

Appendix A - Conditions of consent – 2012SYW104

DEFINITIONS

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

STAGED APPROVAL

This approval is for a staged consent with the stages being identified as follows:

STAGE	DEVELOPMENT WORKS	CONDITION REFERENCE
1	Construction of the ground floor, first floor and guest room block (floors 3-10) including required earthworks and landscaping.	Conditions relevant to all stages.
2	Construction of the north wing extension (floors 1-5).	Conditions relevant to all stages.

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

- (a) Architectural plans:

Drawing Title	Drawing No.	Issue	Prepared by	Date
Site Plan	da.01	D	Wood + Day Partnership	Undated.
Ground floor plan	da.02	B	Wood + Day Partnership	Undated.
First floor plan	da.03	B	Wood + Day Partnership	Undated.
Floors 3-5 floor plan	da.04	B	Wood + Day Partnership	Undated.
Floor 6-10 floor plan	da.05	B	Wood + Day Partnership	Undated.
Roof Plan	da.06	B	Wood + Day Partnership	Undated.
Elevations Plan 1	da.07	C	Wood + Day Partnership	Undated.
Elevations Plan 2	da.08	C	Wood + Day Partnership	Undated.
Sections Plan	da.09	B	Wood + Day Partnership	Undated.
Cut and Fill Volumes	da.10	A	Wood + Day Partnership	Undated.
Staging Plan	da.11	A	Wood + Day Partnership	Undated.
Stormwater Services Site Plan	SW-01	A	Sparks and Partners	6 September 2012

Stormwater Services Ground Floor Plan	SW-02	A	Sparks Partners and	6 September 2012
Stormwater Services First Floor Plan	SW-03	A	Sparks Partners and	6 September 2012
Stormwater Services Levels 2-4 Floor Plan	SW-04	A	Sparks Partners and	6 September 2012
Stormwater Services Levels 5-9 Floor Plan	SW-05	A	Sparks Partners and	6 September 2012
Stormwater Services Roof Plan and Details	SW-06	A	Sparks Partners and	6 September 2012

- (b) Traffic and Parking Assessment prepared by John Coady Consulting Pty Ltd, Reference No. 12035, dated 15 October 2012 (including further letter prepared by John Coady Consulting Pty Ltd Reference No. 12035 dated 1 March 2013);
- (c) Flood Impact Assessment (Revised) prepared by Bewsher Consulting Pty Ltd, Reference No. J1975L_5, dated 18 October 2012;
- (d) Noise Impact Assessment, prepared by Benbow Environmental, Report NO. 131061_Rep_Rev1, 19 July 2013; and
- (e) NSW Police Green Valley Local Area Command CPTED comments, dated 4 February 2013.

except where modified by the undermentioned conditions.

General Terms of Approval

2. All General Terms of Approval/comments issued, shall be complied with prior, during, and at the completion of construction as per the following:

(a) Rural Fire Service – *Rural Fires Act 1997, dated 7 December 2012; and*

Correspondence is attached to this decision notice.

RMS Concurrence

3. NSW Transport RMS comments issued, shall be complied with prior, during, and at the completion of construction as per the following:

(a) NSW Transport Roads and Maritime Services, dated 20 March 2013 (Reference No. SYD13/00168).

Correspondence is attached to this decision notice.

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:

4. SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)

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 is **\$ 33,907**

5. Waste Management Plan

A waste management plan detailing the demolition phase, construction phase and ongoing use of the approved development, shall be submitted to the satisfaction of the PCA prior to the release of any Construction Certificate.

Provision of Services

6. 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.

7. 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.
8. 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.

Site Development Work

9. 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.
10. 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).

11. A BCA Compliance report (Fire Safety) is to be prepared by a Building Professionals Board Category A1 - Accredited certifier - building surveying grade 1 with a copy submitted to Council.

Notification

12. 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.

Fee Payments

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

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

Crime Prevention through Environmental Design

15. Crime Prevention through Environmental Design (CPTED) principles shall be incorporated into the development as per the recommendations outlined in correspondence from Liverpool Local Area Command dated 4 February 2013.

Correspondence is attached to this decision notice.

16. 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.
17. An Erosion and Sediment Control Plan (ESCP) is to be submitted with the 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. Diversions structure or sediment basin should be provided to control runoff and sedimentation during the construction phase on site of the development

Recommendations of Acoustic Report

18. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

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.
20. The schedule must distinguish between the measures that are currently implemented in the building premises; and
 - (a) The measures that are to be proposed to be implemented in the building premises; and
 - (b) The minimum standard of performance for each measure.

Dilapidation Report

21. 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.
22. 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.
23. 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

Flooding

24. All floor levels shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. $24.5\text{m} + 0.5\text{m} = 25.0\text{m}$ Australian Height Datum).
25. The approved development shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $24.5\text{m} + 0.5\text{m} = 25.0\text{m}$ Australian Height Datum).
26. An engineers report is required to be submitted to the satisfaction of the PCA prior to the issue of any Construction Certificate, 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. $24.5\text{m} + 0.5\text{m} = 25.0\text{m}$ Australian Height Datum).
27. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood storage compensatory works shall be carried out as indicated in the flood impact assessment by Bewsher Consulting Pty Ltd (Ref: J1975L_5, dated 18 October 2012) and Drawing no. da.10-a, Cut & Fill Volumes by Wood-Day Partnership. The flood storage area shall be designed to provide effective drainage during and after a flood event.
28. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood at all times.
29. The development shall be consistent with any relevant flood evacuation strategy or similar plan.
30. Devices are to be installed on all main stormwater discharge lines, for the emergency containment of pollutants that may discharge from and to the site. The design of such devices are to be carried out by suitably experienced persons with due regard to the likely/probable pollution for the usage specified in the application. The design of the works are to be certified to the satisfaction of the PCA. The construction of the designed devices are to be inspected and certified by a suitable experienced person referencing the approved design and development consent conditions to the satisfaction of the PCA prior to issue of the OC.

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

31. 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.
32. 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.
33. 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.
34. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e. a separate Civil Engineering CC and a separate Building CC.

Notification/Principal Certifying Authority

35. 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.
36. 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.
37. 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.
38. 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.
39. 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.

40. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- (a) *Any excavation, below the base of the footings of a building on an adjoining allotment of land.*
 - (b) *The notice shall be given seven (7) days prior to the commencement of work.*
41. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Facilities

42. 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*.

Demolition

43. Prior to any 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

44. 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

45. 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

46. *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.

47. 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.

Waste Classification

48. 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).

Hoarding

49. 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.

Reports

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

Food Premises – Restaurant/Take-Away/Bakery

51. Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:
 - (a) all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
 - (b) the commercial garbage and recycling storage room (Liverpool DCP 2008)
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations thereunder).

Environmental Management

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

D. DURING CONSTRUCTION

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

54. 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.

55. 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

56. 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

57. 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

58. 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

59. 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

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

General Site Works

61. 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.
62. All roofwater is to be connected to the existing stormwater system.
63. 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.

Car Parking Areas

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

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

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

65. Directional signage indicating location of hotel parking is to be provided from each external club access in accordance with the approved plans.

Traffic Management

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

Waste Management Plan

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

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

Graffiti

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

Acid Sulfate Soils

71. The excavation and treatment of all potential and actual acid sulfate soils shall be carried out in strict accordance with the provisions of the approved Acid Sulfate Soils Management Plan prepared for the site.
72. 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).

Erosion Control

73. 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.

74. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
75. 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

76. 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.

Air Quality

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

Ventilation

81. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
82. 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.

83. 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.*
84. 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.
85. 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.
86. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

General Site Works

87. 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.
88. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
89. 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.
90. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
91. 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.

Pollution Control

92. 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.

Food Premises – Restaurant/Take-Away/Bakery

93. The construction, fitout and finishes of the premises shall comply with the AS 4674, Food Act 2003 and Regulations thereunder, and the requirements of **Attachment No. B.**

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

94. The premises must not be utilised until an Occupation Certificate 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.
95. 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.
96. 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.
97. 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.
98. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
99. Should the construction of the development (bulkheads etc) reveal that the smoke alarms cannot operate effectively, additional smoke alarms may be required to be installed in order that the alarms effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

Recommendations of Acoustic Report

100. 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.
101. A Hygiene Management Plan prepared by the proprietor shall be submitted to Council for assessment prior to the commencement of any trading activities.

Once approved, the standards of this Hygiene Management Plan must be followed at all times.

Smoke Alarms

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

General Terms of Approval

103. Any applicable requirements stipulated in the General Terms of Approval issued for the application are to be addressed and confirmed to the relevant authority.

RMS

104. Any applicable requirements stipulated in the correspondence (as per condition No. 3) issued for the application by the NSW Transport RMS are to be addressed and confirmed to the relevant authority.
105. Confirmation from an accredited bushfire consultant confirming the development is consistent with Planning for Bushfire Protection 2006.

BASIX

106. 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.

Flooding

107. There shall be no storage of materials below the 1% AEP flood plus half a metre (i.e. $24.5\text{m} + 0.5\text{m} = 25.0\text{m}$ Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.
108. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
 - (a) Ventilation
 - (b) Acoustics
109. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Food Authority of the following information including:
 - (a) Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
 - (b) The nature of the food business; and

- (c) The location of all food premises of the food business within the jurisdiction of NSW Food Authority.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or mail the required notification form.

Failure to notify the NSW Food Authority may result in the issuing of a penalty infringement notice of up to \$880.00.

Traffic

110. The Club is to provide a plan for approval by the Traffic and Transport Team showing the location and signage of all parking, including the location of directional signage to the hotel car park.

The plan is to also designate the access to, and location of, the tourist coach loading and unloading space.

Showers

111. To ensure appropriate accessibility, no hobs are to be installed in the showers.

Food Premises – Restaurant

112. Council's Health & Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
113. Trading shall not commence until an OC has been issued by the PCA.
114. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the PCA.

Flooding

115. Prior to the issue of any Occupation Certificate, a flood 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.

G. CONDITIONS RELATING TO USE

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

Car Parking/Loading

116. A total of **221 designated hotel** off street car parking spaces must be provided in accordance with Council's relevant development control plan. **Five (5)** of the spaces must be designed and signposted/marked for the specific use of persons with a disability.

117. All parking areas shown on the approved plans must be used solely for this purpose.

Goods in Building

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

Graffiti

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

Waste

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

Waste Storage Area

123. 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.

Advertising

124. A separate Development Application shall be lodged for any signage in association with the development.

Hours of Operation

125. The approved development may operate 24 hours, 7 days a week.

The premise is permitted to operate on Public Holidays.

Noise

126. Any alarm installed on the site is to be "silent back to base" type.
127. 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.

128. 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.

129. Annual Fire Safety Statements

Annual Fire Safety Statement - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that certificate to be given to Council within 14 days of its receipt by the owner.

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 and as well cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building,

130. 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.

Food Premises – Restaurant/Take-Away/Bakery

- 131. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.
- 132. 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.

Swimming Pool Register

- 133. Land owners are to be aware of their responsibility under the **Swimming Pools (Amendment) Act 2012** which requires swimming pools to be registered at www.swimmingpoolregister.nsw.gov.au

The register will be available from 29 April 2013. There is no fee for the land owner to register their pool online.

From 29 October 2013, authorised officers *may* fine pool owners if their pool is not registered on the NSW Swimming Pool Register. The fine is \$220.00. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

Reason for condition imposition:

In 2012, a comprehensive review of the Swimming Pools Act 1992 was finalised. This review identified a number of amendments designed to enhance the safety of children under the age of five years around ('backyard') swimming pools in NSW. This condition is imposed to ensure that land owners are aware of their obligations under the Amendment Act.

Flooding

- 134. There shall be no storage of materials below the 1% AEP flood plus half a metre (i.e. 24.5m + 0.5m = 25.0m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

ATTACHMENT (A)

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

Liverpool Contribution Plan 2009

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

These figures have been calculated to the December 2013 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO: DA-1709/2012

APPLICANT: WOOD AND DAY PARTNERSHIP P/L

PROPERTY: LIVERPOOL CATHOLIC CLUB, 424-458 HOXTON PARK ROAD PRESTONS, NSW 2170

PROPOSAL: CONSTRUCTION OF A TEN STOREY HOTEL AND ALTERATIONS TO THE EXISTING HOTEL BUILDING.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan		
District Transport - Land	\$1,733	GL.10000001865.1005
District Transport - Works	\$4,883	GL.10000001865.1005
Local Transport		
East of M7 - Works	\$1,456	GL.10000001865.1007
East of M7 - Land	\$0	GL.10000001865.1007
District Drainage - Land	\$9,039	GL.10000001866.1007
District Drainage - Works	\$2,684	GL.10000001866.1007
Local Drainage		
East of M7 - Land	\$1,965	GL.10000001866.1007
East of M7 - Works	\$9,629	GL.10000001866.1007
Landscape Buffer - Land	\$1,139	GL.10000001869.1007
Landscape Buffer - Works	\$121	GL.10000001869.1007
Administration	\$409	GL.10000001872.1008
Professional Fees	\$849	GL.10000001872.1008

<u>TOTAL</u>	<u>\$33,907</u>	

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

RECORD OF PAYMENT

TOTAL AMOUNT PAID: _____

DATE: _____

Receipt No.: _____ ***Cashier:*** _____

ATTACHMENT (B)

Food Premises – Restaurant/Take-Away/Bakery

1. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level.
2. Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg., stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
3. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor.
4. If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
5. The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm.
6. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - (a) at least 75mm high;
 - (b) finished level to a smooth even surface;
 - (c) recessed under fittings to provide a toe space of not more than 50mm;
 - (d) rounded at exposed edges; and
 - (e) coved at the intersection of the floor and wall to a minimum radius of 25mm.
7. The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof.
8. The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint.
9. All service pipes and electrical conduits shall be either:

- (a) concealed in floors, walls, ceiling or concrete plinths, or
 - (b) fixed with brackets so as to provide at least
 - i) 25mm clearance between the wall and the pipe/conduit; &
 - ii) 100mm between the floor and the pipe/conduit
 - (c) pipes so installed are not to run underneath fittings.
10. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.
11. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin.
12. The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned.
13. All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level.
14. The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction.
15. A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40C.
16. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment.
17. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:
- (a) 45C in one bowl for washing purposes; and
 - (b) 77C in the other bowl for rinsing purposes, together with a thermometer accurate to 10C.