

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

STAGED APPROVAL

STAGE	DEVELOPMENT WORKS	PART REFERENCE	CONDITION REFERENCE
1	Excavation, shoring and piling works to buildings A & B	A, B, C, D, E, F, H	All conditions except: 18, 19, 20, 33, 38, 45, 74, 75, 76, 100, 114, 115, 118, 119, 120, 121, 122, 126, 127, 128, 129.
2	Construction of basement works to ground level for buildings A & B (building A ground floor, building B semi basement)	A, B, C, D, E, F, G, H	All conditions.
3	Construction of above ground works buildings A & B & Carey Street open space	A, B, C, D, E, F, G, H	All conditions
4	Excavation, shoring and piling works to building C	A, B, C, D, E, F, H	All conditions except 18, 19, 20, 33, 38, 45, 74, 75, 76, 100, 114, 115, 118, 119, 120, 121, 122, 126, 127, 128, 129.
5	Construction of basement works to ground level building C	A, B, C, D, E, F, G, H	All conditions.
6	Construction of above ground works building C	A, B, C, D, E, F, G, H	All conditions.

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 prepared by Mosca Pserras architects, drawing numbers:

13042 AP01 Issue C dated 23.10.2014
13042 AP02 Issue C dated 23.10.2014
13042 AP03 Issue C dated 23.10.2014
13042 AP03_1 Issue A dated 23.10.2014
13042 AP04 Issue C dated 23.10.2014
13042 AP05 Issue C dated 23.10.2014
13042 AP06 Issue C dated 23.10.2014
13042 AP07 Issue C dated 23.10.2014
13042 AP08 Issue C dated 23.10.2014
13042 AP09 Issue C dated 23.10.2014
13042 AP10 Issue C dated 23.10.2014
13042 AP11 Issue C dated 23.10.2014
13042 AP12 Issue C dated 23.10.2014
13042 AP13 Issue C dated 23.10.2014
13042 AP14 Issue C dated 23.10.2014
13042 AP15 Issue C dated 23.10.2014
13042 AP16 Issue C dated 23.10.2014
13042 AP17 Issue C dated 23.10.2014
13042 AP18 Issue C dated 23.10.2014
13042 AP19 Issue C dated 23.10.2014
13042 AP20 Issue C dated 23.10.2014
13042 AP21 Issue C dated 23.10.2014
13042 AP21_1 Issue A dated 3.11.2014
13042 AP22 Issue C dated 23.10.2014

- (b) Landscape plans prepared by NBRS & Partners, drawing numbers:

14083-LDA01-B dated 28.10.2014
14083-LDA02-B dated 28.10.2014
14083-LDA03-B dated 28.10.2014
14083-LDA04-A dated 17.6.2014
14083-LDA05-B dated 3.11.2014
14083-LDA06-A dated 17.6.2014
14083-LDA07-A dated 17.6.2014

- (c) Land Subdivision Plan prepared by Mosca Pserras Architects; job number 13042-AP24 (Issue A) dated 15.12.2013.

- (d) Stormwater concept plan prepared by Northrop Engineers, reference number 140121, (Revision 4), dated 30.10.14.

- (e) BASIX Assessment report prepared by Efficient Living Pty Ltd, Issue 4 dated 4.11.2014. BASIX Certificate numbers 541324M_04 and 548488M_04.

- (f) Acoustic report prepared by Acoustic Logic, (Revision 2) dated 16.6.2014.

- (g) Transport and Parking Report prepared by Transport and Traffic Partners, (Revision C) dated November 2014.
- (h) Geotechnical report prepared by Asset Geotechnical, (Revision 4) dated 16.9.2014.
- (i) Environmental Site Assessment report prepared by Environmental Investigations, dated 30 May 2014.
- (j) Reflectivity Report prepared by CPP dated June 2014.
- (k) Security Management Plan / CPTED report prepared by Autus Properties Pty Ltd / Lucror Developments Pty Ltd (undated)
- (l) Wind Assessment report prepared by CPP dated June 2014.
- (m) BCA Assessment report prepared by BM&G, (Revision 1), dated 26 June 2014.
- (n) Accessibility Review report prepared by AE&D Access dated June 2014.
- (o) Waste Management Plan prepared by Elephants Foot Recycling Solutions dated June 2014.
- (p) SEPP 65 Amenity Compliance Solar Access Report prepared by Steve King Architect dated 17 June 2014.

except where modified by the undermentioned conditions.

1A. Commonwealth Airports (Protection of Airspace) Regulations 1996

The proposal has been referred to Bankstown Airport in accordance with the requirement of Clause 8 of the Airports (Protection of Airspace) Regulation 1996 as the development may be a 'controlled activity' (a building which is proposed within 'prescribed airspace').

To date no written comments have been provided. However, there is no impediment to determining the proposal as there is no requirement under the Environmental Planning Assessment Act or Regulation for concurrence, nor is the issue of Airport referrals an Integrated matter under S91 of the Act.

Notwithstanding this, the applicant cannot act upon a development consent and carry out a 'controlled activity' unless it has been granted approval pursuant to Section 183 of the Airports Act 1996. This approval is granted by the Department of Infrastructure, and Regional Development (Federal department) and the applicant is encouraged to engage in consultation with the Department.

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 2007 Liverpool City Centre)

2. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The contributions are imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$2,727,374**

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

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

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

Where:

C = Original contributions as shown on the consent

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

CPI₁ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at www.liverpool.nsw.gov.au.

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

Staged Payment of s94A Contribution

The s94A payment may be staged as follows:

1st instalment of \$545,474.80 – 20% payment prior to the issue of a construction certificate for Stage 1 works (excavation, shoring and piling works to Building B);

2nd instalment of \$818,212.20 – 30% payment prior to the issue of an occupation certificate for Building A; and

3rd instalment of \$1,363,687.00 – 50% payment prior to the issue of an occupation certificate for Building C.

Roads and Maritime Services

3. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Macquarie Street in the vicinity of the site.
4. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Macquarie Street during construction activities.
5. Any buildings or structures shall be erected clear of the land required by Roads and Maritime Services for future road widening, unlimited in height and depth, together with any improvements integral to the future use of the site.
6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for approval.
7. The swept path of the longest vehicle (to service the site) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
8. The layout of the proposed car parking areas associated with the development (including wheel stops, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions should be in accordance with AS 2890.1-2004.
9. Design drawings and documents relating to the excavation of the site and support structures are to be submitted to Roads and Maritime Services for assessment and approval, in accordance with Technical Direction GTD2012/001.
10. All works / regulatory signposting associated with the development are to be at no cost to Council or Roads and Maritime Services.
11. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime Services for approval, prior to the commencement of works.

Traffic

12. A signposting and line marking plan is to be submitted and approved by Council for all street frontages of the site.

Waste Management Plan

13. An amended waste management plan is to be submitted to Council for approval incorporating the amendments to the building design and Council's revised Waste Management guidelines, which can be obtained by contacting Council's Sustainable Environment Department.

Provision of Services

14. 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.

15. Written clearance from Endeavour 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.
16. 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.
17. Written approval must be gained from Transgrid stating they have reviewed the proposed engineering design plans and that they consent to the issue of a CC by the PCA.

Liverpool CBD Street Lighting Upgrade

18. The applicant/developer shall upgrade street lighting system for entire frontage of the development including any side streets. The street light pole shall be multi-function pole including all necessary accessories. The specification and accessories details are to be obtained from Infrastructure and Environment Group of Council. The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The electrical design shall include undergrounding of existing aerial power lines and communication cables for the entire frontage of the development including frontage to side streets. The approved design shall be submitted to Council for review and approval prior to any construction works.

Liverpool CBD Communication Conduits

19. The applicant/developer shall also supply and install two 50mm white communication conduit with draw wires approximately 300mm behind kerb and gutter connecting multifunction poles. Details can be obtained from Infrastructure and Environment Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170.

Liverpool CBD Footpath Paving and Landscaping Works

20. Periphery Type/ Core Type paving shall be installed along the entire Macquarie Street, Charles Street, Mill Road and Carey Street frontage/s, as part of this development. Footpath paving and Landscaping works shall be strictly in

accordance with the Liverpool CBD Street Tree and Landscape Strategy and The Liverpool CBD Streetscape and Paving Guidelines.

S138 Roads Act – Roadworks requiring approval of civil drawings

21. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of footpath and stormwater works in Macquarie Street, Charles Street, Mill Road and Carey Street.
22. Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Stormwater Concept Plan

23. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Northrop Engineers, reference number 140121, revision 4, dated 30.10.14.
24. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
25. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

On-site Detention

27. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Northrop Engineers, reference number 140121, revision 4, dated 30.10.14.
28. Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

29. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

Stormwater Discharge – Basement Car Parks

30. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

No loading on easement

31. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/or services easement have been designed clear of the zone of influence.

Access, Car parking and Manoeuvring – General

32. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Street Trees

33. 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.

Fee Payments

34. 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.

Site Development Work

35. 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.
36. 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

37. 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.

Design Verification Statement

38. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
 - (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Driveway/Services

39. 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.

40. 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.
41. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.
42. 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.

Public Road Design/Construction within Road Reserve Areas

43. The applicant shall design a roundabout at the Charles Street and Mill Road Intersection. The roundabout shall be designed to "Austroads" and Council's current specifications and shall include all construction and reconstruction, including SBS modified asphaltic concrete seal 60mm thick to the roundabout and approaches, signposting, drainage, linemarking, landscaping, street lighting to Council requirements, reinstatements, service relocations and adjustments, and work required to make a smooth connection to existing construction and any other associated costs. The design shall be submitted to Council within a Section 138 Roads Act Permit to Carry Out Works application for approval and permit issue. The design concept for the roundabout is to be approved by Councils Local Traffic Committee prior to Issue of the CC.
44. 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.

Recommendations of Acoustic Report

45. 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.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Sediment and Erosion Control

46. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act

1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

47. The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Traffic Control Plan

48. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Dilapidation Report

49. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Macquarie Street, Charles Street, Mill Road and Carey Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Construction Certificates

50. 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.
51. 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.
52. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

Notification/Principal Certifying Authority

53. 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.
54. 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.

55. 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.
56. 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

57. 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

58. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
59. 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.
60. 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.

61. 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.

Site Facilities

62. 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

63. 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.

Waste Classification

64. 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

65. 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.

D. DURING CONSTRUCTION

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

Erosion and Sediment Control

66. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Major Filling / Earthworks

67. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works. The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

Building Work

68. 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

69. 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, or 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

70. 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

71. 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.

Disabled Access

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

Car Parking Areas

73. 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.

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

Traffic Management

75. 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.
76. 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.
77. 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.

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.

Waste Management Plan

79. The Waste Management Plan required to be submitted to and approved by Council (prior to the issue of a CC) 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.

Salinity

80. All building materials utilised below dampcourse level or water proof membranes are to be resistant to damage from salt damp. Dampcourses and water proof membranes are to have a high resistance to construction damage, are to be themselves resistant to damage from salt damp and are not to be bridged in any manner by porous materials.
81. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site.

Contamination

82. 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).
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. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Site Remediation Works

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

Air Quality

86. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
87. 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.
88. 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.
89. Gaseous emissions from the development shall comply with the requirements of the POEO Act and Regulations there under. Processes producing airborne particulate matter shall incorporate a suitable dust collection system.
90. All woodworking machines shall be fitted with a approved dust collection system and no sawdust or off-cuts shall be burnt on the premises.

Water Quality

91. 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

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.

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

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Liverpool City Council Clearance – Roads Act / Local Government Act

94. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

Works as Executed – General

95. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
96. An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

97. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
 - c) Overland flowpath works
 - d) Basement Carpark pump-out system
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

98. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works
- d) Basement carpark pump-out system

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

99. Prior to the issue of select an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.
100. Any rectification works within Macquarie Street, Charles Street, Mill Road and Carey Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Pump-out System

101. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
 - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
 - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned 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 OC.

Service Providers

102. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the occupation certificate.
103. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
104. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Dilapidation

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

Certificates

106. 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.
107. 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.
108. 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.
109. 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.

Display of Street Numbers

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

BASIX

111. 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.

Landscaping

112. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Road Works

113. Suitable concrete vehicular footpath crossings must be provided at the entrance to and exit from the property. These crossings must be constructed in accordance with Council’s standard requirements for industrial crossings. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc.

114. 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.
115. All footpaths at the development frontages are to be reconstructed in accordance with Council's Streetscape and Paving guidelines.
116. The existing street lighting is to be upgraded and the provision of underground cables including new smart poles and new LED lights are to be undertaken to Councils and Endeavour Energy standards.

Design Verification Statement

117. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
 - (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

Recommendations of Acoustic Report

118. 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.

Lot Registration/Dedication

119. The proposed lots (Lot 100 and Lot 101) shall be endorsed by a subdivision certificate and registered with the LPI Service in accordance with the Land Subdivision Plan prepared by Mosca Pserras Architects; job number 13042-AP24 (Issue A) dated 15.12.2013.

Crossing Application

120. A separate application shall be submitted and approved by Council for the installation of a standard vehicle dish crossing with concrete dish or a standard pipe culvert crossing with asphalt sealed pavement adjustment generally as per Council's standard drawing. A driveway inspection fee is payable to Council prior to the issue of the OC by the nominated PCA.

121. A concrete vehicular footpath crossing must be provided at the entrance to the property over Council's footpath/pedestrian way. This crossing must be constructed in accordance with Council's standard requirements. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply, including requirement for inspection prior to consent to pour by Council's driveway inspector.
122. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works.

Garbage Services

123. The owner/applicant is to enter into a legally binding indemnity with Council to control the access and operation of the garbage service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.
124. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the residential component of the development as well as serving requirements. These waste/garbage bins are to be kept at all times within the residential waste/garbage compartment rooms except before and after collection days. Waste/garbage bins are to be returned to the compartment room as soon as practical after waste has been collected.
125. All new pipes in the existing road reserve must be CCTV'ed by a suitably qualified operator and a report submitted to Council along with the DVD footage for approval prior to the issue of any Occupation Certificate.

F. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

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

Linen Plans and 88B Instruments

126. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument if required.
127. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.

128. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
129. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).
130. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.
131. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
 - (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
 - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
 - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned 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 OC.
132. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the subdivision certificate.
133. Notification of arrangement for the development from Integral Energy shall be submitted to Council.
134. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.
135. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

G. CONDITIONS RELATING TO USE

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

Graffiti

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

Waste Storage Area

137. 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.
138. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
139. Any bin bays must be:
- (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (f) Garbage is to be placed wholly within the garbage bins provided;
 - (g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (h) The area is to be kept tidy;
 - (i) A phone number for arranging disposal of bulky items;
 - (j) Graphic illustrative content to be 50%.
 - (k) Bin bay signs are available from Council;
 - (l) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute;
 - (m) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
 - (n) Maximum compaction ratio is 2:1;
 - (o) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

Car Parking/Loading

140. All parking areas shown on the approved plans must be used solely for this purpose.
141. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
142. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Noise

143. Any intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
144. 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.

145. 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

146. 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.

Pool Area Design

147. The swimming pool is to be in accordance with the Swimming Pools Act 1992.

H. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice.
- d) The Planning Assessment Commission **has not** conducted a review of the application.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) Prior to completion of the pool, the owner of the premises is requested to attend an approved Cardio Pulmonary Resuscitation Course.

- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.

- i) "DIAL BEFORE YOU DIG" DIAL 1100

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- l) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- n) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

- o) The Hume Highway, Hoxton Park Road and Macquarie Street intersection has been identified for a future grade separated intersection.
- p) Traffic at the Terminus Street and Charles Street intersection could in the future be restricted to left-in and left-out movements.

ATTACHMENT (A)

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

Liverpool Contribution Plan 2007 (Liverpool City Centre)

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 CPI 106.6 Quarter September 2014 and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICANT: *Autus Properties Pty Ltd*
Lucror Properties Pty Ltd

PROPERTY: 420 Macquarie Street, Liverpool

Order of probable costs – Cost of Development (Clause 25J, EP&A Regulations)
Land zoned R4 – Charles Street

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$2,417	GL.10000001870.10112
Whitlam Centre Extensions	\$1,785	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$2,304	GL.10000001870.10099
Woodward and Collimore Parks	\$10,843	GL.10000001869.10105
Georges River Foreshore	\$75,903	GL.10000001869.10105
Bigge Park	\$16,265	GL.10000001869.10105
Pioneer Park	\$16,265	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
<u>TOTAL</u>	<u>\$125,783</u>	

Order of probable costs – Cost of Development (Clause 25J, EP&A Regulations)
Land zoned B4

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$16,663	GL.10000001870.10112
Whitlam Centre Extensions	\$12,306	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$15,886	GL.10000001870.10099
Woodward and Collimore Parks	\$74,758	GL.10000001869.10105
Georges River Foreshore	\$523,309	GL.10000001869.10105
Bigge Park	\$112,138	GL.10000001869.10105
Pioneer Park	\$112,138	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$1,734,394	GL.10000001868.10108
<u>TOTAL</u>	<u>\$2,601,591</u>	