

RECOMMENDED CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 1066/2015

JOINT REGIONAL PLANNING PANEL NO. 2016SYW024

PROPERTY: LOT 100, DP 861369, NO. 387 MACQUARIE STREET,
LIVERPOOL.

DEFINITIONS

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

A. THE DEVELOPMENT

Approved Plans

1. Development, the subject of this determination notice, must be carried out generally in accordance with the following approved development plans listed in the schedule below, except where modified in red by Council and/or any of the undermentioned conditions.

Title	Reference	Issue	Date
Architectural plans prepared by Mosca Pserras Architects			
Cover Sheet	15014 – AP01	B	15/03/16
Data	15014 – AP02	B	15/03/16
Site and Context Plan	15014 - AP03	B	15/03/16
Basements 2 and 3	15014 - AP04	B	15/03/16
Basement 1 & Ground Floor	15014 - AP05	B	15/03/16
Levels 1 & 2	15014 - AP06	B	15/03/16
Levels 3 & 4	15014 - AP07	B	15/03/16
Levels 5 - 6	15014 - AP08	B	15/03/16
Levels 7 - 9	15014 - AP09	B	15/03/16
Levels 10 - 11	15014 - AP10	B	15/03/16
Levels 12 - Roof	15014 - AP11	B	15/03/16
Elevations	15014 - AP12	B	15/03/16
Elevations	15014 - AP13	B	15/03/16
Sections	15014 - AP14	B	15/03/16
Adaptable Units	15014 - AP15	B	15/03/16
Shadow Documents	15014 - AP16	B	15/03/16
SEPP 65 Compliance	15014 - AP17	B	15/03/16
GFA Calculations	15014 - AP18	B	15/03/16
Landscape Design prepared by Coulston Associates			
Landscape Design	S15-0101	Issue 5	4/4/16
Concept Stormwater Drainage Plan prepared by Abel and Brown Pty Ltd			
Stormwater Drainage Plan	2519 Sheets H-01 to H-10 inclusive	B	August 2015
Stormwater Management Report	2519	A	12/10/15
Disability Access Report prepared by Cheung Access			
Disability Access Report			2/10/15
Archaeological Assessment prepared by Archeomar			
	PR22031-1		31/7/15
BCA Report prepared by Vic Lilli and Partners Consulting			
BCA Report	Ref. J150344		2/10/15
Demolition, Erosion and Sediment Control Plan prepared by Mosca Pserras Architects			
Erosion and Sediment	15014 SP-05	Issue A	30/9/15

Control Plan			
BASIX Certificate	670186M		15 October 2015
Acoustic Assessment prepared by Acouras Consultancy			
Acoustic Assessment	DA SYD2016-1027-R001B	Final	4/4/16

Works at no cost to Council

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

Endeavour Energy Requirements

The following requirements of Endeavour Energy, as outlined in its correspondence dated 10 February 2016, shall be implemented and complied with at all times:

Network Capacity / Connection

3. The applicant will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

In this regard it is noted that the Ground Floor Plan shows an 'ELEC. SUB' in Norfolk Service Way. From a preliminary desktop review Endeavour Energy's Asset & Network Planning Branch has advised the following:

- The proposed development is estimated to have a diversified load of 1.1 megavolt-amperes (MVA).
- A 1500 kilovolt-amperes (kVA) substation will be required on site with 11,000 volt (11kV) supply provided from Endeavour Energy's Liverpool Zone Substation located at Speed Street, Liverpool.
- Any required electrical works will need to be undergrounded in this location and the street lighting up to standard and to the levels required for purpose.

Asbestos

4. Endeavour Energy's G/Net master facility model indicates that the site is a location identified or suspected of having asbestos or asbestos containing materials (ACM) present. Whilst Endeavour Energy's

underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- customer meter boards;
- conduits in ground;
- padmounted substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment. Endeavour Energy's Contact Telephone 24 hours/7 days is 131 003.

Public Safety

5. As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. The applicant must familiarise themselves with Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website.
6. Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected i.e., the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site e.g., street light columns, underground cables etc.

Roads and Maritime Services Requirements

The following requirements of the Roads and Maritime Services, as outlined in its correspondence dated 17 February 2016, shall be implemented and complied with at all times:

7. Roads and Maritime has previously vested a strip of land as Road along the Macquarie Street frontage of the subject property. Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes. Therefore all buildings and structures together with any improvements integral to the future use of the site are to

be wholly within the freehold property unlimited in height or depth along the Macquarie Street boundary.

8. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

9. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
10. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

11. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Macquarie Street.
12. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Macquarie Street during construction activities.

New South Wales Police Requirements

The following requirements of the NSW Police, as outlined in its correspondence dated 28 January 2016, and attached to this consent, shall be implemented and complied with at all times:

13. Installation of 'anti theft' mail boxes and mailboxes that cannot be accessed by universal keys to prevent identity theft.
14. Vegetation to not cover/obstruct natural surveillance of the mail box areas to deter mail theft.
15. Adequate lighting at the entrance and main foyer of the apartment block, car park and mail box areas to deter stealing related offences
16. The installation of CCTV cameras covering:
 - i. The entrance/exit, lobby and main areas of the car park to deter unauthorised access and other offences.
 - ii. Access to underground car park to be restricted with access given to authorised people only to restrict unauthorised access.
 - iii. Strata buildings with windows above ground level to be fitted with devices to be locked at 12.5cm when it is engaged to prevent children from falling from windows

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)

17. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 3% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$1,396,830.00**

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

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

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

Where:

C = Original contributions as shown on the consent

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

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

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

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

Fee Payments

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

19. 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.

Provision of Services

20. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

21. Written approval must be gained from Endeavour Energy stating they have reviewed the proposed engineering design plans and that they consent to the issue of a CC by the PCA.
22. 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.

23. 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.

Details of Proposed Mesh Screening

24. Submission of revised plans showing alternative architectural treatment to the proposed mesh screening element of the facades of the proposed building. The required revised plans shall be submitted to and approved by Council’s Design Excellence Panel (DEP) prior to the issue of a Construction Certificate.

Wind Effects Report

25. Submission to the PCA of a Wind Effects report prepared by an appropriately qualified consultant demonstrating that the proposed development will meet a maximum wind speed of 16m/second at the street level of all street frontages of the development.

Waste Management Plan

26. Prior to the release of a Construction Certificate the applicant shall submit to Council for approval a detailed Waste Management Plan conforming to Council’s requirements in respect to waste collection for residential flat buildings. In this regard, 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. If bins are to be collected from the street, the Waste Management Plan shall provide for 1,100 litre bins to reduce impacts on the streetscape.

27. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Minimal impact to Water, Air and Land;
 - (d) Waste;
 - (e) Soil and sediment control measures;
 - (f) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (g) Environmental objectives and control strategies
 - (h) Environmental monitoring and reporting plan; and
 - (i) Community consultation

Liverpool CBD – Street Lighting Upgrade

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

Street Lighting

29. The applicant shall submit a street lighting design plan to Council's specifications and in accordance with Australian Standard AS/NZS 1158 – Road Lighting. The applicant shall request from Council's Transport Planning Section the appropriate lighting categories required for the development.

The design shall be prepared by a Level 3 Service provider (listing of accredited providers may be obtained from the Ministry of Energy and Utilities, telephone 9901 8816).

On completion of the street lighting design, the plan and a schedule of annual charges shall be forwarded to Council's Transport Planning Section for their acceptance of the ongoing annual and maintenance charges.

The plan shall include a statement by the designer certifying that the design meets Council's specification and all requirements of AS/NZS 1158.

This letter of acceptance and approved plans shall then be submitted to Endeavour Energy for their approval and certification for connection to their public lighting network.

Liverpool CBD – Communication Conduits

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

Liverpool CBD – Footpath Paving and Landscaping Works

31. Periphery Type/Core Type paving shall be installed along the entire Castlereagh Street, Macquarie Street and Norfolk Serviceway frontages, as part of this development in accordance with Implementation Note 12:2015 of the Revised Liverpool CBD Streetscape and Paving Guidelines 2005.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

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

A Section 138 Roads Act Approval for all works within Council's road reserve will be required.

Infrastructure Bond

32. An Infrastructure Restoration Bond is to be lodged with Liverpool City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$25,000 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Stormwater Concept Plan

33. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Abel and Brown Pty Ltd, reference 2519, Revision B, dated October 2015.

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

34. 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.

Water Quality

35. 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; and
- 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 – General

36. 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.

Dilapidation Report

37. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Site Development Work

38. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
39. 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).

Section 138 Roads Act

40. 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 in 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), and

- 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:

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

41. All retaining walls shall be of masonry construction and must be wholly within the property boundary, 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.

Notification

42. The certifying authority must advise Council, in writing of:

- The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- 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

43. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

Design Verification Statement

44. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- That the qualified designer has designed or directed the design of the subject development; and

- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

Screening of Balconies

- 45. A minimum of 50% of the width of the balcony balustrades shall be obscured in order to ensure that any items stored on the balconies are screened from the public. Amended plans detailing this requirement are to be submitted to the satisfaction of the PCA.

Driveway/Services

- 46. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
- 47. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.
- 48. 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.

Loading Dock Management Plan

- 49. A loading dock management plan shall be submitted to the PCA for the management of the loading dock.

Traffic Management Plan

- 50. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.

The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The plan shall review parking restrictions and shall incorporate all proposed signposting and line marking for all street frontages. The stamped approved Roads Act Permit is to be obtained by the PCA. A

copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Construction Traffic Management Plan

51. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved by Council's Senior Traffic Engineer prior to issue of the Construction Certificate. The CTMP shall demonstrate how the site will be managed during construction without impact or disruption to adjoining properties. As such, details of hoardings, cranes and location of car parking, etc shall be detailed in the CTMP.

Recommendations of Acoustic Report

52. 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:

Certificates

53. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
54. 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.
55. 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.
56. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.

Residential Building Work

57. 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.

58. 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

59. 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.
60. 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.
61. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.

Excavation

62. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Facilities

63. 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) be a temporary chemical closet approved under the *Local Government Act 1993*.

Construction Requirements

64. 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.

65. 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.
66. 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.

Waste Classification

67. 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 1997, POEO Waste Regulation 2014 and NSW EPA 'Waste Classification Guideline' (dated November 2014) 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

68. 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.

Demolition Works

69. Demolition works shall be carried out in accordance with the following:
 - a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition,

precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,

- b) Prior to the commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
- c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Site Facilities

70. 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

71. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work, and
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) Unauthorised entry to the premises is prohibited.

Hoarding

72. A construction hoarding of class B must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

This applies, as follows:

- (a) If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or
- (b) If craning of materials is to occur across a public area or road reserve area.

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

73. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council.

Sediment & Erosion Control

74. Prior to the commencement of any 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.

Traffic Control Plan

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

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

Note:

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

Dilapidation Report

76. Prior to the Commencement of any Works a dilapidation report of all infrastructure fronting the development in Castlereagh Street, Macquarie Street and Norfolk Serviceway 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 40m either side of the development.

Sydney Water Tap In

77. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

78. **"DIAL BEFORE YOU DIG"**

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

D. DURING CONSTRUCTION

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

Building Work

79. 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.

80. 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

81. 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

82. 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 Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Disabled Access

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

Security Fence

84. 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

85. Demolition of the existing building(s) shall be carried out in accordance with the requirements of AS 2601-2001 and the following:
- (a) The property being secured to prevent unauthorised entry.
 - (b) Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.

- (c). All other materials and debris is to be removed from the site and disposed to approved outlets in accordance with the approved Waste Management Plan.
 - (d) WorkCover NSW shall be notified five (5) days before licensed asbestos removal work is commenced at the subject premises.
 - (e) Following removal of any asbestos-containing material(s), a clearance certificate shall be prepared by a licensed asbestos assessor or competent person in accordance with the Work Health and Safety Regulation 2011. The Clearance Certificate shall be submitted to the Consent Authority confirming that the asbestos removal area does not pose a risk to health and safety.
 - (f) Should you require information in relation to the safe disposal of asbestos waste, please contact the NSW Environment Protection Authority (EPA) and WorkCover NSW.
86. 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 at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note; Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

Demolition Inspections

87. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.
- Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
- b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

Erosion and sediment control

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

89. **Drainage Connection**

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.

External

90. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
91. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
92. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Anti-Graffiti Paint

93. The ground floor of the proposed development from natural ground level to first floor level shall be coated with anti-graffiti paint or other coating in order to ensure that graffiti can be easily removed.

Security Requirements

94. The rear/loading/standing area and communal courtyard areas shall be provided with appropriate security lighting and appropriate security measures including restricted self-locking doors at the entrance of the foyers shall be provided within the development.

Lighting

95. Under awning lighting shall be provided around the frontage of the building. Lighting shall be provided in accordance with the requirements of the relevant Australian Standards.

Plumbing

96. All plumbing and drainage including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed by chasing or by ducts within the building. Plumbing other than stormwater downpipes shall not be attached to external surfaces of the building.

Car Parking Areas

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

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

98. Access driveways shall be constructed to an industrial standard.
99. Existing footpaths on the site frontages of Norfolk Serviceway, Macquarie Street and Castlereagh Street shall be reconstructed to Council's satisfaction.

Garbage Rooms

100. Garbage rooms on the ground floor shall be constructed of smooth cement rendered or tiled walls to 1800mm and coved at wall and floor intersection. The floor is to be impervious, nonslip and capable of heavy duty use. A cold water outlet is to be provided in the garbage rooms and the floor is to be graded and drained to an approved Sydney water sewer outlet.

The garbage rooms are to be mechanically ventilated to external air and appropriate lighting provided.

Traffic Management

101. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
102. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
103. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
104. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking

restrictions are in place, an application to have the restrictions moved, will need to be made.

Waste Management Plan

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

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

Contamination

106. 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).
107. 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 EPA Waste Classification Guidelines (dated November 2014), 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 EPA Waste Classification Guidelines (dated November 2014).
 - (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.
108. 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; and

- (c) The results of any chemical testing of fill material.

Site Remediation Works

109. 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

110. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
111. 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.
112. 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.
113. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
114. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

115. 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.

Ventilation

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

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

Aboriginal Relics/Artefacts

118. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/ salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

Salinity

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

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:

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 Macquarie Street, Castlereagh Street or Norfolk Serviceway will require a Roads Act application. The application is to be submitted to and approved by Liverpool City Council prior to such works commencing.

Certificates

122. 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.
123. 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.

124. 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.
125. 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.
126. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
127. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council. An Occupation Certificate must not be issued until a Compliance Certificate is obtained from Endeavour Energy verifying that arrangements have been made with Endeavour Energy for the provision of the approved public lighting works.
128. Written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - The requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Graffiti Management Plan

129. A Graffiti Management Plan shall be prepared by the developer to the satisfaction of the PCA. The plan shall be incorporated into the maintenance plan for the development.
130. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
 - (a) Ventilation
 - (b) Acoustics

Engineering

131. 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.

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

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.

Restriction as to user and Positive Covenant

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

- a) On-site detention system/s
 - b) 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 been undertaken have been satisfactorily completed.

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

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

- a) On-site detention system/s
- b) Basement carpark pump-out system

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

135. Prior to the issue of an OC, the following restriction as to user must be registered on the title of the property:

'The hanging of washing, including any clothing, towels, bedding or other article of similar type on any balcony is not to be visible from any street'.

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

136. Prior to the issue of an OC, the following restriction as to users must be registered on the title of the property:

'A static compaction unit for waste management shall be provided and maintained at all times within the waste storage area'.

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

Design Verification Statement

137. 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.

Display of Street Numbers

138. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1993, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

Smoke Alarms

139. 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 Certification

140. Prior to the issue of an Occupation Certificate, (whether interim or final), a compliance certificate shall be submitted to the PCA certifying that the building has been constructed in accordance with the commitments identified on Basix Certificate No. 670186M.

Landscaping

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

142. 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.
143. Prior to the issue of an Occupation Certificate or Subdivision Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Footpaths

144. Prior to the issue of an Occupation Certificate all footpaths required by Condition 30 of this consent shall be completed to the satisfaction of the PCA.

Recommendations of Acoustic Report

145. 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.

Completion of External Finishes

146. Prior to issue of the final occupation certificate, all external works detailed in the schedule of finishes are to be completed to the satisfaction of the PCA.

F. CONDITIONS RELATING TO USE OF THE DEVELOPMENT

Waste Management Plan

147. The approved Waste Management Plan for the proposed development shall be fully operational prior to occupation of the building. The waste management issues in the proposed high-rise residential building require on-going management, and in this regard the owners’ corporation shall

employ a building manager responsible for maintain the waste management system.

The Manager is required to:

- maintain the garbage system including cleaning of bins,
- present garbage and recyclable material for collection on scheduled collection days,
- return empty bins back to the garbage rooms within 5 hours of being emptied, keep the garbage room clean, and
- liaise with the waste collector and ensure new residents are aware of the waste management arrangements.

Pump-out system

148. Stormwater runoff from the proposed driveway to the underground basement 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.

Air Conditioners

149. All air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and AS/NZS 3666:2011-Air Handling and water systems of building - Microbial Control:

- (a) All water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 2010 and Public Health Regulation 2012 before being commissioned.
- (b) All cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 2010, Public Health Regulation 2012.

- (c) A true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2012 that certifies the effectiveness of the process of disinfection used for the water cooling system, shall be submitted to Council prior to the period ending 30 June each year.

(d) The owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 2010 and Regulation thereunder. Registration forms are available from Council.

Waste

- 150. All solid and liquid waste is to be removed from the site by a registered waste contractor. A record of receipts shall be kept and maintained up to date at all times. Records are to be made available to Council's Officers, upon request.
- 151. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste. A record of receipts shall be kept and maintained up to date at all times. Records are to be made available to Council's Officers, upon request.
- 152. All solid waste stored on site is to be covered at all times.
- 153. 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 into neighbouring public or private properties.
- 154. Waste and recycling bins are to be separated to avoid potential contamination.
- 155. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
- 156. A temporary storage area for the storage of disposed bulky items awaiting Council clean up or contracted removal is to be provided. A minimum area of 6m² with a minimum height of 2m is to be provided and maintained for this purpose with appropriate signage.
- 157. Bin bays must comply with the following requirements:
 - a. 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;
 - b. Provided with sufficient light to permit usage at night;

- c. Allocated with sufficient space 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;
- d. Provided with signage to be prominently displayed indicating that:
 - i. Garbage is to be placed wholly within the garbage bins provided;
 - ii. only recyclable materials accepted by Council area to be placed within the recycling bins;
 - iii. The area is to be kept tidy;
 - iv. A phone number for arranging disposal of bulky items.

Graffiti

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

Car Parking/Loading

159. A total of 207 off street car parking spaces including 4 service vehicle spaces, 17 visitor spaces and 8 commercial spaces must be provided in accordance with Council's relevant development control plan. 19 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.

Environment

160. The use of the premises shall operate in accordance with the Protection of the Environment Operations Act 1997. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operation Act 1997.
161. The applicant is to submit to Council a compliance certificate from Endeavour Energy stating that the applicant has made the necessary arrangements with Endeavour Energy for the provision of the approved public lighting works.
162. Council's on-street assets shall be protected at all times. Any damages shall be rectified to Council satisfaction.

Mechanical Plant

163. Mechanical plant shall be selected in consultation with a suitably qualified and experienced acoustic consultant to ensure compliance with the Acoustic Report prepared by Acouras Consultancy (report no: SYD2016-1027-R001B dated 4 April 2016).

Use of the Premises

- 164. The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- 165. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.
- 166. The use of the premises is not to interfere with the amenity of the residential area.

Washing on Balconies

- 167. The hanging of washing, including any clothing, towels, bedding or any article of similar type on any balcony is not to be visible from the street.

Lighting

- 168. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.
- 169. Waste and recyclable material generated from the operations of the development shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
- 170. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record shall be made available to the Consent Authority and Liverpool City Council’s Officers, upon request.
- 171. The internal fit-out and construction of commercial premises shall be subject to separate approvals.

Waste Storage Area

- 172. Waste/garbage bins are to be kept at all times within the waste/garbage compartment rooms except before and after collection days. Bins are to be returned to the compartment rooms as soon as practical after waste has been collected. Bins must not be stored or allowed to overflow into parking or landscaping areas and must not obstruct building exits.

Traffic

- 173. All parking areas shown on the approved plans must be used solely for this purpose.
- 174. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
- 175. The operator of the development must ensure all vehicles, excepting garbage and recycling collection vehicles, are driven in a forward direction when entering or leaving the site. Space must be provided and

maintained on the site to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

176. Under no circumstances shall be roller shutters be installed to the shopfronts of the retail/commercial tenancies.

Pool Area Design

177. The swimming pool shall be fenced in accordance with the provisions of AS1926, prior to the pool being filled with water.
178. All drainage and pool wastes to be discharged in accordance with AS 3500.0
179. 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

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 six (6) months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (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 five (5) years of the date of this notice.
- d) These conditions are imposed to control development, having regard to Section 79C of the Environmental Planning and Assessment Act 1979.
- e) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- g) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au 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 obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- k) 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 effect 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.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) 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.