

## AMENDED CONDITIONS DATED 28/02/13

### 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

**Table 1 - STAGED APPROVAL**

STAGE	DEVELOPMENT WORKS	PART REFERENCE
1	<p><i>Note Works in this Stage have been partially completed.</i></p> <p>Complete construction of south-western parking area and 1<sup>st</sup> section of the south-eastern parking areas located either side of Pacific Palms Circuit) as illustrated in Indicative Staging Plan (DA601 Rev A) prepared by PMDL.</p> <p>Landscaping works as outlined in Landscape Staging Plan (LA04 Rev D) prepared by Taylor Brammer.</p>	Part 1 & Part 2
2	<p><i>Note Works in this Stage have been partially completed</i></p> <p>Completion of the Kindergarten and Primary buildings (65% complete), fencing and spare pick up- drop off bus stop (mini-buses) in the staff/visitor car park area (the south-western carpark) as illustrated in Indicative Staging Plan (DA601 Rev A) prepared by PMDL.</p> <p>Landscaping works as outlined in Landscape Staging Plan (LA04 Rev D) prepared by Taylor Brammer.</p>	Part 1 & Part 3
3	<p>Sub-stage (3a): Canteen, library and sports court.</p> <p>Sub-stage (3b): Senior learning and ball court.</p> <p>Sub-stage (3c): Completion of south-western carpark service and access road (student collection bays) and additional bus bay (mini-buses) drop-off/pick-up zone on Pacific Palm Circuit.</p> <p>As illustrated in Indicative Staging Plan (DA601 Rev A) prepared by PMDL.</p> <p>Landscaping works as outlined in Landscape Staging Plan (LA04 Rev D) prepared by Taylor Brammer.</p>	Part 1 & Part 4
4	<p>Shared Learning buildings and courtyard areas as illustrated in Indicative Staging Plan (DA601 Rev A) prepared by PMDL.</p> <p>Landscaping works as outlined in Landscape Staging Plan (LA04 Rev D) prepared by Taylor Brammer.</p>	Part 1 & Part 5
5	<p>Administration building and learning centre as illustrated in Indicative Staging Plan (DA601 Rev A) prepared by PMDL.</p> <p>Landscaping works as outlined in Landscape Staging Plan (LA04 Rev D) prepared by Taylor Brammer.</p>	Part 1 & Part 6

6	<p>Gymnasium and performing Arts building as illustrated in Indicative Staging Plan (DA601 Rev A) prepared by PMDL.</p> <p>Landscaping works as outlined in Landscape Staging Plan (LA04 Rev D) prepared by Taylor Brammer.</p>	Part 1 & Part 7
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## **PART 1:**

**The following conditions apply to all six (6) stages of development as identified within Table 1 of this Notice.**

### **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) Proposed Site Roof Plan prepared by PMDL Architects, Drawing No. DA100, Revision D, dated 04/05/12;
  - (b) Existing Site Roof plan prepared by PMDL Architects, Drawing No. DA101, Revision A, dated 01/06/12;
  - (c) Site Plan Ground prepared by PMDL Architects, Drawing No. DA102, Revision D, dated 18/05/12;
  - (d) Site Plan First floor prepared by PMDL Architects, Drawing No. DA103, Revision A, dated 08/05/08;
  - (e) Elevations prepared by PMDL Architects, Drawing No. DA201, Revision B, dated 10/05/12;
  - (f) Elevations & Sections prepared by PMDL Architects, Drawing No. DA202, Revision B, dated 10/05/12;
  - (g) Indicative staging plan prepared by PMDL Architects, Drawing No. DA601, Revision A, dated 11/05/12;
  - (h) Indicative schedule of external materials and finishes prepared by PMDL Architects, Drawing No. DA701, Revision A, dated May 2012;
  - (i) DA Hardworks plan/existing vegetation prepared by Taylor Brammer Landscape Architects, Drawing No. LA01, Revision G, dated 13/06/12;
  - (j) DA planting plan prepared by Taylor Brammer Landscape Architects, Drawing No. LA02, Revision H, dated 13/06/12;
  - (k) Landscape details prepared by Taylor Brammer Landscape Architects, Drawing No. LA03, Revision B, dated 19/12/08;
  - (l) Landscape staging plan prepared by Taylor Brammer Landscape Architects, Drawing No. LA04, Revision D, dated 13/06/12;
  - (m) Stormwater Drainage and Flood Investigation Report prepared by Northrop Engineers, Ref 1 dated July 2012, as modified by correspondence dated 24 October 2012.

- (n) Drainage staging plan Stage 1 & 2 prepared by Northrop Engineers, Drawing No SW403, Revision 1, dated 13/07/12;
- (o) Drainage staging plan Stage 3 & 4 prepared by Northrop Engineers, Drawing No. SW404, Revision 1 dated 13/07/12;
- (p) Drainage staging plan Stage 5 & 6 prepared by Northrop Engineers, Drawing No. SW405, Revision 1 dated 13/07/12;
- (q) Drainage staging plan Stage 7 prepared by Northrop Engineers, Drawing No. SW406, Revision 1 dated 13/07/12;
- (r) Traffic and Parking Assessment Report prepared by Traffic Solutions (ref10.11.078) dated June 2012 and supplementary report dated 29<sup>th</sup> October 2012;
- (s) Noise Impact Assessment prepared by SLR Global Environmental Solutions (Rpt 610.07939.06041) dated 14 June 2012 and supplementary Reports dated 18 July 2012, and 24 October 2012;
- (t) Air Quality Assessment prepared by SLR Global Environmental Solutions (Rpt 610.11645-R1) dated 7 August 2012
- (u) Social Impact Assessment prepared by Sarah George Consulting, dated April 2012;
- (v) Social Plan prepared by Sarah George Consulting, dated April 2012;
- (w) Correspondence from Environmental Investigation Services, Reference No. E22166Klet dated 11 July 2012 and supplementary Environmental Assessment, Reference No. E22166K-VAL dated May 2010;;
- (x) Preliminary Geotechnical Investigation (Reference No. M22166ZA rpt) dated 27 November 2008; and Supplementary Geotechnical Investigation prepared by Jeffery and Katauskas Pty Ltd (Reference No. M22166ZA4rpt) dated 8 August 2012.

**As amended in red** except where modified by the undermentioned conditions.

### **General Terms of Approval**

2. All General Terms of Approval issued by the NSW Office of Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 22 August 2012. A copy of the General Terms of Approval are attached to this decision notice.

### **Roads and Maritime Services**

3. The recommendations of the Sydney Regional Development Advisory Committee (SRDAC) dated 25 September 2012 (excepting Item Nos. 1, 3, 4, 5, & 7) shall be adhered to. A copy of the SRDAC advice is attached to this decision notice.

**External Finishes**

4. External finishes must be in accordance with the schedule submitted and approved with the development consent.

**Graffiti**

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

**External Lighting**

6. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
7. External lighting is to be provided and positioned to avoid light spill onto adjoining properties.
8. 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 or to neighbouring properties or road users.
9. Adequate lighting plan must be submitted for approval and installed in the car parking areas in accordance with A.S. 1158.3.1:2005.

**Amended Landscape Plan**

10. The submission of amended Landscape plans to incorporate the revised bus bays on Pacific Palm Circuit, acoustic treatments, and details of landscaping on the western boundary, namely:
  - i. DA Hardworks plan/existing vegetation prepared by Taylor Brammer Landscape Architects, Drawing No. LA01, Revision G, dated 13/06/12;
  - ii. DA planting plan prepared by Taylor Brammer Landscape Architects, Drawing No. LA02, Revision H, dated 13/06/12;
  - iii. Landscape details prepared by Taylor Brammer Landscape Architects, Drawing No. LA03, Revision B, dated 19/12/08;
  - iv. Landscape staging plan prepared by Taylor Brammer Landscape Architects, Drawing No. LA04, Revision D, dated 13/06/12;

**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:**

**Provision of Services**

11. 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](http://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.

12. 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.
13. 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.
14. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council’s road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

#### **Dilapidation Report**

15. 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**

16. 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.
17. 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**

18. 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

19. 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

20. 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.
21. 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.
22. 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.

### Permit to Carry out Works

23. 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 Stormwater pipe and outlet works.**
  - (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 the construction of bus bay in Pacific Palm Circuit.**
  - (c) The required hoarding, protective footway, temporary protective footway crossings. These are to be installed along **Pacific Palm Circuit** 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.

### Drainage

- ~~24. 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~~
- ~~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.~~

25. Any application for a Permit to carry out works in Council's drainage reserve, pursuant to Section 68 of the Local Government Act 1993 will require the applicant to submit a performance bond to be held by Council for a period of 6 months after hand over to Council of the completed works.

#### **Stormwater**

26. 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.

#### **Flooding**

27. Building floor levels - floor levels of all buildings shall be no lower than the Probable Maximum Flood (i.e. 34.4m AHD to 31.8m AHD from southwest corner to northeast corner).
28. Building components - The structures shall be constructed from flood compatible building components below the Probable Maximum Flood (i.e. 34.4m AHD to 31.8m AHD from southwest corner to northeast corner).
29. Structural soundness - An engineers report shall be required to certify that the structures will withstand forces of floodwater including debris and buoyancy up to and including the Probable Maximum Flood (i.e. 34.4m AHD to 31.8m AHD from southwest corner to northeast corner).
30. Evacuation - An evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. The evacuation plan shall be consistent with adopted flood evacuation strategy/plan for the catchment area.

#### **Public Road Design/Construction Within Road Reserve Areas**

31. 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**

~~32. Pavement design of the works in Pacific Palms Circuit to be carried out by a qualified Geotechnical Engineer and submitted to Council for approval.~~

### **Recommendations of Acoustic Report**

33. The recommendations provided in the approved acoustic report and subsequent advice dated 24 October 2012 in respect of the boundary barrier fences, shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

### **Access**

34. No pedestrian or vehicular access is to be provided from Hoxton Park Road.

### **Waste Management Plan**

35. Submission of an updated WMP to address quantity of materials and works at each stage.

### **Delivery Area**

36. The proposed delivery Bay area is to be clearly identified on the plans and appropriate ~~sings~~ signs installed on site.

## **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**

37. 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.
38. 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.
39. 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.
40. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each

category of works ie., a separate Civil Engineering CC and a separate Building CC.

#### **Notification/Principal Certifying Authority**

41. 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.
42. 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**

43. 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*.
44. 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.
45. 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.
46. 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**

- ~~47. 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

48. 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

49. 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

50. 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

51. 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](http://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

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

## D. DURING CONSTRUCTION

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

### Building Work

53. 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

### Identification Survey Report

54. 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

55. 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

56. 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~~

- ~~57. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.~~

### Disabled Access

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

### General Site Works

59. The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.
60. 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.
61. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
62. 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.
63. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### Geotechnical Works

64. Earthworks to be carried out in accordance with the recommendations detailed in "Report to Malek Fahd School on Supplementary Geotechnical Investigation for Proposed Development - Stages 3 to 6 at 210 Pacific Palms Circuit, Hoxton Park, NSW" dated 8 August 2012 Ref:M22166ZA4rpt prepared by JK Geotechnics. **Any variation to these recommendations will require the submission of a revised Report.**
65. Geotechnical Level 1 Inspection and Testing shall be carried out during earthworks operations by an accredited Geotechnical Inspection and Testing Authority in accordance with AS 3798-2007. **Any variation to these recommendations will require the submission of a revised Report**

### **Contamination**

66. 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.
67. 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.

### **Site Remediation Works**

68. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.
69. 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.

### **Salinity**

70. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site.

### **Erosion Control**

71. 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.
72. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
73. 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**

74. 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**

75. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

### **Ventilation**

76. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
77. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

## **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**

78. 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.



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79. 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.
80. 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.
81. 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.
82. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
83. The Geotechnical Inspection and Testing Authority shall submit to the Principal Certifying Authority a report detailing the inspections and tests carried out to confirm earthworks have been carried out in accordance with the approved plans, specifications and Australian Standards.
84. 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.

**Site Contamination Validation Report**

85. 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**

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86. 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.

**Crossing Application**

87. A concrete vehicular footpath crossing must be provided at the entrance to the property over Council's footpath/pedestrian way. This crossing must be constructed in accordance with Council's standard requirements for a **commercial** crossing. 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. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply, including requirement for inspection prior to consent to pour by Council's driveway inspector.

**Waste**

88. All solid and liquid waste is to be removed from the site by a registered waste contractor.
89. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
90. All solid waste stored on site is to be covered at all times.

**Noise**

91. Any alarm installed on the site is to be "silent back to base" type.
92. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
93. 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.

94. 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.

### **Recommendations of Acoustic Report**

95. 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.

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

97. The applicant shall arrange for the construction of a 1.2 metre wide by 75mm deep concrete footpath paving together with associated turving adjustments along the frontage of the site where concrete footpath currently does not exist 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.

## G. CONDITIONS RELATING TO USE

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

### Bus Access Arrangements

98. The proposed access arrangement from the existing roundabout should be monitored and if required improved by the school at full development (in consultation with Council's Local Traffic Committee)

### Educational Establishments

99. The operation of the educational establishment at all times is to comply with the approved School Management Plan, Traffic Management Plan (TMP) Social Impact Assessment and Social Plan.
100. The maximum capacity of the educational establishment is limited to 800 students and 50 staff **and parking** is to be provided in accordance with the following breakdown:
- Stage 1 – 119 students; 9 staff; and 81 car spaces (**including** 3 disabled spaces).
- Stage 2 – 300 students; 15 staff; and 81 car spaces (including 3 disabled spaces).
- Stage 3 - 450 students; 35 staff; and 98 car spaces (including 3 disabled spaces).
- Stage 4 - 590 students; 40 staff; and 98 car spaces (including 3 disabled spaces)
- Stage 5 - 700 students; 44 staff; and 98 car spaces (including 3 disabled spaces).
- Stage 6 - 800 students; 50 staff; and 98 car spaces (including 3 disabled spaces).
101. The hours of operation for the educational establishment are limited to the hours of 7.30am to 6.00pm Monday to Friday with classes commencing at 8.30am and finishing at 3.30pm. School times for Primary and high school students are to be staggered as follows:

#### Primary School

- Staff:- Arrive 8.00am Depart: 4.00pm.
- Students:- Arrive from 8.00am Depart: 3.20pm.
- School Times:- Start - 8.30 am Finish - 3.20 pm.

#### High School

- Staff:- Arrive: 8.00am Depart: 4.00pm
- Students:- Arrive: 8.35am Depart: 3.40pm

- School Times:- Start: 8.50am Finish: 3.40pm

102. Deliveries and service vehicles are limited to the hours nominated in the Traffic Management Plan. Deliveries and service vehicles are to be scheduled to access the site outside of peak am and pm pick up and drop off times to minimise conflict between different vehicle modes, pedestrians and conflict over car parking spaces.
103. A total of 98 off-street car parking spaces (including 3 disabled spaces) must be provided in accordance with the approved plans comprising the following:  
  
Staff & Visitor parking - **62** car parking spaces; and  
Student Collection parking – **36** car parking spaces.
104. All car parking areas provided are to be in accordance with Liverpool Development Control Plan 2008 Part 1.2. One (1) of the spaces in each of the car parking area must be designed and signposted/marked for the specific use of disabled drivers only, in accordance with Australian Standard AS1428.1.
105. The internal driveways and car parking area shall be designed in accordance with AS2890.1 Off street car parking.
106. All driveways are to be graded 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.
107. 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 Development Control Plan.
108. The areas designated as loading and turning bays must be line marked and signposted accordingly.
109. Signage is to be provided and maintained within the bus drop off/pick up zone. Signage is to limit parking within this area for authorised school buses only. The applicant is to cover the costs of installation and maintenance of the signage.
110. All staff car parking areas are to be clearly signposted limiting car parking for staff only. The applicant is to cover the costs of installation and maintenance of the signage.
111. Flashing 'school zone' lights shall be installed on both approaches to the school, within the public reserve adjacent to the roadway. The signage and lights shall be in accordance with the relevant Australian Standard, and installation of the signage and lights shall take place after consultation and approval by Council's Local Traffic Committee, and the Roads and Traffic Authority if required.

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112. Windows in classrooms shall be closed when amplified music of musical instruments are played. In addition, when singing activities occur, windows shall be closed. It is also recommended that windows be kept closed wherever possible at all times.
113. When amplified music of musical instruments are played within the multi-purpose hall all doors and windows shall be closed.
114. Prominent notices shall be placed on entry and exist to the car park informing people to enter and leave the carpark quietly. In addition, it is recommended that this is to apply to the school generally to remind parents and visitors to minimise noise.
115. Supervision of all students shall be undertaken at all times when they are involved in outdoor play/activities as well as the arrival and departure from school to ensure all practical measures are implemented to limit noise to neighbours.
116. Any warning bell to remind students when school is to commence and for the start and finish of recess/lunch breaks shall not exceed the equivalent continuous noise level of 85dB(A) when measures at a distance of 1m. It should also not be sounded for more than 5 seconds during any fifteen minute period.
117. Lockable security gates are to be provided and are to be locked at all times outside school hours to prevent unauthorised access to the site.
118. Information packages/letter drops are to be provided to all properties within a 250m radius of the school advising of any event (including both during and after scheduled school hours such as award and presentation nights, end of year celebrations etc) where an increase in the demand for off site car parking is expected.

**Environment**

119. 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.
120. Any public address system or sound amplifying equipment shall be installed so as to not emit an offensive noise as defined by the Protection of the Environment Act 1997.

**Traffic**

121. The approved Traffic Management Plan will be managed by the School and reviewed annually to determine whether improvements or changes are required to ensure that the plan maximises safety for school children, staff and visitors and causes minimum inconvenience or impact on nearby residents. The School will maintain a log of complaints regarding traffic management, which should be available for inspection by Council officers as

required, and used as the basis for determining possible amendments to the Plan.

122. A detailed design including swept path analysis for the proposed internal pedestrian pathways, parking and traffic circulation plan is to be submitted for Traffic Committee approval.

### **Subsequent annual fire safety statements**

**##** 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".

## **PART 2 – Stage 1 Works**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate for Stage 1 Works by the Principal Certifying Authority:**

123. Building Certificate is to be issued for all building works currently completed.

### **Management Plans**

124. In consultation with Independent Schools Association Road Safety Consultant, the submitted Traffic Management Plan, School Management Plan, Social Impact Assessment And Associated Social Plan are to resubmitted as a single comprehensive document with additional commentary regarding:

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- The management of school mini buses,
- The management of school pick up and drop off zones, and
- Provision for overflow parking for special events.
- strategies to prevent on-street parking. A school newsletter can be used to encourage this approach.

The plan is to be approved by Councils Local Traffic Committee.

**School Crossing**

125. A plan showing appropriate provision of a school crossing which could be a raised children's crossing at the existing pedestrian refuge is to be submitted for the Liverpool Local Traffic Council (LTC) for approval.

**Bus and Car parking**

126. To accommodate parking provision for special events a plan is to be submitted to show overflow parking within the school grounds.
127. The School is to provide evidence of discussions with local bus operators regarding options of providing services for full size buses from Hoxton Park Road as in interim measure.
128. Provision of a drop-off/pick-up zone for five (5) (mini-buses), comprising four (4) mini-buses on Pacific Palm Circuit and one (1) in the south-western carpark. The applicant is to demonstrate that the spaces along Pacific Palm Circuit for mini buses are adequate for this proposal. Alternatively, the applicant is to submit a plan showing the provision of additional bays. The Traffic Management Plan should be modified to include overflow parking and bus management; and be referred to the Council's Traffic and Transport team for approval
129. The proposed access to the development site is to be designed to accommodate the turning path of the longest vehicle that would service the development. ~~to allow full size Transport for NSW approved school buses to load and unload students at the school.~~
130. The location of the disabled parking spaces are to be reviewed to determine if they can be relocated closer to the school buildings
131. A revised plan is to be submitted that assesses a reversed orientation of the proposed **student collection** car parking spaces to improve internal flow of vehicles. Details are to be submitted for discussion prior to finalisation of engineering design drawings.
132. A detailed design including swept path analysis for the proposed internal pedestrian pathways, parking and traffic circulation plan is to be submitted for Traffic Committee approval.

**Drainage Discharge Point**



133. The proposed Stormwater gross pollutant trap and headwall discharge to Creek A is to be redesigned so that it is located within the property. Details are to be submitted on amended engineering plans.

#### **SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)**

134. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

**The total contribution for Stage 1 is \$46,133.73**

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

#### **Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

**CPI<sub>2</sub>** = 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

**CPI<sub>1</sub>** = 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

#### **Land Component**

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{C \times L_2}{L_1}$$

Where:

**C** = Original contributions as shown on the consent

$L_2$  = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

$L_1$  = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate for Stage 1 works by the Principal Certifying Authority:**

#### **Acoustic Upgrade Works**

135. Before the issue of an Occupation Certificate the Applicant must provide evidence that the works identified in letters dated 24 October 2012 from SLR Consulting Australia Pty Limited have been carried out at properties 26 Dorrigo Avenue, Hoxton Park and 1 Bulga Place, Hoxton Park. It is the responsibility of the Applicant to obtain any necessary approvals for such works. This consent is not such an approval.

### **PART 3 – Stage 2 Works**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate for Stage 2 Works by the Principal Certifying Authority:**

#### **SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)**

136. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution for Stage 2 is \$70,208.90

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

**Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

**Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

**CPI<sub>2</sub>** = 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

**CPI<sub>1</sub>** = 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

**Land Component**

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{C \times L_2}{L_1}$$

Where:

**C** = Original contributions as shown on the consent

**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting

## PART 4 – Stage 3 Works

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate for Stage 3 Works by the Principal Certifying Authority:**

### SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)

137. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution for Stage 3 is \$58,171.31

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

#### **Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

**CPI<sub>2</sub>** = 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

**CPI<sub>1</sub>** = 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

### Land Component

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{\mathbf{C} \times \mathbf{L}_2}{\mathbf{L}_1}$$

Where:

**C** = Original contributions as shown on the consent

**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate for Stage 3 works by the Principal Certifying Authority:**

138. Prior to the issue of an Occupation Certificate for Stage 3, the bus bay in Pacific Palms Circuit shall be constructed to the satisfaction of Council and in accordance with the approved construction plans. Prior to hand over to Council the applicant shall submit to Council Works-As-Executed drawings of the constructed busbay and associated works as well as compaction testing carried out during construction of the constructed pavement. Council officers to carry out a final inspection prior to hand-over to identify any construction defects requiring rectification.

## PART 5 – Stage 4 Works

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate for Stage 4 Works by the Principal Certifying Authority:**

### SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)

139. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution for Stage 4 is \$54,293.23

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

#### **Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

**CPI<sub>2</sub>** = 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

**CPI<sub>1</sub>** = 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

#### **Land Component**

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{C \times L_2}{L_1}$$

Where:

**C** = Original contributions as shown on the consent

**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting



## PART 6 – Stage 5 Works

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate for Stage 5 Works by the Principal Certifying Authority:**

### SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)

140. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution for Stage 5 is \$42,658.96

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

#### **Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

**CPI<sub>2</sub>** = 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

**CPI<sub>1</sub>** = 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

#### **Land Component**

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{C \times L_2}{L_1}$$

Where:

**C** = Original contributions as shown on the consent

**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting

## PART 7 – Stage 6 Works

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate for Stage 6 Works by the Principal Certifying Authority:**

### SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)

141. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total **contribution for Stage 6 is \$38,780.88.**

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

#### **Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

**CPI<sub>2</sub>** = 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

**CPI<sub>1</sub>** = 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

#### **Land Component**

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = C \times L_2$$

**L<sub>1</sub>**

Where:

**C** = Original contributions as shown on the consent

**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting

## H. 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

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](http://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.

### h) 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.

- 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.