

# ATTACHMENT 1: DRAFT CONDITIONS OF CONSENT INCORPORATING CHANGES REQUESTED BY FAMILY AND COMMUNITY SERVICES LAND AND HOUSING CORPORATION

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows except, where modified by the undermentioned conditions.

### Plans

<b>Architectural plans as prepared by Dwp suters</b>	<b>Date</b>
1. Cover Sheet, BGGMV, A000, Rev J	29.06.2016
2. 3D Views BGGMV, A001, Rev G,	29.06.2016
3. Site Plan - Analysis Demolition, BGGMV, A021, Rev E	13.08.2015
4. Blocking Analysis, BGGMV, A022, Rev C	31.07.2015
5. Site Plan, BGGMV, A100, Rev K	29.06.2016
6. General Arrangement Plan – Basement, BGGMV, A201, Rev D	29.06.2016
7. General Arrangement Plan - Ground Floor, BGGMV, A202, Rev D	26.06.2016
8. General Arrangement Plan - Level 1-3 Typical Floor, BGGMV, A203, Rev C	29.06.2016
9. Dimension Plan – Basement, BGGMV, A261, Rev E	29.06.2016
10. Dimension Plan - Ground Floor, BGGMV, A262, Rev G	29.06.2016
11. Dimension Plan - Level 1, BGGMV, A263, Rev E	31.07.2015
12. Dimension Plan - Level 2, BGGMV, A264, Rev C	31.07.2015
13. Dimension Plan - Level 3, BGGMV, A265, Rev C	31.07.2015
14. Roof Plan, BGGMV, A280, Rev D	31.07.2015
15. Building Elevations, BGGMV, A401, Rev H	29.06.2016
16. Building Elevations, BGGMV, A402, Rev H	29.06.2016
17. Building Sections 1, BGGMV, A501, Rev B	29.06.2016
18. Building Sections 2, BGGMV, A502, Rev B	29.06.2016
19. Shadow Diagrams, BGGMV, A900, Rev G	29.06.2016
20. External & Internal Material Finishes, BGGMV, A920, Rev F	29.06.2016
<b>Civil plans as prepared by Dwp Suters</b>	
1. Sediment and Erosion Control Plan & Details, BGGMV, C03, Rev C	20.02.2015
<b>Landscape plans as prepared by Octopus Garden Design</b>	
1. Landscape Plan, BGGMV, L01, Rev E	June 2016
2. Planting Plan, BGGMV, L02, Rev E	June 2016

### Reports

<b>Report Name</b>	<b>Date</b>	<b>Reference</b>	<b>Prepared By</b>
Traffic Report	28 June 2016	Rev 15708	Varga Traffic Planning
SEPP 65 Design Quality Principles / ADG Response	24.09.2015	Issue C	dwp suters
Social Impact Comment			NSW Land & Housing

			Corporation
BASIX Certificate – 188-190 Moore Street, Liverpool	29 September 2015	610668M_02	Solar Smart
Preliminary Site Investigation	October 2015	Report 15/2746	SMEC Testing Services
Remediation Action Plan	April 2016	16/0735	STS GeoEnvironmental
Waste Management Plan			

### **Driveway**

- The splay entry driveway should be a mirror reverse so that the splay is on the eastern side of the driveway as opposed to the western side in order to prevent conflict between the entry and exit of vehicles.

### **Building**

- In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
- Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work.

### **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 Liverpool City Council.

### **Street trees**

- Two street trees are to be planted on the opposite side of the street in accordance with the 'Street Tree Note' provided on Landscape Plan DA-LA02 Revision E.

## **B. PRIOR TO WORKS COMMENCING**

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

- Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the commencement of any building works, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

### **SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)**

- As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is \$ 50,995.

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

**Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)**

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

**Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

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

Where:

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

**CPI<sub>2</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

**CPI<sub>1</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

**Land Component**

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{C \times L_2}{L_1}$$

Where:

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

**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment
- (v) Professional and Legal Fees
- (vi) Tree Planting

### **Provision of Services**

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

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

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 Liverpool City Council and the Land & Housing Corporation.

10. The Land & Housing Corporation 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.

### **Fee Payments**

11. 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.

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.

- 12. 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 Land & Housing Corporation. 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.

### **Site Development Work**

- 13. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Notification**

- 14. The Land & Housing Corporation 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.

- 15. 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 Land & Housing Corporation. The Land & Housing Corporation 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 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.

## **Crime Prevention Through Environmental Design**

16. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the Land & Housing Corporation.
  - (a) Back to base alarm systems shall be considered;
  - (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 considered;
  - (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;
  - (f) Corrugated ramps should be considered to prevent skate boarding activities;
  - (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;
  - (h) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
  - (i) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

## **Traffic**

17. 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.
18. 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 Land & Housing Corporation. 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.

## **Access, Car Parking and Manoeuvring**

19. A detail plan, designed in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan, of the proposed vehicular access, circulation, manoeuvring, pedestrian and the proposed 21 parking spaces, including a turning path analysis is to be submitted to Council's Traffic and Transport Section.
20. The detail plan is also to include an appropriate warning system, such as a flashing red light, to ensure safe two way vehicular movements.
21. A plan is to be prepared, in accordance with Council and Endeavor Energy requirements, showing an appropriate upgrade of the street lighting (Category P4) along the frontage of the development and submitted to Council.

22. Prior to works commencing the Land & Housing Corporation 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.
23. The Land & Housing Corporation 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.

#### **S138 Roads Act – Minor Works in the public road**

24. Prior to works commencing 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)
  - Road occupancy or road closures

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

Note:

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

#### **Stormwater Concept Plan**

25. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Lyndsay Dynan, reference 10987, Stormwater Drainage Plan, Sheet No.C-04 revision D, dated 23/02/16 and Sheet No.C-05 revision B, dated 27/07/15.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall be submitted to Liverpool City Council prior to works commencing. 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.

#### **On-Site Detention**

26. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Lyndsay Dynan, reference 10987, Stormwater Drainage Plan, Sheet No.04 revision D, dated 28/06/16.

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 on-site detention system are to be prepared by a suitably qualified person.

Prior to works commencing the Land & Housing Corporation shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

### **Stormwater Discharge – Basement Car parks**

27. Prior to works commencing the Land & Housing Corporation shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

### **No loading on easements**

28. Prior to works commencing the Land & Housing Corporation shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

### **Water Quality**

29. Prior to works commencing the Land & Housing Corporation 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.

This must be supported by:

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

A copy of the approved operation and maintenance manual/schedule shall be submitted to Liverpool City Council prior to commencement of construction.

### **Notification**

30. The Land & Housing Corporation 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.
31. 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.
32. 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**

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

Each toilet must:

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

### **Construction Requirements**

34. 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.
35. 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.
36. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

### **Site Facilities**

37. 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**

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

## **Notification of Service Providers**

39. 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](http://www.sydneywater.com.au) for more information.

## **“DIAL BEFORE YOU DIG”**

40. 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](http://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.

## **Reports**

41. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

## **Waste Classification**

42. 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 Office of Environment and Heritage (EPA).

## **Environmental Management**

43. 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.

44. The approved plans and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
45. Prior to the commencement of any building works, the following requirements must be complied with:
- a) the Land & Housing Corporation must be appointed to carry out the necessary building inspections; and
  - b) a principal contractor must be appointed for the building work and Council is to be notified accordingly; and
  - c) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out; and
  - d) at least two days notice must be given to the Council, in writing, prior to commencing any works.
  - e) A single and complete Fire Safety Certificate, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council.

#### **Sediment & Erosion Control**

46. Prior to the Commencement of Works, sediment and erosion control measures shall be installed 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.

#### **Dilapidation report**

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

## **D. DURING CONSTRUCTION**

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

#### **Construction Noise**

48. 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;
- Prior to the commencement of any construction works, the Applicant must ensure that the following is available for the life of the Development:

- (a) a postal address to which written complaints may be sent;
- (b) an email address to which electronic complaints may be transmitted; and
- (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

### **Complaints Register**

49. The Applicant must keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
  - (b) the means by which the complaint was made (telephone, mail or email);
  - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - (d) the nature of the complaint;
  - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
  - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
  - (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection on request of Liverpool City Council.

### **Waste Storage Area**

50. The designated garbage/waste storage area as detailed in the approved plans shall comply with the following requirements:
- (a) The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor.
  - (b) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements.
  - (c) The door to the room must be tight fitting and self-closing. The garbage room shall be vented to the external air by natural or artificial means.
  - (d) Garbage is to be placed wholly within the garbage bins provided; and
  - (e) The area is to be kept tidy.

### **Building Work**

51. 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 Land & Housing Corporation. 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 occupation.
52. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Land & Housing Corporation 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 Land & Housing Corporation has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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 Land & Housing Corporation 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**

53. 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.

### **Security Fence**

54. 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.

### **Termite Protection**

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

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

### **General Site Works**

56. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
57. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

58. All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork 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 Land and Housing Corporation 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.

### **Car Parking Areas**

59. 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 visitor/resident parking areas are to be clearly signposted limiting car parking for visitors/residents only. The applicant is to cover the costs of installation and maintenance of the signage.

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

### **Traffic Management**

60. 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.
61. 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.
62. 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.
63. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Waste Management Plan**

64. 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.

## **Landscaping Works**

- 65. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
- 66. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.
- 67. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
- 68. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
- 69. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

## **Fencing**

- 70. Any gate associated with a front fence shall swing inwards from the property.

## **External**

- 71. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
- 72. 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.
- 73. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
- 74. The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary.

## **Graffiti**

- 75. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

## **Contamination**

- 76. 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).
- 77. 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.

78. Records of the following must be submitted to the Land & Housing Corporation monthly and at the completion of earth works:

- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
- (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
- (c) The results of any chemical testing of fill material.

### **Site Remediation Works**

79. Remediation and validation works must be carried out in accordance with remediation plan ( Report number: 10530/2746B ( STS No.6795C)) prepared by STS GeoEnvironmental , dated April 2016. Any variation to the proposed remediation works must be approved in writing by Council or the Land & Housing Corporation prior to the commencement of these works. The applicant must inform Council or the Land & Housing Corporation in writing of any proposed variation to the remediation works. Council or the Land & Housing Corporation must approve these variations in writing prior to commencement of works approved under the development consent.

80. 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 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**

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

82. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Land & Housing Corporation may direct that such work is not to proceed.

83. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Erosion Control**

84. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

### **Pollution Control**

85. 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.
86. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

### **Ventilation**

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

### **Building**

88. The building works must be inspected by the Land & Housing Corporation, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction and Council's development consent.

The Land & Housing Corporation must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Land & Housing Corporation, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

### **Erosion and sediment control**

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

### **Drainage Connection**

90. 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.

## **E. PRIOR TO OCCUPATION OF THE DEVELOPMENT**

### **Certificates**

91. The Land & Housing Corporation 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.

92. 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.
93. A final fire or interim safety certificate is to be provided to the Land & Housing Corporation, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.

#### **Display of Street Numbers**

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

#### **Smoke Alarms**

95. 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.

#### **Landscaping**

96. Upon completion of the approved landscape works associated with the development, an Implementation Report is to be submitted to the Land & Housing Corporation and Liverpool City Council 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.

#### **BASIX**

97. 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.

#### **Road Works**

98. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.
99. The applicant shall arrange for the construction of a 1.2 metre wide by 75mm deep concrete footpath paving together with associated turfing adjustments along the full frontage of the site in Council's road pedestrian way. The construction shall only be carried out to plans and specifications approved by Council and via Roads Act Permit to Carry Out Works. This footpath construction shall be completed (or bonded by agreement with Council) prior to occupation.

### **Design Verification Statement**

100. 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 Land & Housing Corporation and Liverpool City Council assessing the development, upon completion of all works subject of this consent. The Land & Housing Corporation 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, having regard to the design principles set out in Part 2 of SEPP 65.

### **Site Contamination Validation Report**

101. After completion of the remedial works, a stage 4 Validation Report summarising the results of the remediation shall be carried out in accordance with the NSW EPA Contaminated Sites Guidelines. The validation report must then be submitted to and approved by a NSW EPA Accredited site Auditor, confirming the suitability of the land for the intended use(s). This report shall be prepared with reference to NSW EPA 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.

### **Garbage Services**

102. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the residential component of the development as well as serving requirements. These waste/garbage bins are to be kept at all times within the residential waste/garbage compartment rooms except before and after collection days. Waste/garbage bins are to be returned to the compartment room as soon as practical after waste has been collected.

### **Liverpool City Council clearance – Roads Act/ Local Government Act**

103. Prior to the occupation of the development, the Land & Housing Corporation 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.

### **Stormwater Compliance**

104. Prior to the occupation of the development the Land & Housing Corporation shall ensure that the:
- a) On-site detention system/s

- b) Stormwater pre-treatment system/s
- c) Basement Carpark pump-out system
- d) Underground SPEL Stormchamber (located in the rear yard)

- Have been satisfactorily completed in accordance with 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.

#### **Restriction as to User and Positive Covenant**

105. Prior to the occupation of the development a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Basement carpark pump-out system
- d) SPEL Stormchamber (located in the rear yard)

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

#### **Rectification of Damage**

106. Prior to the occupation of the development 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 Moore Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

#### **Dilapidation Report**

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

#### **Lighting**

108. Appropriate street lighting (Category P4) shall be installed as per AS 1158.3.1:2005.

## **G. CONDITIONS RELATING TO USE**

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

### **Lighting**

109. 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 residential premises.

### **Waste**

110. Waste and recyclable material generated from the operations of the premises 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
111. 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.
112. All solid waste stored on site is to be covered at all times.

### **Waste Storage Area**

113. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
114. Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected and returned as soon as possible after collection by the same persons.
115. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
116. Any bin bays must be:
- (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
  - (c) Provided with sufficient light to permit usage at night;
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
  - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
  - (f) Garbage is to be placed wholly within the garbage bins provided;

- (g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
- (h) The area it to be kept tidy;
- (i) A phone number for arranging disposal of bulky items;
- (j) Graphic illustrative content to be 50%.
- (k) Bin bay signs are available from Council;
- (l) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to located prominently next to the chute;
- (m) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
- (n) Maximum compaction ratio is 2:1;
- (o) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

### **Car Parking/Loading**

- 117. A total of 21 off street car parking spaces must be provided for the development. Two (2) of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
- 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, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.