

ATTACHMENT 5: RECOMMENDED CONDITIONS OF CONSENT

PART 1:

DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, until the submission to Council of:

Sydney Trains

1. The applicant shall obtain final certification, prepare and provide to Sydney Trains for approval and certification of the following items:
 - (a) Overhead Power Mains Report prepared by AA Power Engineering Pty Ltd.
 - (b) Geotechnical Assessment Report prepared by EL Australia.
 - (c) Retention Wall Design Report prepared by Xavier Knight Consulting Engineers.
 - (d) Derailment Risk Assessment prepared by Synergy Development Group.
 - (e) A final detailed construction methodology and works programme for the intended works.
 - (f) If required by Sydney Trains following the review of the above, a final numerical analysis.
 - (g) A Noise and Vibration Management and Vibration/ground monitoring Plan.
 - (h) If any groundwater is present or expected a groundwater modelling report.
 - (i) A maintenance plan of the development facing the rail corridor.
 - (j) Revised architectural drawings containing a minimum 1.5m setback from the rail corridor boundary, and any balconies, windows and other external features (eg roof terraces and external fire escapes) are to include measures (eg awning windows, louvres, enclosed balconies, window restrictor etc) that prevent the throwing of objects onto the rail corridor.

Note: Any conditions issued as part of Sydney Trains approval and certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Contamination

2. Further information shall be submitted to the satisfaction of Council's Manager of Development Assessment demonstrating compliance with the following:
 - (a) Details of excavation and visual assessment of soil in the footprints of site features such as the warehouse, concrete car park/driveway, hardstands, and grass covered areas, shall be submitted. The purpose of this is to ascertain the presence or otherwise of 'suspect' materials (identified by unusual staining odour, discolouration or inclusions such as building rubble, asbestos, ash particles, etc.) and fill, which is different to those encountered for within the Detailed Contamination Assessment Report. Assessment by sampling and testing might be required. In the event of contamination, further assessment, remediation and validation will be required.
 - (b) Further assessment shall be implemented to determine the necessity for risk assessment, remediation and or/management of the soil contaminated with Benzo(a)pyrene (BaP) TEQ and BaP identified at locations BH9, BH11 and BH13 as indicated and tabulated on Drawing No 13603/3-AA2 of the Detailed Contamination Assessment Report.

Provision of a Gardeners' Shed and Accessible Toilet

3. Amended architectural plans are to be submitted to the satisfaction of Council's Manager of Development Assessment demonstrating compliance with the following:
 - (a) An accessible toilet shall be provided to the communal open space on Level 3.
 - (b) A gardeners' shed shall be provided to the communal open space on Level 3.

Waste Management Plan

4. An amended waste management plan shall be submitted to the satisfaction of Council's Manager of Development Assessment demonstrating compliance with the following:
 - (a) In order to reduce the number of bins presented to the street kerb for collection, 660L recycling bins or greater in volume are to be utilised instead of 240L bins.

Note: The items raised within Part 1, above, are to be addressed within twelve (12) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" conditions is acceptable.

PART 2:

On the submission of the required evidence and on the applicant receiving written notification that Council is satisfied that the matters listed in “Part 1” have been satisfied, then the consent shall become operative subject to compliance with conditions outlined in “Part 2”.

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT**Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-84/2016, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Cover sheet	AP01	C	03/11/2016	MPA
Development data	AP02	C	03/11/2016	MPA
Site plan	AP03	C	03/11/2016	MPA
Ground floor and level 1 plan	AP04	C	03/11/2016	MPA
Level 2 and level 3 plan	AP05	C	03/11/2016	MPA
Level 4 and level 5 plan	AP06	C	03/11/2016	MPA
Level 6 and level 7	AP07	C	03/11/2016	MPA
Level 8 and roof plan	AP08	C	03/11/2016	MPA
Elevations 1	AP09	C	03/11/2016	MPA
Elevations 2	AP10	C	03/11/2016	MPA
Sections	AP11	C	03/11/2016	MPA
Adaptable units plan	AP12	C	03/11/2016	MPA
Material palette	SUP09	B	03/11/2016	MPA
Internal sections/elevations	SUP12	A	03/11/2016	MPA

(b) Landscape Plan

Description	Drawing No.	Revision No.	Date	Prepared by
Ground floor plan	LA01	B	12/08/2016	Taylor Brammer
Level 3 plan	LA02	B	12/08/2016	Taylor Brammer
Level 4 plan	LA03	B	12/08/2016	Taylor Brammer
Level 7 plan	LA04	B	12/08/2016	Taylor Brammer
Level 8 plan	LA05	B	12/08/2016	Taylor Brammer
Landscape details plan	LA06	B	12/08/2016	Taylor Brammer

(c) Reports

Description	Reference No.	Date	Prepared by
Detailed contamination assessment	13603/3-AA	17/11/2016	Geotechnique Pty Ltd
Waste management plan	-	12/08/2016	Elephants Foot Waste Compactors Pty Ltd
Traffic Impact Assessment	15-146	August 2016	Thompson Stanbury Associates
Acoustic Report	2675/D05	19/08/16	Sebastian Giglio
Geotechnical Report	E23001 GA	17/06/2016	Ei Australia
Overhead Power Mains Repot	-	15/08/2016	AA Power Engineering Pty Ltd
Retention Wall Design	160507	17/08/2015	Xavier Knight
Risk Assessment Report	-	19/08/2016	Minciv Management Services

(d) BASIX certificate number 684118M_02

Requirements Provided by Sydney Trains

- The operational conditions provided by Sydney Trains shall be complied with prior, during and at the completion of construction, as required in accordance with the correspondence dated 16 November 2016. A copy of the correspondence is attached.

Requirements of Sydney Water

- The development must comply with the requirements of Sydney Water in their correspondence dated 19 September 2016 (attached)

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions shall be complied with prior to issue of a CC by the PCA:

Section 94A Payment

- 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 **\$ 728,248.00**

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:

$$\text{Contribution at the time of payment} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

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

Construction Certificates

6. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Fee Payments

7. 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 DA/CC. The following fees are applicable:
 - (a) Damage Inspection Fee;
 - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
 - (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly.

Compliance with the National Construction Code

8. 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

9. 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

10. 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.

The schedule must distinguish between the measures that are currently implemented in the building premises; and

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

Recommendations of the Acoustic Report

- 11. The noise control recommendations as stipulated within the approved Acoustic Assessment Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

Section 138 Roads Act Application

- 12. Prior to the issue of a CC a Section 138 Roads Act application, including payment of fees shall be lodged with Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
 - (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings);
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure); and
 - (c) 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 Council's specifications.

Note: Approvals may also be required from the RMS for classified roads.

Street Lighting Upgrade

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

Communication Conduits

- 14. 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.

Retaining Walls on Boundary

- 15. 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.

Stormwater Concept Plan

16. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by S & G Consultants Pty Ltd, reference 20150209, revision B, dated 16/08/2016.

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 CC. 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 C the PCA shall ensure that the stormwater drainage system has been designed in accordance with Council's Design Guidelines and Construction Specification for Civil Works.

Stormwater Discharge – Basement Car Parks

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

Water Quality

18. Prior to the issue of a CC the PCA 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 with the LDCP 2008.

The CC 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 Council with notification of the CC issue.

Access and Manoeuvring

19. Prior to the issue of a CC the PCA 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 the LDCP 2008.

Car Parking Plan

20. Detailed plans showing access driveways and car parking including swept path analysis, line markings and sign posting in accordance with the LDCP 2008 and AS 2890, shall be submitted to and approved by Council's Traffic and Transport Section.

Sign Posting Plan

21. A signposting plan showing proposed 'No Stopping' along the full frontage in Atkinson Street and Shepherd Street is to be submitted to Council and approval provided by the Liverpool Local Traffic Committee.

Provision of Services

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.
24. 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.

25. 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.

Footpath Paving

26. Footpath paving shall be installed along the entire frontages, as part of this development. Detailed plans are required to be submitted 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.

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

Design Verification Statement

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

- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

Flooding

- 28. The proposed development shall be undertaken as indicated in the flood impact assessment report by S&G Consultants Pty Limited (Reference no: 2015.0209-L02, dated: 27 September 2016).
- 29. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood compensatory excavation shall be undertaken and the flood storage shall be preserved as indicated in the flood impact assessment report by S&G Consultants Pty Limited (Reference no: 2015.0209-L02, dated: 27 September 2016).
- 30. Habitable and general commercial floor levels shall be no lower than the 1% AEP flood plus half a metre freeboard (i.e. $9.8\text{m} + 0.5\text{m} = 10.3\text{m}$ Australian Height Datum).
- 31. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $9.8\text{m} + 0.5\text{m} = 10.3\text{m}$ Australian Height Datum).
- 32. An 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. $9.8\text{m} + 0.5\text{m} = 10.3\text{m}$ Australian Height Datum).
- 33. 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. $9.8\text{m} + 0.1\text{m} = 9.9\text{m}$ Australian Height Datum).
- 34. Suitable warning systems signage and exits shall be provided to ensure the safe evacuation of persons from the basement to the lowest habitable floor level during times of flood.
- 35. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
- 36. The development shall be consistent with any relevant flood evacuation strategy or similar plan.

37. Fencing shall be limited to permeable open type fences.
38. Fencing shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
39. Fencing shall be constructed to withstand the force of floodwaters or collapse in a controlled manner so as not to obstruct the flow of water, become unsafe during times of flood or become moving debris.

C. PRIOR TO WORKS COMMENCING

The following conditions shall be complied with prior to works commencing on the subject site:

40. 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.

Construction Certificates

41. 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.

Notification of the Principal Certifying Authority

42. The applicant shall advise Council of the name, address and contact number of the PCA, in accordance with Section 81A (4) of the Act.
43. 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.

Site Facilities

44. 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.
45. 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

46. 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;

- (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

47. 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 easement, 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.

Dilapidation Report

48. 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 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 10m either side of the development.
49. 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.

Waste Classification

50. 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).

Sediment and Erosion Control Measures

51. 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".

Traffic Management Plan

52. 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.
53. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Demolition Works

54. Any 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 commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
 - (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.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

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

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

56. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
 - (b) prior to covering any stormwater drainage connections; and
 - (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

Identification Survey Report

57. 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.

Demolition Work

58. 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 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.

59. 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.

Security Fence

60. 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.

Hours of Construction Work

61. 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 will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

Construction Noise

62. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009;
63. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

Car Parking Areas

64. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate 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.
65. 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.
66. The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.
67. Directional signage indicating the location of customer parking, "in" and "out" crossings and directional arrows are to be provided in accordance with the approved plans.

Traffic Management

68. 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.
69. 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.
70. 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.
71. 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.

General Site Works

72. 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.
73. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
74. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
75. 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.
76. 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.
77. 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.
78. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
79. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
80. 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.

Trees within the Road Reserve

81. In accordance with Council's Tree Management Policy, the trees to be planted within the road reserve are to be *Sapium sebiferum*, *Syzgium* species or *Eleocarpus reiculatus*.

External

82. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
83. 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.

Contamination

84. 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).
85. 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.
86. 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.
87. Any imported soil (fill) must be assessed by a qualified environmental consultant, prior to importation, to ensure suitability for the proposed use. In addition, the imported fill must not contain asbestos and ash, be free of unusual odour, not be discoloured and not acid sulphate soil or potential acid sulphate soil. The imported fill should either be virgin excavated natural material (VENM) or excavated natural material (ENM).
88. 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.

Crime Prevention Through Environmental Design

89. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
- (a) Back to base alarm systems shall be installed;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
 - (f) Access to the parking levels of the building shall be controlled via a security controlled device.

Endeavour Energy Requirements

90. 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 shall be submitted to Endeavour Energy. 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.

91. To facilitate the proposed relocation of the existing padmount substation (the Site Plan – 'electrical padmount' to Shepherd Street to front of Block A), as well as the requirements for the new padmount substation, a method of supply will need to be determined to service all other existing customers supplied from the substation. Advice on the possible relocation of the existing electrical assets on the site can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections,

Alternatively the applicant shall engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead.

Waste Management Plan

92. 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.

93. 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.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certificates

94. The premises shall 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.
95. A final fire or interim safety certificate is to be attached to any OC. This must include all the “essential fire services” installed in the building.

Landscaping

96. 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.

Roads Act/ Local Government Act

97. Prior to the issue of an OC, the PCA shall ensure that all works associated with the Section 138 Roads Act and/or S68 Local Government Act approval have been inspected and signed off by Council.

Works as Executed

98. Prior to the issue of an OC, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with 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 Council with notification of the issue of the OC where Council is not the PCA.

Stormwater Compliance

99. Prior to the issue of an OC the PCA shall ensure that the stormwater pre-treatment systems and the basement carpark pump-out system:
 - (a) Has been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
 - (b) Has met the design intent with regard to any construction variations to the approved design; and
 - (c) Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system shall be provided as part of the works-as-executed drawings.

Restrictions on Title

100. Prior to the issue of an OC, a restriction as to user and positive covenant relating to the stormwater pre-treatment systems and the 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 Council's standard wording as detailed in Council's Design and Construction Guidelines and Construction Specification for Civil Works.

101. Prior to the issue of an OC, the following restriction as to user 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.

Compliance with the Recommendations of the Acoustic Assessment Report

102. A compliance certificate from a qualified acoustic consultant is to be submitted to the PCA, certifying that the development has been constructed to meet the noise criteria in accordance with the approved Acoustic Assessment Report and that all recommendations have been adopted.

Basement Pump-out System

103. 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.

Design Verification Statement

104. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment 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.

Flood Emergency Management Plan

105. A comprehensive and well-structured flood emergency management plan (FEMP) shall be developed in accordance with the guideline of SES (Business Flood Safe Toolkit and Plan) identifying actions and triggers. The FEMP shall identify all potential risks and formulate measures for the protection of the people and the business and shall cover continuity and recovery planning process. The plan shall clearly demonstrate how evacuation of the site are being undertaken prior to floodwaters cutting off the access road (Shepherd Street). The FEMP shall also consider the cumulative evacuation needs of other existing and future developments in the area that use Shepherd Street as flood evacuation route. Alternative road access shall be explored and established if the existing road system is unable to provide flood-free access during the 1% AEP flood event.

Service Providers

106. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
107. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
108. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- (a) The requirements of the Telecommunications Act 1997;
 - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - (c) 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

BASIX

109. 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.

Rectification of Damage

110. Prior to the issue of an OC any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Council.

Site Contamination Validation Report

111. 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.
112. 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 a similar type of 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

F. GENERAL CONDITIONS

The following general conditions shall be complied with at all times:

Use and Fitout of Future Neighbourhood Shop

113. The use and fitout of the neighbourhood shop (Unit BG.04) shall be subject to a separate Development Consent.

Use of the Gym and Community Rooms

114. The male gym, female gym and the community rooms (Unit BG.05 and Unit BG.06) shall strictly be used by the building occupants and not by the public.

Flooding

115. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard (i.e. 9.8m + 0.5m = 10.3m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.
116. The area under the building ground floor slab allocated for flood storage area shall not be blocked and shall be available for the storage of floodwater during the 1% AEP flood event.

Car Parking Requirements

117. Parking spaces shall be allocated as follows:
- (a) A minimum of 134 parking spaces for residents;
 - (b) A minimum of 13 parking spaces for visitors;
 - (c) A minimum of 3 parking spaces for a carwash/service bay;
 - (d) A minimum of 1 parking space allocated for the specific use for the neighbourhood shop; and
 - (e) A minimum of 8 parking spaces for motorcycles.
118. All parking areas shown on the approved plans must be used solely for this purpose.
119. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

120. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

Landscaping

121. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

Noise and Environmental Emissions

122. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
123. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.

Waste Management

124. Waste bins must be stored in the designated garbage refuse area, which must be kept clean and tidy at all times. Bins must not be stored or allowed to overflow into parking, driveway or landscaped areas, must not obstruct the exit of the building, must not leave the site onto neighbouring public or private properties and must be adequately secured.
125. All garbage rooms 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; and
 - (d) Provided 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.

Graffiti

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

Washing on Balconies

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

Council's Infrastructure

128. Council's infrastructure shall be protected at all times. Any damages shall be rectified by the developer, to Council's satisfaction and at no cost to Council.

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 12 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 12 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 years of the date of this notice.
- d) The Planning Assessment Commission has not conducted a review of the application.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) 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.
- h) "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.

- i) 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.

- 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 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.
- 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.

Conditions Provided by Sydney Trains



16 November 2016

The General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 2170

Attention: Rodger Roppolo

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA-84/2016
21 Atkinson Street, Liverpool**

I refer to the above development application requiring RailCorp's concurrence in accordance with clause 86(1) of the above SEPP.

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its concurrence function under the above SEPP has been delegated to Sydney Trains.

Sydney Trains advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Sydney Trains notes that the proposed development proposes drainage works within land owned by RailCorp in order to connect to a Council drainage system. Sydney Trains advises that land owner's consent has not been provided for this work and as such the proposal will need to be modified to ensure that there are no works within rail land.

Notwithstanding the comments in the Statement of Environmental Effects Sydney Trains has concerns with the proximity of the building to the rail corridor boundary. As Sydney Trains will not grant access to its land to enable the construction of the proposed building and to enable its future maintenance all construction and

Sydney Trains is a NSW Government agency
Level 2, 36-46 George Street, Burwood NSW 2134 - P.O Box 459 Burwood NSW 1805
T 8575 0780 E jim.tsinmiagos@transport.nsw.gov.au
www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682





maintenance activity will have to be undertaken within the development site. As such Sydney Trains will be seeking an amendment to the design to ensure that there is a minimum 1.5m setback for construction and maintenance purposes.

As such, Sydney Trains has decided to grant its concurrence to the development proposed in development application DA-84/2016 subject to Council imposing the deferred commencement condition provided in Attachment A and operational conditions listed in Attachment B that will need to be complied with upon satisfaction of the Deferred Commencement Condition.

Should Council choose not to impose the deferred commencement condition in Attachment A and the operational conditions provided in Attachment B (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 97A of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Should you have any enquires about this matter further please contact Mr Jim Tsirimiagos on 8575 0780. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,


John Camarda
A/General Manager Property



Attachment A

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained final approval/certification from Sydney Trains of the following documentation:

A1

The Applicant shall obtain final certification prepare and provide to Sydney Trains for approval/certification the following items:

1. *Overhead Power Mains Report prepared by AA Power Engineering Pty Ltd.*
2. *Geotechnical Assessment Report prepared by EI Australia*
3. *Retention Wall Design Report prepared by Xavier Knight Consulting Engineers*
4. *Derailment Risk Assessment prepared by Synergy Development Group*
5. *A final detailed construction methodology and works programme for the intended works.*
6. *If required by Sydney Trains following the review of the above, a final numerical analysis.*
7. *A Noise and Vibration Management and Vibration/ground monitoring Plan.*
8. *If any groundwater is present or expected a groundwater modelling report.*
9. *A maintenance plan of the development facing the rail corridor.*
10. *Revised architectural drawings containing a minimum 1.5m setback from the rail corridor boundary, and any balconies, windows and other external features (eg roof terraces and external fire escapes) are to include install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) that prevent the throwing of objects onto the rail corridor.*

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.



Attachment B

Operational Conditions

- B1. If required by Sydney Trains, a revised services search is to be undertaken prior to commencement of works. The Applicant is to contact the Sydney Trains Rail Corridor Management Group to confirm the need for this item.*
- B2. All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.*
- B3. Given the proximity of the existing building to the rail corridor boundary prior to the undertaking of any demolition works, demolition methodology and works programme is to be submitted to Sydney Trains for review and endorsement prior to the undertaking of those works. Demolition shall not be undertaken until written confirmation has been provided by Sydney Trains that this condition has been complied with.*
- B4. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:*
- *Machinery to be used during excavation/construction.*
- The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.*
- B5. Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.*
- B6. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains or Transport for NSW must be submitted to Council for its records.*
- B7. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the light rail operator Transdev and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.*



- B8. A final acoustic assessment based on the final approved development is to be prepared in compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" and submitted to Council.
- B9. A final Electrolysis Report based on the final approved development is to be prepared prior to the issue of a construction certificate. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
- B10. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the light rail operator confirming that this condition has been satisfied.
- B15. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains and the light rail operator for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains and the light rail operator confirming that this condition has been satisfied.
- B16. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- B17. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains and light rail operator requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains and the light rail operator confirming that this condition has been satisfied.
- B18. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
- B19. Prior to the commencement of works appropriate fencing/hoarding is to be in place along the rail corridor/station to prevent unauthorised access to the rail corridor during works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing/hoarding work being undertaken.
- B20. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate



the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

B21. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from the light rail operator. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

B22. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B23. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group and the light rail operator to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains and light rail operator written advice to the Applicant on the level of insurance required.

B24. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains and the light rail operator. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains and the light rail operator confirming the lodgement of this Bond/Bank Guarantee.

B25. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

B26. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings shall indicate that there has been no encroachment into Sydney Trains land or easements. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.



B27. No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.

B28. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

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Sydney Water Requirements



19 September 2016

Our Ref: 153058

Mr Rodger Roppolo
Senior Development Planner
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

RE: DA-84/2016 - 21 Atkinson Street, Liverpool

Dear Mr Roppolo,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application and provide the following comments for your consideration.

Water

- The proposed development will require a 200mm drinking water main to meet the requirements of the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012).
- The existing 150mm main located in Atkinson Street is proposed to be upsized to a 200mm main under Case 147734.
- Detailed drinking water requirements will be provided at the Section 73 application phase.

Wastewater

- An extension of the wastewater system will be required from the 300mm main in Shepherd Street which will provide a point of connection at least 1m inside all the proposed lot boundaries.
- Detailed wastewater requirements will be provided at the Section 73 application phase.
- An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed wastewater infrastructure for this development will be sized & configured according to the Sewerage Code of Australia WSA 02-2002-2.2 (Sydney Water Edition 1 – Version 3). Evidence of Code compliance should be attached with the design.

Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

Further advice and requirements for this proposal are at attachments 1 and 2 (overleaf). If you require any further information, please contact Manwella Hawell of Urban Growth Strategy on 02 8849 4354 or e-mail manwella.hawell@sydneywater.com.au.

Yours sincerely,



David Gough
Manager, City Shaping

Section 94A Payment Form

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

Liverpool Contribution Plan 2007 – Liverpool City Centre

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

These figures have been calculated to the CPI December 2016 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-84/2016

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$13,993	GL.10000001870.10112
Whitlam Centre Extensions	\$10,335	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$13,341	GL.10000001870.10099
Woodward and Collimore Parks	\$62,780	GL.10000001869.10105
Georges River Foreshore	\$439,460	GL.10000001869.10105
Bigge Park	\$94,170	GL.10000001869.10105
Pioneer Park	\$94,170	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
<u>TOTAL</u>	<u>\$728,248</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

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