

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. STAGED APPROVAL

TABLE 1 – STAGING PROGRAM

STAGE	DEVELOPMENT WORKS	PART REFERENCE
1	<u>Proposed Lot 100</u> (Blocks A, B, & C) <ul style="list-style-type: none">• 24 townhouses (mix of 2 bedroom and 2 bedroom plus study).• 18 Apartments (mix of 1, 2 & 3 bedroom, includes loft apartments).• Total 42 dwellings.• 61 car parking spaces (including 6 visitor and 1 disabled).	Parts 2 and 3
2	<u>Proposed Lot 101</u> (Blocks D, E, F & G) <ul style="list-style-type: none">• 60 apartments (mix of studio, 1, 2 & 3 bedroom, includes loft apartments).• 43 car parking spaces (including 4 visitor and 1 disabled).	Parts 2 and 4

PART 2 – The following Conditions relate to both Stages of the development as identified in Table 1 of this Notice.

B. 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 prepared by Spence Pearson Architects, namely:
 - Cover/Drawing List, DA 001 (Rev C) – 18/09/12,
 - Site Analysis, DA 002 (Rev C) - 27/02/12,
 - Materials and finishes, DA 003 (Rev A) - 14/02/12,
 - Site Images 1, DA 004 (Rev D) – 28/02/12,
 - Site images 2, DA 005 (Rev B) – 28/02/12,
 - Demolition Plan, DA 006 (Rev B) – 27/02/12,
 - Demolition Elevation, DA 006B (Rev A) – 18/09/12,
 - Shepherd St Visibility Study, DA 008 (Rev A) – 18/09/12,
 - Disabled Parking Scheme, DA 009 (Rev A) – 18/09/12,
 - Site & Construction Phasing, DA 101 (Rev G) – 18/09/12,
 - Ground Floor Plan (including Staging), DA 102 (Rev G) – 18/09/12,
 - First Floor Plan, DA 103 (Rev G) – 18/09/12,
 - Second Floor Plan, DA 104 (Rev G) – 18/09/12,
 - Third Floor/Roof Plan, DA 105 (Rev G) – 18/09/12,
 - Typical Apartment Block A-D, DA 106 (Rev C) – 27/02/12,
 - Typical Apartment Block E, DA 107 (Rev C) – 27/02/12
 - Typical Apartment Plans Block F+G, DA 108 (Rev D) – 18/09/12,
 - Adaptable Unit Plans, DA 109 (Rev D) – 28/02/12,
 - Site Elevations & Sections, DA 201 (Rev G) – 18/09/12,
 - Blocks A & B Elevations, DA 203 (Rev G) – 18/09/12,
 - Detail Sections, DA 205 (Rev B) – 18/09/12,
 - Shadow Diagrams Winter, DA 301 (Rev C) – 18/09/12.
 - (b) Landscape plans prepared by Site Image (Job No.SS12-2413) DWG Nos. 101 (Rev G), 301, 302, 304, 401 – 404 (Rev B), & 501 (Rev E) – 11/09/12.
 - (c) Landscape Design Report prepared by Site Image (issue A) dated September 2012.
 - (d) Plan of Subdivision prepared by Lean, Lackenby & Hayward (Dwg No. 51102 SUB, Amend A) dated March 2012.
 - (e) Flooding and Stormwater Plans prepared by Warren Smith & Partners (Job No.4085000) DWG Nos. C01 – C04 (Issue B), C05 (Issue E), C06 (Issue C), C07(Issue B).
 - (f) Waste Management Plan prepared by Burton Property Group dated 28/02/12.

- (g) Heritage Impact Report dated 02/03/12; and supplementary Response dated 27/08/12, prepared by Graham Brooks and Associates.
- (h) Conservation management Strategy Plan prepared by Graham Brooks and Associates, dated 02/03/12.
- (i) Contamination Assessment dated December 2011 (RPT No.11/0062) prepared by SMEC Testing Services Pty Ltd and supplementary letter dated 23 December 2011.
- (j) BCA Assessment Report dated 29/02/12 (Ref 06874-02EM) prepared by McKenzie Group Consulting.
- (k) Access Report dated 17/02/2012 (Job No.000193) prepared by One Group ID.
- (l) BASIX Assessment dated 16/02/12 (Rpt No.2OC-12-0025-TRP-466352-0) prepared by Vipac Engineers Ltd.

except where modified by the undermentioned conditions.

General Terms of Approval

- 2. All General Terms of Approval issued by NSW Office of Water (dated 23 July 2012) and NSW Rural Fire Service (dated 27 April 2012), shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval are attached to this decision notice.

C. 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:

Provision of Services

- 3. 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.

- 4. Written clearance from Integral 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.

5. 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.
6. 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.

Dilapidation Report

7. 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

8. 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.
9. 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

10. 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

11. A schedule specifying all of the essential fire safety services, both existing and proposed, 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.

Driveway/Services

12. 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.
13. 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.
14. 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.
15. 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

16. 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 drainage/recreation reserve or drainage easement, pursuant to Section 68 of the Local Government Act, 1993. The work(s) in the drainage reserve/recreation reserve requiring a Council Section 68 permit are/is the construction of concrete vehicular footpath crossings at the entrance and exit from the property and Construction of the kerb and gutter and road pavement at cul-de-sac head at the eastern section, of Atkinson Road.
 - (b) 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 construction of a new stormwater pit and stormwater connection to Council's stormwater drainage pipe at Atkinson Street.
 - (c) The required hoarding, protective footway, temporary protective footway crossings. These are to be installed along **Shepherd Street** compliant with Section 138 Roads Act approval. The hoarding, protective footway crossing and general safeguards for building sites are to be designed and erected in accordance with Liverpool City Guidelines and in accordance with WorkCover "Code of Practice for Overhead Protective Structures" 1995 as amended.

Site Contamination

17. A Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced land contamination consultant in accordance with DECC (EPA) Guidelines. The RAP shall be submitted and approved by the PCA.

Traffic

18. The applicant is to provide a plan of the car park showing dimensions of parking spaces and aisles, and the turn paths of vehicles accessing side aisles. The plan should also indicate the location of motorcycle parking.
19. The applicant is to provide a statement identifying how refuse storage and collection will be managed.
20. The applicant is also to provide a statement detailing the operation of the bicycle parking and access.
21. No Construction Certificate should be issued until the traffic and Transport Manager is satisfied that the car parking conforms to the AS 2890.1 and AS 2890.6 requirements; and that the refuse and bicycle plans are practical and in the best interests of residents.
22. Applicant is to submit a request to Liverpool Traffic Committee to ban parking either side of the proposed kerb crossing to provide sight distance in terms of AS 2890.1 for exiting drivers.

Acoustic

23. Given the sites proximity to the adjoining rail corridor confirmation from an acoustic engineer is required that appropriate acoustic measures have been incorporated into the design to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Landscape Plan

24. A detailed landscape plan prepared by a suitably qualified person is to be submitted to the PCA prior to the issue of any CC. The detailed landscape plan is to incorporate the following:
 - (a) Details of individual species planting locations and includes a planting schedule which indicates planting quantities in addition to the information already submitted of individual species should be required to clarify the plan further and avoid it's misinterpretation; and
 - (b) The Weeping Lily Pily trees are to be removed from the landscaping of the Shepherd Street boundary.

Drainage

25. 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

Stormwater

26. 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

27. An Erosion and Sediment Control Plan (ESCP) is to be submitted with the application for CC. The ESCP is to be designed in accordance with the Managing Urban Stormwater Soils and Construction, also known as the Blue Book (current edition) produced by the NSW Department of Housing.
28. Prior to the issue of a Construction Certificate evidence of a Controlled Activity Approval is to be provided to Council in accordance with the NSW Office of Water requirements.
29. Prior to issue of Construction Certificate the applicant should provide proposed route of construction traffic and dilapidation report along the proposed route.

Public Road Design/Construction Within Road Reserve Areas

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 applicant is to provide water sensitive urban design features in the CC plans. The design is to give consideration to fine particle and nutrient treatment measures and maintenance regimes for all water quality devices.

This element of the design must be endorsed by Liverpool City Council.

The provision of the enviropods is an interim provision, needed to satisfy water quality control requirements. It is to be provided up to and including the time when the system of Council's gross pollutant control measures are implemented. The applicant is to maintain the enviropods until this time. This condition may be considered redundant if sufficient of Council's trunk drainage system is constructed.

In order to determine if this situation exists, the applicant is to make written application to Council's Manager Land Development and obtain written advice from that officer. Stormwater quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The PCA shall not endorse the devices unless all devices are approved for use in the Council area.

Land Consolidation/Registration

32. For "zero lot" development the applicant shall create an easement for maintenance and access 900mm wide in accordance with the requirement of Liverpool DCP. This easement will also include an easement for wall cavity weephole drainage on the allotment immediately adjacent to the proposed zero lot lines (i.e. – lot lines where construction is within 900 mm of the boundary). A written approval from adjoining owners, stating they have no objection to the creation of the easement, is to be submitted to Council.

Flooding

33. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. $9.8\text{m} + 0.5\text{m} = 10.3\text{m}$ Australian Height Datum).
34. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $9.8\text{m} + 0.5\text{m} = 10.3\text{m}$ Australian Height Datum).
35. 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. $9.8\text{m} + 0.5\text{m} = 10.3\text{m}$ Australian Height Datum).
36. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.
37. Fencing in the north, northeast corner and east (within 1% AEP flood extent) shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
38. Fencing in the north, northeast corner and east (within 1% AEP flood extent) 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.

39. The developer shall provide compensatory floodplain storage works within the 1% AEP flood extent and the volume of floodplain storage works shall be no less than 15.3 cum. The design of compensatory flood storage area shall be undertaken keeping provision for effective drainage of floodwater. The developer shall submit drawing showing the location of compensatory floodplain storage works for Council's approval prior to issue of Construction Certificate.

D. 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

40. 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.
41. 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.
42. 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.

Archival recording

43. Prior to the commencement of any works on site a photographic archival recording in accordance with the Heritage Branch guidelines – *Photographic Recording of Heritage Items Using Film or Digital Capture*. As per the guidelines, two full copies are to be lodged with Council and one is to be retained by the owner

Residential Building Work

44. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*), must not be commenced until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
45. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) In the case of work for which a principal contractor is required to be appointed:

- i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
- i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

46. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

47. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
48. 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.

Bonds and Security Deposits

49. Prior to carrying out any work in accordance with this development consent, the application 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 of 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 bond may be provided by way of

- (a) cash deposit with the Council , or
- (b) an unconditional bank guarantee in favour to 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 to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

Facilities

50. 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

51. 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.
52. 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.
53. 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.
54. 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

55. 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

56. 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

57. 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.

Notification of Service Providers

58. 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.

Waste Classification

59. 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

60. 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.

E. DURING CONSTRUCTION

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

Heritage – Time Capsule

61. Should the time capsule be unearthed during construction, work is to stop and the item retained in situ until an appropriate management strategy is agreed with Council's Heritage Officer.

Building Work

62. In the case of a class 1 or 10 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 prior to the placement of, any footings; and
- (b) prior to pouring any in-situ reinforced concrete building element; and
- (c) prior to covering of the framework for any floor, wall, roof or other building element, and
- (d) prior to covering waterproofing in any wet areas, and
- (e) prior to covering any stormwater drainage connections; and
- (f) 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.

63. 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

64. 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

65. 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

66. 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

67. 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.

Termite Protection

68. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

Disabled Access

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

General Site Works

70. 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.

71. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
72. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
73. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
74. 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.

Contamination

75. 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).
76. 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.
77. 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

78. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
79. 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.
80. 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

81. 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.
82. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
83. 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

84. 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

85. 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.

Traffic

86. The applicant is to arrange for the supply and erection of all signs to define the No Parking zones at no cost to the Council.
87. Applicant is to remove any redundant kerb crossings along the site frontage and replace them with kerbing to match the existing kerb.
88. The applicant is to construct a concrete footpath to approved width along the site frontage in Atkinson Street and upgrade the existing footpath on the Shepherd Street frontage.

F. 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:

General

89. Gross Pollutant Traps are to be provided at the end of each stormwater drainage line in accordance with Council's Construction Specification.
90. Prior to the issue of a Subdivision Certificate, all stormwater drainage pipes within the Atkinson 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.
91. Road construction - Construction of the kerb and gutter and road pavement shall be constructed at cul-de-sac head at the eastern section of Atkinson Road adjacent to the subject land to include footpath formation, kerb and gutter , drainage, pavement construction including reconstruction of any temporary pavement or road shoulder, sealing and service adjustments in accordance with Council's current design and construction specification for subdivision (as amended) and to satisfaction of the roads authority

Certificates

92. 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.
93. 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.
94. 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.
95. 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.
96. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Flooding

97. The development shall be consistent with any relevant flood evacuation strategy or similar plan.
98. 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.

Display of Street Numbers

99. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

Smoke Alarms

100. Should the construction of the development (bulkheads etc) reveal that the smoke detectors cannot operate effectively, additional smoke detectors may be required to be installed in order that the detectors effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

BASIX

101. 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.

Road Works

102. 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 vehicle 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.
103. 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.
104. The applicant shall arrange for the construction of a 1.2 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 specifications 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.

Site Contamination Validation Report

105. 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.

Site Audit Statement

106. A Site Audit Summary Report and Site Audit Statement carried out by an accredited EPA consultant is to be submitted to Council and is to comment on/verify that all remediation works/validation has been adhered to relevant standards, procedures and guidelines.

G. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

General

107. Two(2) copies, both marked up in red of a "Work As Executed" drawing must be submitted to and approved by Council identifying all features of the physical works as set out in Council's specification for subdivision (as amended).

Linen Plans and 88B Instruments

108. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument if required.
109. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
110. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden each lot with a restriction as to user that the dwellings to be erected on each lot are to be sited and constructed in accordance with approved plans and notice of determination (Development Consent) issued by Council for Development Application No.862/2012. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant. The preparation of an 88B Instrument will not be required if construction has reached a stage where all brickwork is a minimum 500mm above finished floor level and the construction is in accordance with the development consent and the CC's.
111. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements

of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

112. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).

Service Providers

113. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the subdivision certificate.
114. Notification of arrangement for the development from Integral Energy shall be submitted to Council.
115. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Footpaths

116. A contribution shall be paid to Council in accordance with Council fees and charges for the construction of 1.2m wide by 75mm deep concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

The path/paving will be constructed when building works within the development have been substantially completed.

Dilapidation Report

117. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

Heritage

118. A copy of the Heritage Report is to be provided to the Liverpool Historical Society and Council's City Library for record purposes.
119. The Heritage Interpretation Strategy (March 2012) is to be implemented, including, but not limited to: archival recording, naming strategy, retention of industrial fabric, heritage marker, website and booklet.

H. CONDITIONS RELATING TO USE

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

Waste Storage Area

120. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in

parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

121. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

Noise Levels

122. Noise levels emitted from the mechanical exhaust system or any outdoor air conditioning unit must not exceed 5dB(A) above the background noise level when measured at any point of the site.

Subsequent annual fire safety statements are to be submitted to Council within (12) months after the last such certificate was given in accordance with clause 177, part 9, division 5 of the Environmental Planning and Assessment Regulation 2000. The annual fire safety statement shall be prominently displayed in the building in the location adjacent to the main entry/exit point to the building.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
 - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner located at "Amarina Avenue Private Locked Bag 12, Greenacre 2190".

Car Parking/Loading

123. The on-site parking requirement for each Stage of the development is as follows:
Stage 1 – 61 car parking spaces (including 6 visitor and 1 disabled).
Stage 2 - 43 car parking spaces (including 4 visitor and 1 disabled)
124. A total of **104** off street car parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:
 - **6** spaces relating to the studio units.
 - **28** spaces relating to the 1 bedroom units;

- 53 spaces relating to the 2 bedroom units;
- 15 spaces relating to the 3 bedroom units; and
- 2 spaces for service vehicles.
- 10 spaces designated for visitor parking relating to the residential units.

A minimum of 2 visitor spaces must be designed and signposted/marked for the specific use of persons with a disability.

Bicycle Storage

125. Provision of secure storage space for 34 bicycle spaces must be provided in accordance with Council's requirements.

PART 3 – The following Conditions relate to Stage 1 of the development (in addition to Part 2) as identified in Table 1 of this Notice.

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

126. 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 for **Stage 1** and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$241,700.00**.

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

CPI₁ = 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, 1 Hoxton Park Road, Liverpool or at www.liverpool.nsw.gov.au.

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

PART 4 – The following Conditions relate to Stage 2 of the development (in addition to Part 2) as identified in Table 1 of this Notice.

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

127. 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 for **Stage 2** and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$241,700.00**.

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

CPI₁ = 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, 1 Hoxton Park Road, Liverpool or at www.liverpool.nsw.gov.au.

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

I. 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) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.

- e) 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.
- f) 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.
- g) "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
- h) 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.
- i) 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.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k) 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.