floor levels shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. $8.4\text{m} + 0.5\text{m} = 8.9\text{m}$ Australian Height Datum).
36. Non habitable floor levels shall be no less than the 2% AEP flood (i.e. 8.2m Australian Height Datum).
37. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $8.4\text{m} + 0.5\text{m} = 8.9\text{m}$ Australian Height Datum).
38. 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. $8.4\text{m} + 0.5\text{m} = 8.9\text{m}$ Australian Height Datum).
39. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood storage compensatory works shall be carried out as indicated in Flood Assessment Report, Proposed Home Improvement Centre Warwick Farm by FloodMit dated April 2011, Ref: J1102_R2.doc and Letter Reports by FloodMit dated 31 August 2012, Ref: J1225_L2.doc and dated 02 August 2011, Ref: J1115_L1. Prior to Issue of Construction Certificate, the developer shall submit drawings providing the details of flood storage compensatory works and calculations of cut and fill volume.
40. The flood storage compensatory works shall be completed prior to earth filling below the 1% AEP flood.
41. Barriers shall be provided to the car parking site to prevent floating vehicles from leaving the site during a 1% AEP flood.
42. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
43. The development shall be consistent with any relevant flood evacuation strategy or similar plan.

44. Fencing shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
45. 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.

Heritage

46. Prior to commencement of any works at the subject site, photographic archival recording of the eight extant dwellings is to be undertaken in accordance with the guidelines set out by the Heritage Branch, contained within the publication, *Photographic Recording of Heritage Items Using Film or Digital Capture*. Four copies should be produced: two for Liverpool City Council (one for archiving and the other for the Library collection), the third to be held by the ATC and the fourth by the owner of the site. These guidelines are available from the Heritage Branch website - http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf.
47. The Interpretation Strategy by Graham Brooks and Associates (dated December 2011) is supported and is to be implemented, including the mural/motif to the fire sprinkler tanks. The mural, markers and signs are to be designed by a Graphic Designer with experience in the heritage context and final designs are to be approved by Council's Heritage Officer prior to manufacture.
48. Any future development application for signage shall ensure a sympathetic signage scheme is to be employed which respect to the heritage context. Directional signage should be rationalised to avoid clutter. Flashing, LED, neon or internally illuminated signage is not acceptable in the heritage context.

Roads and Maritime Services requirements

49. The applicant shall dedicate sufficient land as public road at the north-western corner of the Governor Macquarie Drive and Munday Street intersection to facilitate construction of the previously identified signal and civil works at this existing intersection.

The amendment to the proposed layout of the landscaping and car parking on the subject site associated with this land dedication as public road shall be to Council's satisfaction.

50. The Occupation Certificate of the proposed development shall not be approved until such time that the proposed traffic signals and associated civil works at the intersection of Governor Macquarie Drive and Munday Street are fully constructed and operational.
51. Concern is raised with regard to the close proximity of the entry driveway on Munday Street to the Governor Macquarie Drive (GMD) intersection and the associated potential for right turning vehicles into this entry driveway being blocked by the vehicular queue on the Munday Street approach to the GMD intersection, which will block through vehicles on the Munday Street departure side of the GMD intersection.

The applicant shall investigate whether a short right turn lane can be accommodated on Munday Street to store vehicles waiting to turn right into the subject development and not obstruct through vehicles on Munday Street on the departure side of the GMD signalised intersection

52. The swept path analysis plans of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site and traversing on the local roads adjacent the subject site, shall be in accordance with AUSTROADS. The plans should be well scaled with clear dimensions and include details such as line markings, width of lanes, centrelines and kerblines.

Council raised concerns with regard to the turning movements of semi-trailers at the intersection of Warwick Street and Manning Street. In this regard, the swept path plan should be provided to Council to demonstrate that the largest vehicle is able to turn safely at this intersection.

The swept path plan of semitrailers once endorsed by Council will determine the extent of 'No Stopping' parking restrictions on local roads fronting the subject site which will require referral to the Local Traffic Committee for consideration and community consultation being undertaken at the developer's cost and to Council's satisfaction.

53. The proposed landscaping at the corner of Governor Macquarie Drive/Munday Street intersection should not obstruct any traffic signal lantern at the intersection and shall not require ongoing maintenance to prevent obstruction or damage to signal and civil infrastructure on GMD
54. Council raised concern with regard to the number of car parking spaces supplied on the site. The number of car parking spaces shall be provided to Council's satisfaction.
55. Landscaping within the car parking areas shall be provided to Council's satisfaction.
56. Council raised concern with regard to the marked foot crossings and car parking spaces being located directly adjacent the entry point on Warwick Street and the potential for this to create conflict and queuing at the entry point and may lead to queuing onto the Hume Highway. This issue shall be addressed to Council's satisfaction.
57. It is preferable that the pedestrian crossings within the car parking not be linemarked as zebra crossings. The pedestrian crossings within the car park should be identified with pram ramps, footpath and appropriate signage.
58. Footpaths along the site boundaries should be provided to Council's satisfaction.
59. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 for the longest vehicle adopted in the design.

60. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of-a construction certificate.
61. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
62. Disabled car parking spaces are to be provided in accordance with Council's requirement and are to conform to AS 2890.6 - 2009.
63. All new pedestrian accesses are to comply with AS 1428.1 -2001Design for Access and Mobility.
64. All vehicles are to enter and leave the site in a forward direction.
65. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
66. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

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

67. Detailed civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
68. 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.
69. 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.

Notification/Principal Certifying Authority

70. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A of the Act.
71. 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.

Facilities

72. 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

73. 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.
74. 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.
75. 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.
76. 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

77. 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

78. 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

79. 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

80. A construction hoarding of class A 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

81. 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

82. 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.

Environmental Management

83. 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.
84. 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

85. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with 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 any stormwater drainage connections; and
 - (c) 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
86. 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

87. 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

88. 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

89. 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.

General Site Works

90. 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.
91. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
92. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
93. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Tree removal

94. Prior to the removal of each tree, they must be examined by a qualified independent ecologist or member of a wildlife rescue organisation for the presence of hollows of any size. The removal of all hollow bearing trees shall be supervised by a qualified independent ecologist or member of a wildlife

rescue organisation. The hollows shall be thoroughly inspected for roosting animals. Any native fauna encountered must be relocated by a qualified independent ecologist or member of a wildlife rescue organisation with necessary permits.

Car Parking Areas

95. 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.

96. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

Traffic Management

97. 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.
98. 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.
99. 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.
100. 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.

Vegetation

101. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained.

Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

102. 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.
103. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
104. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
105. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

External

106. 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.

Graffiti

107. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

Contamination

108. 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.
109. 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.

Air Quality

- 110. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- 111. 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.
- 112. 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

- 113. 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.
- 114. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
- 115. 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

- 116. 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

- 117. 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.
- 118. 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

119. 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.
120. 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.
121. 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.
122. 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.
123. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
124. A flood emergency response plan shall be developed and maintained for the site. The flood emergency response plan shall include suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood.

Land dedication

125. Based on swept paths submitted by the applicant for a 19 metre semi trailer turning left from Manning Street into Munday Street, the applicant is to prepare a detailed design to modify the corner of Munday Street and Manning Street to allow vehicles to manoeuvre on the correct side of the road. In accordance with Figure 3 of the supplementary traffic assessment submitted by Colston Budd Hunt & Kafes dated 6 September 2012 any land required shall be dedicated prior to issue of Occupation Certificate.
126. The developer is to carry out road widening and intersection treatment at the Warwick Street/Munday Street intersection to accommodate the turning path of a 19 metre semi-trailer as shown in the design drawing attached to the supplementary information submitted to Council dated December 2012.

Traffic requirements

127. The proposed signals and associated civil works at the intersection Governor Macquarie Drive and Munday Street must be fully constructed and operational prior to issue of Occupation Certificate.
128. The proposed landscaping at the corner of Governor Macquarie Drive and Munday Street shall not obstruct any traffic signal lantern and shall have no maintenance requirements in terms of damage to signal and civil infrastructure on GMD.
129. The 3.25 metre high acoustic fence between the loading area and Manning Street must provide adequate sight distance and stopping distance for all vehicles approaching the dock along Manning Street.
130. The proposed landscaping at the corner of Governor Macquarie Drive and Munday Street shall have no maintenance requirements in terms of damage to signal and civil infrastructure on GMD.
131. The developer is to apply to the Local Traffic Committee (LTC) for the approval of the following:
 - KEEP CLEAR to be installed at the main driveway off Munday Street and
 - all the associated parking restrictions along the sections of Warwick Street, Manning Street and Munday Street fronting the development site.

Following the LTC's approval the developer is to install the signage at no cost to Council prior to occupation of the development.

132. An operational traffic management plan, including appropriate directional signage and delineated pedestrian paths must be submitted for approval prior to Occupation Certificate.
133. A shared path/footpath plan must be submitted for Local Traffic Committee approval and constructed along the perimeter of the site prior to issue of Occupation Certificate.

Landscaping

134. 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

135. 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 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.

136. 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.
137. Road construction (shoulder) - road shoulder shall be constructed at Governor Macquarie Drive adjacent to the subject land to include footpath formation, kerb and gutter, drainage, pavement construction including reconstruction of any temporary (sealed or unsealed) pavement or road shoulder, sealing and service adjustments in accordance with Council's current design and construction specification for subdivisions (as amended) and to the satisfaction of the roads authority.

Recommendations of Acoustic Report

138. 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.

Certificates

139. Two copies, both marked up in red, of a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed Drainage and/or On-site Detention systems. The plan must include:
 - (a) Sufficient levels and dimensions to verify the constructed storage volumes
 - (b) Location and surface levels of all pits.
 - (c) Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
 - (d) Finished floor levels of all structures and driveways
 - (e) Verification that trash screens and/or GPT's have been installed
 - (f) Locations and levels of any overland flow paths
 - (g) The work-as-executed plan information should be shown on a (h) stamped copy of the approved civil works drawings.
140. Road construction (full width) – full formation shall be constructed at Warwick Street – adjacent to the subject land to include kerb and gutter, drainage, pavement construction, sealing and service adjustments in accordance with Council's current design and construction specification for subdivision (as amended) and to the satisfaction of the roads authority if within an existing dedicated road reserve, or by the roads authority or principal certifier if not within a dedicated road reserve.
141. The applicant shall arrange for the construction of a 2 metre wide by 75mm deep concrete footpath paving together with associated turfing adjustments along the full frontage of the site in Council's road pedestrian way. The construction shall only be carried out to plans and specification approved by Council and via Roads Act Permit to Carry Out Works. This footpath

construction shall be completed (or bonded by agreement with Council prior to the issue of the OC by the PCA for building works.

142. A Work As Executed plan prepared by a suitably qualified person, must be submitted to Council at the completion of the work to ensure all work is in accordance with the approved plans and conditions.
143. The constructed OSD system must be certified as complying with the approved detention design by an appropriate accredited professional engineer.

Engineering Work

144. The following compliance certificates will be required to be submitted with an application for an Occupation Certificate. Other compliance certificates may be required for "one off" components not covered by this list. All compliance certificates are to be submitted by the accredited certifier for the development.

(a) General Certificates:

- i. Lodgement of Bonds
- ii. Lot Filling
- iii. Geotechnical Testing and Reporting Requirements
- iv. Service Authority Clearances
- v. Lot Classification Report

(b) Construction:

- i. Implementation of Soil Erosion Plan (several required at appropriate stages)
- ii. Implementation of Traffic Control Plan
- iii. Log book listing details of all inspections undertaken during construction
- iv. String Line all roads prior to seal
- v. Road pavement
 - Subgrade (Reduced Levels, Roller Test)
 - Each Subbase Layer (Depth, Roller Test)
 - Base Course Layer (Depth, Roller Test)
 - Wearing Course (Depth, grading)
 - Subsoil Drains
 - Service Crossings

(c) Pipework:

- i. Trench Excavation (Line, Grade, Location)
- ii. Bedding (Type, compaction)
- iii. Pipework (before backfill)
- iv. Backfill (compaction)

(d) Stormwater Pits:

- i. Pit Base
- ii. Walls
- iii. Lintel sizes
- iv. Steel reinforcement (if required)

- (e) Kerb and Gutter:
 - i. Kerb line and level
 - ii. Concrete compaction
 - iii. Finish
 - iv. Kerb Line, level and profile.
 - (f) Footpath formed to profile
 - (g) Acoustic fence constructed as specified by the Construction Certificate
 - (h) A compliance certificate will be required to demonstrate that the site has been remediated in accordance with the Construction Certificate and the supporting contamination report. To this effect a site remediation report must be produced by an EPA accredited geotechnician, or to the satisfaction of the EPA.
 - (i) Traffic management works undertaken in accordance with construction certificate Traffic Management Plan
 - (j) Final inspection
145. Land filled in excess of 300mm to be compacted to 98% Standard dry density ratio (AS1289 E4.1). Each lot, whether filled or not, to be classified in terms of the Australian Standard for Residential Slabs and Footings (AS2870) prepared by a NATA registered soil testing consultant. Where the lot classification is H, a restriction will be required on the title of that lot that special footings for any building may be required. A classification of E or P is unacceptable.
146. A “positive covenant” and “restriction as to user” must be placed over the Onsite Detention System in accordance with Council’s Onsite Detention Policy and Construction Specification. Details should be submitted with the application for an Occupation Certificate.

F. CONDITIONS RELATING TO USE

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

Traffic

147. A traffic management plan for the first 2 weeks of operation must be submitted for approval by the Local Traffic Committee.
148. The developer is to submit a report to Council and RMS within six months of occupation outlining whether the proposed traffic management around the development site is operating within acceptable levels of service. If the review requires any improvements the report should outline the required improvements at full cost to the developer.

Flood control

149. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard (i.e. 8.4m + 0.5m = 8.9m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

Separate Application for Use

150. Each separate unit/occupancy shall be subject to submission (and approval by Council), of a separate Development Application for its use.

Goods in Building

151. All materials and goods associated with the use shall be contained within the building at all times.

Graffiti

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

Car Parking/Loading

153. A total of 335 off street car parking spaces must be provided in accordance with Council's relevant development control plan. 8 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
154. All parking areas shown on the approved plans must be used solely for this purpose.
155. 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.

Noise

156. No persons, such as those commonly known as 'spruikers' shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.
157. Any alarm installed on the site is to be "silent back to base" type.
158. The use of the premises including music and other activities 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 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight 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) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) 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), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

159. 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.

Environment

160. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

Landscaping

161. 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

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

i) **TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- 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.