

ATTACHMENT 17: RECOMMENDED CONDITIONS OF CONSENT

ABBREVIATIONS

| | |
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| 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 |
| OEH | Office of Environment and Heritage NSW |

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 Woods Bagot Architects, all dated 28 July 2015 namely:
 - Site plan, drawing No.A1001, Revision G,
 - Site Analysis, drawing No.A1002, Revision G,
 - Demolition Ground floor plan, drawing No.A2000, Revision A,
 - Demolition Roof plan, drawing No.A2001, Revision A,
 - Basement Level 2, drawing No.A2100, Revision J,
 - Basement Level 2, drawing No.A2101, Revision L,
 - Ground Floor plan, drawing No.A2102, Revision P,
 - Level 01, drawing No.A2103, Revision J,
 - Level 02, drawing No.A2104, Revision I,
 - Level 03, drawing No.A2105, Revision I,
 - Level 04, drawing No.A2106, Revision I,
 - Level 05, drawing No.A2107, Revision J,
 - Level 06, drawing No.A2108, Revision J,
 - Level 07 and Level 08, drawing No.A2109, Revision K,
 - Level 09 and Level 10, drawing No.A2110, Revision K,
 - Level 11 to Level 15, drawing No.A2111, Revision J,
 - Roof plan, drawing No.A2113, Revision E,
 - Building A Elevations (North), A3101, Revision G,
 - Building A Elevations (South/West/East), A3102, Revision G
 - Building B Elevations (NE/West/SW), A3201, Revision E,
 - Materials and finishes, drawing No.A9000, Revision C.
 - (b) Landscape plans prepared by Aspect Studios, Drawing Nos. 14048- LA_1 to 14048- LA_9, Revision C, dated July 2015;
 - (c) Riparian Issues, Assessment and Management report, prepared by ACS Environmental Pty Ltd, dated July 2015;
 - (d) Arboricultural Report, prepared by Naturally Trees Arboricultural Consulting, dated 12 November 2012;
 - (e) Waste Management Plan prepared by MPA Consulting Group, dated 7 November 2014;
 - (f) Heritage Impact Report, prepared by City Plan Heritage Pty Ltd, dated 25 May 2015;
 - (g) Traffic Impact Assessment, Reference No.14.303r01v4, dated 11 November 2014;
 - (h) Schedule of Conservation Works & Heritage Specifications, prepared by City Plan Heritage Pty Ltd, dated 3 August 2015;
 - (i) Aboriginal Cultural Heritage Due Diligence Assessment, prepared by City Plan Heritage Pty Ltd, dated 26 May 2015;

- (j) Revised Conservation Management Strategy, prepared Graham Brooks and Associates, dated November 2014;
- (k) Revised Heritage Interpretation Strategy, prepared Graham Brooks and Associates November 2015;
- (l) Scope of Works and External Finishes, prepared by TKD Architects, dated 15 September 2015;
- (m) Proposed Roof Plan/ Site Plan, Proposed Elevations and Schematic layout, prepared by TKD Architects;
- (n) BCA Assessment Report, prepared by Certified Building Specialist, dated 30 November 2014;
- (o) Geotechnical Investigation report, prepared by Asset Geotechnical Engineering Pty Ltd, dated 1 August 2014;
- (p) Bushfire Hazard Assessment, Report No.14/603, prepared by Bushfire Consulting Services Pty Ltd, dated 17 October 2014;
- (q) Access Report, prepared by Accessibility Solutions (NSW) Pty Ltd, dated 12 November 2014;
- (r) Environmental Wind Speed Measurement report, prepared by MEL Consultants Report, dated 5 November 2014;
- (s) BASIX Assessment report with BASIX Certificate No. 581921M_02, prepared by Wood and Grieves Engineers, dated 4 August 2015;
- (t) Acoustic Report (Project No. 27085-SYD-N, Revision 5), prepared by Wood and Grieves Engineers dated 19 March 2015; and
- (u) Remediation Action Plan (EI Report No. E22322 AA) prepared by Environmental Investigations Australia Pty Ltd dated 4 November 2014.

except where modified by the undermentioned conditions.

General Terms of Approval

2. All General Terms of Approval issued by NSW Office of Water (dated 19 September 2015) and Sydney Water (dated 3 September 2015) shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval is attached to this decision notice.

Works at no cost to Council

3. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

Commonwealth Airports (Protection of Airspace) Regulations 1996

4. 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 this 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)

5. 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 2007 Liverpool City Centre.

The total contribution is **\$1,423,002** as adjusted in accordance with Section 25J of the Environmental Planning and Assessment Regulation 2000.

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

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

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

Where:

C = Original contributions as shown on the consent

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

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

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool or at www.liverpool.nsw.gov.au.

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

Provision of Services

6. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA.

7. Written clearance from 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.
8. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.
9. 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

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

Site Development Work

11. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as an early works or full CC has been issued.
12. 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

13. The certifying authority must advise Council, in writing of:
 - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Fire Safety Measures

14. A schedule specifying all of the essential fire safety services, 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

15. 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.
16. Driveways entry points must be located clear of all utility services. It is recommended that discussions be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
17. Driveways are to conform to Council's standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications and as per the requirements in Council's DCP.
18. 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.

S138 Roads Act – Minor Works in the public road

19. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required on a public road. These works may include but are not limited to the following:
 - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: 1. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Retaining Walls on Boundary

20. All retaining walls shall be of masonry construction and must be located wholly within the property boundaries, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

S138 Roads Act – roadworks requiring approval of civil drawings.

21. Prior to the issue of a Construction Certificate 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 Road & Drainage Construction in Atkinson Street.

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:

1. 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.

S68 Local Government Act – Stormwater drainage

22. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for works within Council's Public Reserves and parks.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice.

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 prepared by Northrop Engineers, reference number 141611, revision 4, dated 14.05.15.

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.

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.

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.

Stormwater Discharge – Basement Car parks

24. 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 car parks.

No loading on easements

25. 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.

Water Quality

26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

Access, Car Parking and Manoeuvring

27. 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.

Access, Car Parking and Manoeuvring

28. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- a) Off street access and parking complies with AS2890.1.
 - c) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
 - d) All cars can enter and exit the site in a forward direction

Performance Bond

29. Prior to the issue of any Construction Certificate a performance bond is to be lodged with Liverpool City Council for works associated with s138 and s68 permit application.

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Land Development Section for further information relating to bond requirements.

30. The existing partly constructed cul-de-sac at the end of Atkinson Street must be completed to the satisfaction of the Council. Engineering plans and pavement designs must be submitted to Council for approval as part of an application for a 138 permit under the Roads Act. Works must include but are not limited to Kerbs, pavement, footpath, stormwater pits and pipes.
31. A 1.2m wide concrete footpath must be provided to the full frontage of the site along Atkinson Street. Details should be included with the application for a 138 Permit.
32. The proposed landscape plan is not consistent with engineering and architectural plans for treatment of the Atkinson Street cul de sac head. The proposed landscape plan shall be amended prior to the issue of a CC. The use of stamped concrete, coloured concrete or pavers will not be permitted within the road reserve.

Traffic

33. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, if any, is to be submitted to Council for review and approval prior to the issue of any CC.
34. An amended basement parking area layout plan incorporating the following shall be submitted to the satisfaction of the PCA prior to the issue of any CC:
- wheelstops in car parking spaces,
 - Additional parking spaces for service vehicles\locating service vehicle spaces near lifts,
 - At least one of the lifts should be suitable for transporting bulky goods.
35. A plan is required to be submitted incorporating signposting and linemarking including swept path analysis plan of basement car parking area to the satisfaction of the PCA.
36. The parking spaces should be designed and constructed in accordance with AS:2890.1 and AS:2890.6.

Flooding

37. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. 9.90m + 0.5m = 10.4m Australian Height Datum).
38. The building components below the 1% AEP flood plus half a metre freeboard (i.e. 9.90m + 0.5m = 10.40m Australian Height Datum) shall be constructed from flood compatible building materials.

39. An Flood Engineer's report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard (i.e. 9.90m + 0.5m = 10.4m Australian Height Datum).
40. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.
41. The basement shall be protected from inundation of floodwaters for floods up to and including the 1% AEP flood plus 0.1m freeboard (i.e. 9.90m + 0.1m = 10.00m Australian Height Datum).
42. A detailed stormwater quality treatment plan in line with the principles of WSUD including water quality modelling (MUSIC model) confirming pollution reduction targets are achieved in accordance with Council development control plan (DCP) to be submitted.
43. A detailed flood protection and evacuation strategy shall be prepared by an appropriately qualified and practising professional engineer to ensure fail safe evacuation of people and vehicles from the basement car park areas during a flood event. This strategy shall be submitted to the satisfaction of Council in accordance with the Northrop Consulting Engineers (Stormwater Management Strategy and Flood Impact Assessment/Management), dated 10 March 2015 and to the satisfaction of the PCA.

Heritage

44. Should construction of the subject development proceed, care must be taken to not disturb the foreshore area (Mill Park Reserve) as there is high potential for Aboriginal cultural heritage. Should access or disturbance be likely/required for construction, a further Aboriginal cultural assessment will be required to the satisfaction of Council prior to issue of a CC.

Waste Management Plan

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

Remediation Action Plan

46. Remediation and validation works must be carried out in accordance with Remediation Action Plan (EI Report No. E22322 AA) prepared by (Environmental Investigations Australia Pty Ltd) dated (4 November 2014). Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.

Recommendations of Acoustic Report

47. 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:

Construction Certificates

48. 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.
49. 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.
50. 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.

Heritage

51. Works should be undertaken in accordance with the most recently submitted heritage documentation, (SOHI, Scope of Works, Schedule of Conservation Works, Interpretation Strategy, etc).
52. 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 NSW Office of Environment and Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Aboriginal 'objects' must be managed 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.

Residential Building Work

53. 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.
54. 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.

55. 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

56. 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.
57. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

Bonds and Security Deposits

58. Prior to carrying out any work in accordance with this development consent, the application must provide security to the Council for the payment of the cost of the following:
- (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - (b) completing of any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.
 - (c) remedying any defects in any such public work that arise within 6 months after the work is completed

The security bond may be provided by way of

- (a) cash deposit with the Council , or
- (b) an unconditional bank guarantee in favour to Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

Facilities

59. 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

- 60. 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.
- 61. 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.
- 62. 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.
- 63. 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

- 64. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

Site Facilities

- 65. 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

- 66. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- (a) The name, address and telephone number of the principal certifying authority for the work; and
- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Unauthorised entry to the premises is prohibited.

Notification of Service Providers

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

Please refer to the web site www.sydneywater.com.au for:

- *Quick check agents details – see Building and Developing then Quick Check and*
- *Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating*

or telephone 13 20 92.

Sediment & Erosion Control

68. 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".

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

69. 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 it 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.
70. 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.
71. All materials and goods associated with the use shall be contained within the building at all times.

Dilapidation report

72. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Shepherd Street and Atkinson 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 50m either side of the development.

Waste Classification

73. 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

74. 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.

Landscape plan

75. A detailed Landscape Plan showing planting locations for each species and giving planting pot sizes, quantities and details for all aspects of the Landscaping design is to be submitted to the satisfaction of the PCA with a copy provided to Council.

Traffic

76. In case of Works Zone (if required) and road occupancy, the applicant is required to seek approval for such works from Council's Traffic and Transport Section, prior to any works commencing.

D. DURING CONSTRUCTION

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

Heritage – Time Capsule

77. Should any historical archaeological deposits be unexpectedly uncovered during construction, all work is to stop immediately and the advice of OEH is to be sought. Appropriate approvals must be obtained. Salvage excavation may be required.
78. Should the time capsule be unearthed during construction, work is to stop and the item retained in-situ until an appropriate management strategy is agreed with Council's Heritage Officer.
79. Site induction and employment of appropriate tradespeople is to be implemented as per the Schedule of Conservation Works (Parts 2.2 and 2.3 respectively).

80. A condition assessment and monitoring of the historic building during construction of the development (including basement car parking) is to take place to ensure there is no adverse impact on the structural integrity of the heritage building. Should the construction works result in structural issues all work must cease until the historic fabric can be supported and an appropriate solution determined with the assistance of suitably qualified structural engineer with experience in the heritage context. Any deterioration or damage must be made good in accordance with the Schedule of Conservation Works.
81. Detailed photographic recording of the southern facade of the former mill building should be undertaken prior to the reopening of blocked fenestration. This information should be lodged with Liverpool City Council and the Liverpool Heritage library. This can be a simple photographic essay undertaken by the Heritage Architect or a similarly qualified individual..

Building Work

82. In the case of a class 1 or 10 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and prior to the placement of, any footings; and
 - (b) prior to pouring any in-situ reinforced concrete building element; and
 - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - (d) prior to covering waterproofing in any wet areas, and
 - (e) prior to covering any stormwater drainage connections; and
 - (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

83. 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.

84. In the case of a swimming pool, 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 the construction of the swimming pool is completed and the barrier (if one is required under the Swimming Pools Act 1992), has been erected and before the pool is filled with water.

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

Identification Survey Report

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

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

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

Hours of Construction Work and Deliveries

- 86. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8.00am to 1.00pm on Saturday. No work is permitted on Sundays or Public Holidays.
- 87. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Security Fence

- 88. 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

- 89. 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

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

- (a) The method of protection;

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

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

Disabled Access

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

General Site Works

- 92. 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.
- 93. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
- 94. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
- 95. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
- 96. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Contamination

- 97. 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).
- 98. 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.

99. 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

100. Remediation and validation works must be carried out in accordance with remediation plan E22322 AA, prepared by Environmental Investigations Australia Pty Ltd, dated 4 November 2014. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.
101. 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

102. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
103. 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.
104. 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.

Water Quality

105. 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

106. 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.

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

Ventilation

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

Traffic

109. The proposed driveway shall be constructed to Council’s industrial standard.
110. The proposed driveway and parking spaces are constructed in accordance with the approved plans.
111. The reconstruction of the footpath at the development frontage shall be to Council satisfaction.
112. The proposed laybacks shall be constructed in accordance with AS: 2890.1 and Council’s DCP.

Erosion and sediment control

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

Street Lighting

114. The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council’s Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

Drainage Connection

115. Prior to the connection of private drainage to Council’s drainage system, an inspection is to be carried out by Liverpool City Council’s Development Engineering Unit. A fee will be charged in accordance with Council’s adopted Fees and Charges, and is to be paid prior to the inspection.

Major Filling/ Earthworks

116. 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.

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

117. 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

118. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation for the subject stage, shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

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

119. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater pre-treatment system/s
 - b) Overland flowpath works
 - c) Flood control 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

120. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant burdening the subject site in relation to the following requirements:

- a) Ongoing maintenance of the basement carpark pump-out system.
- b) Ongoing maintenance of the Mill building to the satisfaction of Council including the requirement to ensure the maintenance of the heritage fabric, is not permitted to fall into a state of disrepair.
- c) Ongoing maintenance of the waste compactus and waste chutes

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 (where relevant).

Rectification of Damage

121. Prior to the issue of 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.

Any rectification works within Atkinson Street & Shepherd Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Occupation Compliance documentation

122. Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority: Nominate
- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
 - b) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
 - e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
 - f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
 - g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
 - h) Structural Engineer's construction certification of all structures

Pump-out system

123. 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

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

Dilapidation

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

Certificates

128. 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.
129. 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.
130. 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.
131. 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

132. 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.

Smoke Alarms

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

BASIX

134. 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.

Crossing Application

135. 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.
136. 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.
137. A maintenance bond, pursuant to the s138 approval, in the form of a bank guarantee or cash bond (\$TBA at the time of payment), 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.

Design Verification Statement

138. 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.

Heritage

- 139. Prior to issue of a OC the detail of the interpretation strategy, including the amendment to incorporate public art as per Aspect Studios drawing 14048-LA-3 (notation 1), must be submitted for approval by Council's Heritage Officer. It must include, but not be limited to: naming strategy, retention of industrial fabric, heritage marker, website and booklet.
- 140. The agreed interpretation strategy must be implemented and signed off by Councils' Heritage Officer prior to the issue of any OC.

Traffic

- 141. All works including line-marking and signposting are undertaken in accordance with Council's endorsed plans.
- 142. Street lighting on the public roads are to Council and Endeavour Energy satisfaction

Recommendations of Acoustic Report

- 143. 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.

Site Contamination Validation Report

- 144. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
 - (a) describe and document all works performed;
 - (b) include results of validation testing and monitoring;
 - (c) include validation results of any fill imported on to the site;
 - (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
 - (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- 145. 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.

146. CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all new drainage pipes within Council's road reserve shall be submitted to Council for approval prior to the issue of any Occupation Certificate. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.

F. CONDITIONS RELATING TO USE

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

Graffiti

147. 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

148. 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.
149. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
150. 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;
 - (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

- 151. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.
- 152. All linemarkings and signpostings within the proposed development are maintained in good condition at all times.
- 153. All vehicles enter and leave the site in forward direction at all times.

Noise

- 154. 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.
- 155. 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.

- 156. 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

157. 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.

Waste

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

Pool Area Design

161. The swimming pool shall be fenced in accordance with the provisions of AS1926, prior to the pool being filled with water.
162. All drainage and pool wastes to be discharged in accordance with AS 3500.0
163. The area between the pool and side boundary is to be retained, graded and drained to prevent nuisance occurring on the adjoining property. A minimum of 1.0 metre wide clearance is to be provided between:
- (a) the water line of the pool and the side and/or rear boundaries
 - (b) the water line of the pool and the pool safety fencing
164. The use of the Mill building shall be the subject of a separate development application.

G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.

- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice.
- d) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- e) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- g) "DIAL BEFORE YOU DIG" DIAL 1100
Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.
- i) 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.
- j) 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.
- k) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

- I) 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.

ATTACHMENT 1: DPI WATER GENERAL TERMS OF APPROVAL

General Terms of Approval for work requiring a controlled activity approval under s91 of the *Water Management Act 2000*

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|---------------------------------|--|---|
| ERM2014/1126 | | File No: 9055793 |
| Site Address: | | 20 Shepherd Street Liverpool & Light Horse Park Atkinson Street Liverpool |
| DA Number: | | DA2014/1010 |
| LGA: | | Liverpool City Council |
| Number | Condition | |
| Plans, standards and guidelines | | |
| 1 | <p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/1010 and provided by Council:</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p> | |
| 2 | <p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p> | |
| 3 | <p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) Vegetation Management Plan(ii) Works Schedule(iii) Erosion and Sediment Control Plan(iv) Soil and Water Management Plan(v) Amendments to report – Riparian Issues, Assessment & management by ACS environmental Pty Ltd dated July 2015 to address DPI Water guidelines. | |
| 4 | <p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.</p> <ul style="list-style-type: none">(i) Vegetation Management Plans(ii) Laying pipes and cables in watercourses(iii) Riparian Corridors(iv) In-stream works(v) Outlet structures | |
| 5 | <p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p> | |
| 6 | <p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.</p> | |

| | | |
|--------------------------------------|---|-------------------------|
| ERM2014/1126 | | File No: 9055793 |
| River bed and bank protection | | |
| 18 | The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 40 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan <u>approved by DPI Water</u> . | |
| 19 | The consent holder must establish a riparian corridor along Georges River in accordance with a plan approved by DPI Water. | |
| Groundwater | | |
| 20 | The consent holder must ensure that any construction below ground level must follow the attached dewatering's general terms of approval and does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water. | |
| END OF CONDITIONS | | |



GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

These terms do not represent any form of authorisation for the extraction of groundwater. These terms require an appropriate response from the Applicant in recognition that aquifer interference will occur in an important groundwater resource.

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and
 - B. any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, borelogs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including borelogs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the watertable (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the watertable during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping.
[DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
11. A copy of a valid development consent for the project shall be provided in the initial report.
12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the Applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a watertable map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

END OF GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

ATTACHMENT 2: SYDNEY WATER CONDITIONS



Case Number: 147734

3 September 2015

SHEPHERD STREET DEVELOPMENTS PTY LTD
c/- AWPM AUSTRALIAN WATER PROJECT MANAGEMENT

NOTICE OF ANTICIPATED REQUIREMENTS
for
SECTION 73 SUBDIVIDER/DEVELOPER COMPLIANCE CERTIFICATE
(Sydney Water Act 1994, Part 6, Division 9)
PENDING DEVELOPMENT CONSENT

| | |
|--------------------------|---|
| Developer: | SHEPHERD STREET DEVELOPMENTS PTY LTD |
| Your reference: | PSW1171 |
| Development: | No.20 Shepherd Street, Liverpool Lot 1 of DP247485 |
| Development Description: | Reuse of heritage building for commercial/retail use and construction of two residential flat buildings, ranging from 9 to 16 storeys over basement car parking |
| Council: | Liverpool City Council |
| Your application date: | 5 August 2015 |

Dear Applicant

Sydney Water has assessed your application for the anticipated requirements of a Section 73 Compliance Certificate (the Certificate) pending development consent for the development shown above. Detailed information on your anticipated requirements is outlined below.

You have until 3 September 2016 to meet those requirements and receive the Certificate. If you have not received the Certificate by then you will have to reapply (and pay another application fee) and Sydney Water will issue you with a new notice. We may have extra requirements and charges may change in the new notice.

The Water Servicing Coordinator (Coordinator) will be your point of contact with Sydney Water. They can answer most questions you might have on our developer process and charges.

This is not a final notice and Sydney Water is not liable for any actions you take as a result of this Notice. You do not have the authority to start construction of works.

If the development application has been subject to significant change then this anticipated requirements application will be terminated and you must submit a formal Section 73 application.

You can also find out about this process by visiting www.sydneywater.com.au > Plumbing, building & developing > Developing > Land development. If you want to find out the status of your application, simply select 'Developer Application Progress' and enter your case number (shown above) and email address. A response will be sent automatically to you.

What You Must Do To Get A Section 73 Certificate

Summary

This is a summary of Sydney Water's requirements. The detailed list begins on the next page.

You must do all of the following things:

1. Engage a Water Servicing Coordinator (Coordinator) before you sign the enclosed Agreement.
2. Sign both originals of the enclosed Agreement and give them to the Coordinator. You must do all the things that we ask you to do in that Agreement.
3. After you have signed the Agreement you then need to build the required water and sewer works at your own cost.
4. See Section 4 for any Ancillary Matters
5. Complete any special requirements from Section 5.

Sign the enclosed Undertaking for multi-level individual metering.

Other things you need to do:

At the end of this Notice are some other things that you may need to do. They are NOT a requirement to be met before the Certificate can issue but may well be a requirement in the future because of the impact of your development on our assets. You must read them before you go any further.

DETAILED REQUIREMENTS

1. Water Servicing Coordinator

You must engage your current or another authorised Coordinator to manage the design and construction of works that you must provide, at your cost, to service your development. If you wish to engage another Coordinator (at any point in this process) you must write and tell Sydney Water.

For a list of authorised Coordinators, either visit www.sydneywater.com.au > Plumbing, building & developing > Developing > Providers > Lists or call 13 20 92.

Coordinators will give you a quote or information about costs for services/works, including Sydney Water costs.

2. Developer Works Deed

After you engage a Coordinator, you must engage other Developer Infrastructure Providers (Providers) to carry out, where needed, the design and construction of the works. They must all have the appropriate capability. Your Coordinator can assist you.

You and your Providers will need to enter into an agreement with Sydney Water. To do this you need to sign and lodge **both originals** of the enclosed Developer Works Deed (Deed) with your nominated Coordinator. You will then need to work with your Coordinator to have the other Providers sign the Deed.

If your Coordinator or Providers are different for any of the asset types then you will need to sign separate Deeds.

Before signing the Deed, each party must also read and understand the conditions of the agreement that are set out in the Developer Works Deed – Schedule 1: Standard Terms document. That document as well as information about it are available at sydneywater.com.au > Plumbing, building & developing > Developing > Developer deeds & standard terms

The Deed and the Standard Terms set out for this development all parties' roles and responsibilities as well as other information.

You must do all the things that we ask you to do in the Deed.

This is because your development does not have water and sewer services and you must construct and pay for the following works extensions under this Deed to provide these services.

3. Water and Sewer Works

3.1 Water

Your development must have a frontage to a water main that is the right size and can be used for connection.

Sydney Water has assessed your application and found that:

- **You must construct a water main extension to serve your development. These works must be constructed by a constructor with the appropriate capability. Your**

Coordinator will be able to provide further advice about this.

- The existing site is supplied from a water main located in Atkinson Street varying in diameter from 100mm to 150mm in diameter. The primary supply is via a 100mm offtake from the 150mm main in the Hume Highway.
- The proposed 16 storey building will require a minimum sized 200mm water main.
- The existing 250mm trunk water main located on the western side of the Hume Highway has adequate capacity to service the proposed development. You are required to construct approximately 600m of 200mm water main from the existing 250mm main in the Hume Highway to the property. The new 200mm water main is to be cross connected to the existing mains along route to maintain adequate connectivity.
- The concept plan below is provided to assist the developer in planning for the required works. Your Water Service Coordinator can provide further advice on the detail design process required to determine the preferred route and connections to the existing water supply network.
- The drinking water infrastructure required for this development will be sized & configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2014).



- Because your development requires adjustment/deviation of a "live" water main you must work with your Water Service Coordinator to ensure that:

- You submit your temporary pipework design (if required) with your permanent water design for approval,
- Accept in writing to bonding conditions that will be provided in the Bond Agreement,
- Submit your Bond and signed Bond Agreement,
- Submit the Construction Commencement Notice for construction of the temporary pipework,
- Have your temporary pipework constructed by a listed provider, and then
- Complete your permanent works

3.2 Sewer

Your development must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within your development's boundaries.

Sydney Water has assessed your application and found that:

- **You must construct a waste water main extension to serve your development.** The terms of the Deed define this extension as 'Major Works'.
- An extension of the wastewater network will be required from the 225mm main in Shepherd Street which will provide a point of connection at least 1m inside the property boundary.
- You must use Sydney Water's **Technical Specifications for Leak Tight Sewer Systems** to plan, design and construct the sewer. This specification must be used in conjunction with (and have precedence over) the Sewerage Code of Australia, WSA02-2002 (Sydney Water Edition 1 – Version 3). A Defect Liability Period of 12 months will apply to the works following their completion and acceptance by Sydney Water. Sydney Water will carry out Validation Testing one month prior to the expiry of that period. If we find any defects we will tell you. It will be your responsibility to rectify any notified defects.

The new sewers shall provide the means for Sydney Water to conduct future flow gauging and quality assurance checks. This will be achieved by providing maintenance holes (MH) for:

- a) **flow gauging (GMH)** for flow measurement over longer periods;
- b) **infiltration checking (ICMH)** to verify the quality assurance of the new sewer as soon as possible-within the 12 month defects liability period.

The location of these MH's will need to be established at the time of detailed design. The location(s) will need to provide safe and unrestricted access with sufficient room to enable the installation and reading of the gauges and associated equipment.

You may be required to prepare a plan for the whole sewerage catchment into which your development falls, setting out a master strategy for the GMH's needed.

Any tender called by you for the works will need to provide for the above requirements.

Funding of works

Under Sydney Water's 'Funding of infrastructure to service growth' policy we may agree to contribute towards a portion of the cost of the works you are required to build. Your Water Service Coordinator can advise you in relation to this policy, the likelihood of Sydney Water sharing a portion of the cost and the process you need to satisfy Sydney Water's probity requirements.

An initial funding assessment must be made at deed lodgement stage. At this point you must submit:

- Pre-tender cost estimate (for the whole works and Sydney Water's share) for the works in line with the Urban Growth Procurement Guidelines.
- Pre-tender cost estimates for any associated professional services
- Preliminary Scope of works
- Anticipated timeframe for construction, connection and transfer of the works to Sydney Water.

The final funding assessment will then be made at the detailed design stage, prior to any tenders being awarded or construction works commencing. A firm commitment would not be made by Sydney Water until we:

- Have assessed your pre-estimates for the work, including design, project management and all associated costs, and determined the tender process required to satisfy Sydney Water probity requirements in line with the Urban Growth Procurement Guidelines;
- Have reviewed the detailed design;
- Have reviewed the detailed construction quotations needed to meet our probity requirements in line with the Urban Growth Procurement Guidelines, including the tender recommendation reports where required;
- Have received the necessary certifications that you have complied with the Urban Growth Procurement Guidelines and;
- Have come to an agreement on the amount.

If the requirements of the Corporation's Urban Growth Procurement Guidelines (which your Coordinator can advise you on) are not adhered to than Sydney Water's willingness to provide funding in accordance with its policy will be placed at risk.

4. Ancillary Matters

4.1 Flow Management and Isolation of Sydney Water's Asset.

The above works will be constructed with a connection/cut-in to Sydney Water's (wastewater, water and/or stormwater) assets. To see that it complies with Occupational Health and Safety and Environmental legislation you must talk to your coordinator about the timely submission to Sydney Water of a request for flow management and asset isolation requirements.

4.2 Asset Adjustments

After Sydney Water issues this Notice (and more detailed designs are available), Sydney Water may require that the water main/sewer main/stormwater located in the footway/your property be adjusted/deviated. If this happens, you will need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it **before we can issue the Certificate**. Sydney Water will need to see the completed designs for the work and we will require you to lodge a security. The security will be refunded once the work is completed.

4.3 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use Sydney Water's **Permission to Enter** form(s) for this. You can get copies of these forms from your Coordinator or the Sydney Water website. Your Coordinator can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

4.4 Costs

Construction of these works will require you to pay project management, survey, design and construction costs **directly to your providers**. Additional costs payable to Sydney Water may include:

- design and construction audit fees;
- contract administration, Operations Area Charge & Customer Redress prior to project finalisation; and
- creation or alteration of easements etc.

Note: Payment for any Goods and Services (including Customer Redress) provided by Sydney Water will be required prior to the issue of the Section 73 Certificate or release of the Bank Guarantee or Cash Bond.

Your Coordinator can tell you about these costs.

5. Special Requirements

The Final Development Consent

This application is based on the development and consent shown on Page 1. You will not be permitted to commence construction of the works required to serve your development, until you have supplied the Development Consent to us and we have ascertained that there are no significant changes to your development.

If there are significant changes to your development, you must reapply (and pay another application fee) and we will issue another Notice. The requirements and charges may change in that Notice.

Multi-level individual metering requirements

Your development must either allow for or provide individual metering. This means that you must:

1. comply at all times and in all respects with the requirements of Sydney Water's *Multi-level Individual Metering Guide* (version 6 dated 1 July 2015);
2. provide and install plumbing and space for individual metering in accordance with Sydney Water's *Multi-level Individual Metering Guide*;
3. if and when you implement a strata/ stratum plan (or strata/ stratum subdivide) you must:
 - a. engage an Accredited Metering Supplier ("AMS") to provide individual metering in accordance with the *Multi-level Individual Metering Guide* and meet the cost of the meters and metering system;
 - b. transfer the meters and metering system to Sydney Water once the Testing Certificate has been issued by Sydney Water to the AMS and the AMS has confirmed that payment for the meters and metering system has been paid in full.

Before the Section 73 Certificate can be issued, you must sign the attached undertaking to show that you understand and accept these metering requirements and associated costs.

Visit www.sydneywater.com.au > Plumbing, Building & Developing > Plumbing > Meters & metered standpipes to see the *Multi-level individual metering guide* and find out more.

OTHER THINGS YOU NEED TO DO:

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement of Sydney Water in the future because of the impact of your development on our assets. You must read them before you go any further.

Stamping and approval of your building plans

Please note that your building plans must be stamped and approved. This can be done at a Quick Check agency. For an agency list visit www.sydneywater.com.au > Plumbing, building & developing > Building > Quick Check agents or call 13 20 92.

This is not a requirement of the Certificate but the approval is needed because construction/ building works may impact on existing Sydney Water assets (e.g. water and sewer mains). In any case, these works MUST NOT commence until Sydney Water has granted approval.

Your Coordinator can tell you about the approval process including:

- Possible requirements;
- Costs; and
- Timeframes.

Note: You must obtain our written approval before you do any work on Sydney Water's systems. Sydney Water will take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.

Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A **Boundary Trap** is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable **Backflow Prevention Containment Device** appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation.

By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au

Disused Sewerage Service Sealing

Please do not forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to a Sydney Water sewer main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Soffit Requirements

Please be aware that floor levels must be able to meet Sydney Water's soffit requirements for property connection and drainage.

Fire Fighting

Definition of fire fighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the fire fighting flow of the development and the ability of Sydney Water's system to provide that flow in an emergency. Sydney Water's Operating Licence directs that Sydney Water's mains are only required to provide domestic supply at a minimum pressure of 15 m head.

A report supplying modelled pressures called the Statement of Available pressure can be purchased through any Quick Check agent and may be of some assistance when defining the fire fighting system. The Statement of Available pressure, may advise flow limits that relate to system capacity or diameter of the main and pressure limits according to pressure management initiatives. If mains are required for fire fighting purposes, the mains shall be arranged through the water main extension process and not the Section 73 process.

Large Water Service Connection

A water main will be available, once you have completed your drinking water main construction to provide your development with a domestic supply. The size of your development means that you will need a connection larger than the standard domestic 20 mm size.

To get approval for your connection, you will need to lodge an application with a Quick Check Agent. You, or your hydraulic consultant, may need to supply the following:

- A plan of the hydraulic layout;
- A list of all the fixtures/fittings within the property;
- A copy of the fireflow pressure inquiry issued by Sydney Water;
- A pump application form (if a pump is required);
- All pump details (if a pump is required).

You will have to pay an application fee.

Sydney Water does not consider whether a water main is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

Disused Water Service Sealing

You must pay to disconnect all disused private water services and seal them at the point of connection to a Sydney Water water main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Other fees and requirements

The requirements in this Notice relate to your Certificate application only. Sydney Water may be involved with other aspects of your development and there may be other fees or requirements. These include:

- plumbing and drainage inspection costs;
- the installation of backflow prevention devices;
- trade waste requirements;
- large water connections and
- council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your development as soon as possible. Your hydraulic consultant can help you here.)

END OF NOTICE

ATTACHMENT 3: S94 PAYMENT FORM

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

Liverpool Contribution Plan 2007

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 July 2015 Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-1010/2014

APPLICANT: Applicant - Coronation Property Group

PROPERTY: 20 Shepherd Street, Liverpool

PROPOSAL: Demolition of portion of existing heritage building 'former Challenge Wollen Mills'; removal of existing car park; removal of 14 trees; remediation of site; erection of two residential flat buildings ranging from 5 to 16 storeys and containing a total of 250 residential apartments (5 X studios, 69 X 1 bedroom, 160 X 2 bedrooms and 16 X 3 bedrooms, inclusive of 25 adaptable units), two levels of basement parking containing 313 spaces; landscaping and associated site works

| <u>Facilities</u> | <u>Amount (\$)</u> |
|--|---------------------------|
| Central Library Extensions | \$27,342 |
| Whitlam Centre Extensions | \$20,194 |
| District Community Facility upgrade (Central area) | \$26,068 |
| Woodward and Collimore Parks | \$122,673 |
| Georges River Foreshore | \$858,708 |
| Bigge Park | \$184,009 |
| Pioneer Park | \$184,009 |
| Access – car parks, bridge link, bus priority | \$0 |
| <u>TOTAL</u> | <u>\$1,423,002</u> |

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____