

## **Attachment No.6**

Recommended Conditions of Consent

## DEFINITIONS

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

## **A. THE DEVELOPMENT**

### **Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - (a) Architectural plans DWG Nos. 000, 001, 002, 011, 012, 101 - 103, 201 – 212, 301, 401, 402, 411, 412, 501, 511, 601 - 604, 701, 702, 901, 902, 903, issue B, dated 20 May 2013 prepared by Olsson and Associates Architects Pty Ltd;
  - (b) Landscape plan DWG Nos. 11-2421 L01 – L03 Revision A, dated 13 December 2012, prepared by Zenith Landscape Design;
  - (c) Stormwater Drainage plan, drawing nos. 212-1118-H-01-05 – Issue A, prepared by Greenarrow, dated 20 February 2013;
  - (d) Erosion and sediment control plan, drawing no. 212-1118-SCP-01, Issue A, dated 21 February 2013;
  - (e) Waste management plan dated 20 February 2013 prepared by New Mangrove Pty Ltd;
  - (f) Schedule of external colours and finishes DWG No.501, dated 20 February 2013, prepared by Olsson and Associates Architects Pty Ltd.
  - (g) BASIX certificate 366240M\_02, dated 17 February 2013;
  - (h) Road Traffic Noise Assessment Revision 2, dated 14 February 2013, prepared by SLR Global Environmental Solution;
  - (i) Access report prepared by Morris-Goding Accessibility Consulting, dated 12 February 2013;
  - (ii) Qualitative Wind Impact Assessment Report (No. 610.12186-R2), Revision 0, dated 4 February 2013, prepared by SLR Global Environmental Solutions; and
  - (iii) Waste Management Plan, dated 20 February 2013.

except where modified by the undermentioned conditions.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**SECTION 94A PAYMENT (Liverpool Contributions Plan 2006 Liverpool City Centre)**

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

The total contribution is **\$XXXXXXX**

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

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

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

Where:

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

**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

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

### **Provision of Services**

3. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at [www.sydneywater.com.au](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.

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

### **Fee Payments**

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

### **Dilapidation Report**

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

### **Heritage**

8. An archaeological assessment (Aboriginal and historic) is to be undertaken prior to the commencement of any construction works at the site in order to understand the potential for archaeological deposits. The assessment is to be undertaken by a qualified archaeologist and the recommendations of this report taken into consideration in the development; and
9. Full details of the interpretive signage proposed for the heritage item is to be provided to the satisfaction of Council's Heritage Officer. Details required include plans showing design, materials and content.
10. A condition assessment of the milestone should be undertaken by a suitably qualified heritage architect prior to the commencement of works. Monitoring should be undertaken during construction and a final assessment on completion of works. Any damage must be rectified under the guidance of a suitably qualified heritage architect.
11. A heritage component within the site induction is to be provided to workers prior to construction, informing them of the location of heritage items, and guidelines to follow if unanticipated heritage items or deposits are located.

### **Site Development Work**

12. 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.
13. 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**

14. 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 contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

### **Fire Safety Measures**

15. 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**

16. Driveways are to conform to Council requirements for vehicle crossings as detailed in Council's specifications, The Liverpool CBD Streetscape & Paving Guidelines and as per the requirements in Council's DCP. Details shall be shown on the proposed plans accompanying with application for a Section 138 permit.
17. The existing services that conflict with the proposed vehicular crossing shall be relocated clear of the proposed vehicular crossing at developer's cost. The details of the new relocated service locations recommended by the relevant authority shall be shown on the plans prior to issue of a construction certificate.
18. 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.
19. 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.
20. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

### **Paving**

21. Periphery Type paving is to be installed along the entire site frontages on George Street, Hume Highway and Browne Parade, as part of this development, in accordance with the Liverpool CBD Street Tree and Landscape Strategy and, The Liverpool CBD Streetscape and Paving Guidelines.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving

location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

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

### **Permit to Carry out Works**

22. A separate application for a permit to carry out works must be issued by Council for –
  - (a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit is for stormwater connection to the George Street drainage inlet pit, driveway construction and Liverpool CBD footpath pavings.

### **Drainage**

23. All on site detention shall be checked and certified by an accredited stormwater drainage designer.

### **Stormwater**

24. 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.
25. 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.

26. The entrance to the proposed building from Browne Parade should be designed in such a way to prevent any surface runoff entering into the building. All the details are to be provided on the plans prior to issue of Construction Certificate.
27. The pump-out system proposed for the underground car parking area shall be designed in accordance with the Council specifications. The pump-out system shall be independent of any gravity discharge lines except at the site boundary inspection pit, from which a connection may be permitted to gravity stormwater system.
28. Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of Construction Certificate.

29. All pipes located in Council's road reserve to be minimum 375 diameter RCP.
30. The post development storm water discharge from the subject site into Roads and Maritime Service drainage system should not exceed the pre-development discharge.

### **Engineering Works**

31. The structural adequacy of the proposed underground On-Site Detention tank, including the hydrostatic loads caused by a full storage area should be checked and certified by a suitably qualified structural engineer.

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

32. 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.
33. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
34. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

### **Recommendations of Acoustic Report**

35. 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.

### **Landscape Plan**

36. A detailed landscape plan prepared by a suitably qualified person is to be submitted to the PCA prior to the issue of any CC. The detailed landscape plan is to incorporate the following:
  - (a) Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines. These booklets can be purchased from the Council Administration Building at 1 Hoxton Park Road Liverpool.
37. A Phase 1 Contamination Assessment Report prepared by a suitably qualified specialist shall be submitted to, and approved by Liverpool City Council to confirm any contamination of the subject land in accordance with State Environmental Planning Policy No.55 – Remediation of Land and Managing



Land Contamination Planning Guidelines prepared by the Department of Planning and Infrastructure dated 1998.

38. A Salinity Management Plan is required that addresses those matters listed in the Level 3 Salinity Response Checklist (as outlined in the Western Sydney Salinity Code of Practice).

## **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**

39. 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.
40. 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.

### **Residential Building Work**

41. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*), must not be commenced until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
42. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) In the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor; and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - i. the name of the owner-builder, and
    - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,

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

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

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

44. 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.
45. 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.
46. 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.
47. 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**

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

Each toilet must:

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

#### **Construction Requirements**

49. 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.

50. 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.
51. 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**

52. 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.

### **RMS Road Reserve and Parking restrictions**

53. The applicant is to apply to the RMS for appropriate landscaping of this road reserve along the Hume Highway.
54. To maintain efficient two way traffic flow along the section of the George Street fronting the development site, the developer is to apply to Council's Local Traffic Committee, for No Parking signs to be installed.

### **Site Facilities**

55. 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**

56. 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**

57. A construction hoarding of class B 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**

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

Please refer to the web site [www.sydneywater.com.au](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**

59. 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.

### **Waste Classification**

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

### **Environmental Management**

61. 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.
62. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

## **D. DURING CONSTRUCTION**

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

### **Building Work**

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

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

### **Identification Survey Report**

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

the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

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

### **General Site Works**

65. 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.

### **Hours of Construction Work and Deliveries**

66. 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**

67. 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**

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

### **Termite Protection**

69. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:
  - (a) The method of protection;
  - (b) The date of installation of the system;
  - (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
  - (d) The need to maintain and inspect the system on a regular basis

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

## **Heritage**

70. A fenced exclusion zone is to be established around the milestone in order to prevent incidental impacts during construction. If necessary insulating material should be used to further protect the fabric from accidental damage.
71. Should any historical relics be unexpectedly discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the Heritage Act 1977.
72. Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Environment Protection Authority is to be informed in accordance with the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under the National Parks and Wildlife Act 1974 may be required before work resumes.

## **Disabled Access**

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

## **General Site Works**

74. 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.
75. 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**

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

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

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

## **Traffic Management**

77. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
78. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Landscaping Works**

79. Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines. These booklets can be purchased from the Council Administration Building at 1 Hoxton Park Road Liverpool.

### **Contamination**

80. 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.

### **Air Quality**

81. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
82. 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.
83. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Erosion Control**



84. 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.
85. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
86. 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**

87. 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**

88. 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.
89. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

#### **Ventilation**

90. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
91. 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**

92. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
93. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
94. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
95. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
96. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
97. 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.
98. A surveyor's certificate shall be submitted confirming that the floor levels are not lower than the required level.
99. 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
100. The On-Site Detention system must be certified as complying with the approved detention design by an appropriate accredited professional engineer.

## **BASIX**

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

#### **Recommendations of Acoustic Report**

102. 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.

#### **Road Works**

103. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.
104. Local intersection treatment – to minimise local traffic impacts, median islands are to be installed along George Street at its intersection with Lachlan Street along with edge lines for the section of George Street between the Hume Highway and Lachlan Street. A layout of the intersection treatment and line marking is to be submitted to the Council's LTC for approval prior to construction and is to be completed prior to occupation of the development.

#### **On-street parking restrictions**

105. The existing No Parking arrangement along Browne Parade is to be reinstated to include No Parking as well as No Stopping for 10m from the Hume Highway subject to LTC approval

#### **Footpath and Driveways**

106. Paving of the full frontage of site on George Street, Hume Highway & Browne Parade and vehicular crossing at the entrance to the site over Council's footpath/pedestrian way shall be constructed in accordance with the Liverpool CBD Street Tree and Landscape Strategy and, The Liverpool CBD Streetscape and Paving Guidelines prior to issue of Occupation Certificate.
107. The footpaths along George Street, Browne Parade and the Hume Highway fronting the development site are to be reconstructed and paved to provide a footpath of approximately 2m wide.
108. Prior to the issue of an occupation certificate the existing services that conflict with the proposed vehicular crossing shall be relocated clear of the proposed vehicular crossing. All costs shall be borne by the developer.

#### **88B Instrument**

109. A "positive covenant" and "restriction as to user" must be placed over the constructed Onsite Detention System in accordance with Council's Onsite Detention Policy and Construction Specification. Evidence of the registration with the LPI Service shall be submitted prior to issue of Occupation Certificate.
110. An 88B positive covenant shall be placed on the property title over the constructed pump-out system for underground car parking. This requires the property owner to be responsible for the proper maintenance and repair of the above mentioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an Occupation Certificate.

#### **Dilapidation Report**

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

#### **Lot Registration/Dedication**

112. All separate lots must be consolidated except land zoned SP2 Infrastructure which is identified for future road widening. The OC cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service.

## **F. CONDITIONS RELATING TO USE**

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

#### **Waste Storage Area**

113. 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.

#### **Car Parking/Loading**

114. A total of **121** off street car parking spaces must be provided in accordance with Council's relevant development control plan. **Two** of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
115. All parking areas shown on the approved plans must be used solely for this purpose.
116. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
  - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB(A) above the L90 background level or

greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

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

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

### **Environment**

117. 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.

### **Annual Fire Safety Statement**

118. 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,

119. A Public Art Plan shall be submitted to, and approved by Liverpool City Council. Public Artworks shall be designed having regard to the objectives of the Section 3.10 of Part 4 –Liverpool City Centre of the Liverpool Development Control Plan 2008.