

## CONDITIONS OF CONSENT DA-496/2016

### DEFINITIONS

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

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

### Plans

Plan Name	Plan Number	Revision	Date	Prepared By
Site and Context Plan	AP03	B	07.09.16	Mosca Pserras Architects
Basement 4 and 3	AP04	B	07.09.16	Mosca Pserras Architects
Basement 2 and 1	AP05	B	07.09.16	Mosca Pserras Architects
Ground Floor and Level 1	AP06	B	07.09.16	Mosca Pserras Architects
Levels 2 and 3	AP07	C	13.02.17	Mosca Pserras Architects
Levels 4 & 5	AP08	C	13.02.17	Mosca Pserras Architects
Levels 6-9	AP09	C	13.02.17	Mosca Pserras Architects
Levels 10-22	AP10	B	07.09.16	Mosca Pserras Architects
Levels 23 & 24	AP11	B	07.09.16	Mosca Pserras Architects
Plant Area and Roof Plan	AP12	B	07.09.16	Mosca Pserras Architects
Plant Area and Roof Plan	AP12(2)	C	06.07.17	Mosca Pserras Architects
Elevation	AP13	C	13.12.16	Mosca Pserras Architects
Elevation	AP14	C	13.12.16	Mosca Pserras Architects
Sections	AP15	C	13.12.16	Mosca Pserras Architects
Adaptable Units	AP16	B	07.09.16	Mosca Pserras Architects

### Reports

Report Name	Reference	Date	Prepared By
Acoustic Report	SYD2017-1021-R001B	27/03/17	Acouras Consultancy
BCA Capability Report	J150540	22 January 2016	Vic Lilli & Partners Consultancy
Disability Access Report	091436	11 November 2015	Cheung Access

Phase 1 Contamination Assessment	44224	September 2006	Douglas Partners
Section J Report	N/A	November 2015	Max Brightwell
Traffic and Parking Assessment Report	15474	9 November 2015	Varga Traffic Planning
Updated Preliminary Site Investigation	44224.01.R.001.Rev0	24 March	Douglas Partners
Waste Management Plan	N/A	N/A	N/A

except where modified by the undermentioned conditions.

- a) 13 residential car spaces are to be removed from basement level 4 and be replaced by storage spaces. Plans to this effect are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- b) 5 commercial car spaces are to be removed from basement level 1 and be replaced by storage spaces. Plans to this effect are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- c) Planter boxes a minimum 1m wide are to be provided across the entire length of the northern elevation of the balcony of unit 506. The Planter boxes are to include plants that achieve a minimum height of 1.8m at maturity. Plans to this effect are to be submitted to and approved by Liverpool Council's Manager Development Assessment prior to the issue of a Construction Certificate.
- d) A 1.8m high louvered privacy screen is to be provided across the entire length of the northern elevation of the communal open space on Level 9. Plans to this effect are to be submitted to and approved by Liverpool Council's Manager Development Assessment prior to the issue of a Construction Certificate.

#### **Works at no cost to Council**

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

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:

#### **SECTION 94A PAYMENT**

3. 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 2007 Liverpool City Centre.

The total contribution is **\$ 1,235,061.00**

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:

#### **Provision of Services**

4. 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 the PCA.

5. 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.
6. 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.

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

### **Fee Payments**

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

9. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

### **Site Development Work**

10. 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.
11. 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).
12. 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).

### **Notification**

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

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

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

### **Fire Safety Measures**

- 14. A schedule specifying all of the essential fire safety services, 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.
- 15. 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.

### **Cladding**

- 16. A fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

### **Design Verification Statement**

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

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

### **Crime Prevention Through Environmental Design**

18. The following Crime Prevention through Environmental Design (CPTED) principles are to 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 PCA.
- (a) Basement parking areas shall be painted a light colour;
  - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building.
  - (c) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (d) 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;
  - (e) Corrugated ramps should be considered to prevent skate boarding activities;
  - (f) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;
  - (g) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
  - (h) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.
19. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

### **Recommendations of Acoustic Report**

20. The recommendations provided in the approved acoustic report prepared by Acouras Consultancy, reference SYD2017-1021-R001B, dated 27/03/17, shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

### **Mechanical Plant**

21. Mechanical plant shall be selected in consultation with a suitably qualified and experienced acoustic consultant to ensure compliance with the Acoustic DA Assessment Cardile Family Trust & Cardile Eagle Tower Family Trust, 7-13 Norfolk Street, Liverpool (Document Reference: SYD2017-1021-R001B, Final) prepared by Acouras Consultancy dated 27 March 2017.

### **Wind Effects Report**

22. A wind effects report, prepared by a suitably qualified professional is to be submitted to the Principal Certifying Authority prior to the issue of a construction certificate. All recommendations of the report are to be implemented and detailed on any final construction certificate plans.

### **Landscape Plan**

23. A detailed landscape plan prepared by a suitably qualified person is to be submitted to and approved Liverpool Council's Manager Development Assessment prior to the issue of any CC. The detailed landscape plan is to comply with the planting requirements, pursuant to the Liverpool Development Control Plan 2008, Part 4, clause 2.5, and "Planting on Structures.

### **Land Consolidation/Registration**

24. The portion of the development site identified for Local Road Widening is to be excised off and dedicated to Council at no cost to Council. The applicant shall provide evidence that the linen plan, for the required land dedication, endorsed by Council, has been registered with the LPI Service.
25. All separate lots must be consolidated. The applicant shall provide evidence that the linen plan, for the required lot consolidation endorsed by Council, has been registered with the LPI Service. This is to be provided to Council prior to the release of any CC.

### **Traffic Management**

26. 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.
27. 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.

### **Car Parking Facilities**

28. Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.

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

29. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the



Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- 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.

#### **Liverpool CBD – Street Lighting Upgrade**

30. 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.

#### **Liverpool CBD – Communication Conduits**

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

#### **Liverpool CBD – Footpath Paving and Landscaping Works**

32. Periphery Type/ Core Type paving shall be installed along the entire Norfolk Street and Castlereagh Street frontages, as part of this development. Footpath paving and Landscaping works shall be strictly in accordance with the Liverpool CBD Street Tree and Landscape Strategy 2005 and The Liverpool CBD Streetscape and Paving Guidelines 2005.

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

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

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

### **On-Site Detention**

33. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by Abel and Brown Pty Ltd, reference 2536, revision B, dated December 2015.

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

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

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

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

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

### **No loading on easements**

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

### **Water Quality**

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

The Construction Certificate must be supported by:

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

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

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

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

#### **Dilapidation Report Private Property (Excavation)**

38. 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.

#### **Drainage Pipe Design**

39. A detailed drainage pipe design for the new stormwater pipe connecting to Council kerb inlet pit is to be submitted to Council for review and approval. Detail includes longitudinal section, catchment area hydraulic grade line and pipe flow.

#### **Detailed Design Water Quality**

40. Detailed design and drawings of water quality treatment facilities shall be submitted for Council's review and approval. The water quality treatment facilities shall be designed using MUSIC modelling to ensure that stormwater runoffs leaving the site comply with Liverpool City Council's Water Sensitive urban

Design (WSUD) Guideline 2015. Water quality modelling report and a copy of MUSIC model shall be submitted to Council. WSUD is required to meet stormwater treatment targets identified in Council's DCP including:

- reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
- reduce the baseline annual pollutant load for total suspended solids by 85%;
- reduce the baseline annual pollutant load for total phosphorous by 65%; and
- reduce the baseline annual pollutant load for total nitrogen by 45%.

#### **Grated Drain**

41. An additional grated drain at the access ramp entry to basement 1 is to be provided and is to be detailed on any relevant Construction Certificate Plans.

#### **Heritage**

42. The landscape detailing on the ground floor of the West Elevation is developed to ensure that the brick wall indicated (cladding 2) reflects the brick used on the heritage listed dwelling and the planting in the setback is specified and planted to reflect the Inter-war period style of planting. Details are to be provided to Liverpool Council's Heritage Officer for approval prior to the issue of a construction certificate.
43. An archive report should be completed for the 1937 Church building, consistent with the NSW Heritage Guidelines and include measured drawings for the interior and exterior, photos and a comprehensive history. Details are to be provided to Liverpool Council's Heritage Officer for approval prior to demolition.

#### **Obstacle Lighting**

44. Obstacle lighting is to be provided to indicate the presence of the proposed building at night. To ensure consistency and avoid any confusion to pilots, the obstacle lighting is to conform to the standards specified in the section 9.4 of the Manual of Standards Part 139 Aerodromes.

#### **Crane Activity**

45. Any crane that exceeds the height of 104.6m AHD is to be assessed and approved by Bankstown Airport Limited prior to the erection of any crane.

## **C. PRIOR TO WORKS COMMENCING**

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

#### **Construction Certificates**

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

A copy of the Construction Certificate, the approved development consent plans and 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.

### **Residential Building Work**

47. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*), must not be commenced until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
48. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - i. the name of the owner-builder, and
  - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

### **Notification/Principal Certifying Authority**

49. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
50. 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.
51. 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.
52. 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**

53. 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**

54. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
55. 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.
56. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

### **Demolition**

57. 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.

### **Site Facilities**

- 58. 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**

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

### **Inspections**

- 60. The building works must be inspected by the Principal Certifying Authority, 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, Council's development consent and the construction certificate.

### **Notification of Service Providers**

- 61. 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"**

- 62. 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.

### **Waste Classification**

63. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act 1997, POEO Waste Regulation 2014 and NSW EPA 'Waste Classification Guideline' (dated November 2014) The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

### **Environmental Management**

64. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

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

### **Traffic Control Plan**

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

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

Note:

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



## **D. DURING CONSTRUCTION**

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

### **Building Work**

66. 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.

67. 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

68. In the case of a swimming pool, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

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

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

### **Hours of Construction Work and Deliveries**

69. 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**

70. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Demolition Inspections**

71. The following inspections are required to be undertaken by Council in relation to approved demolition works:

- a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

- b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

### **Termite Protection**

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

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

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

### **Pool Area Design**

73. The rails of any timber paling boundary fencing are to comply with AS 1926.

### **Disabled Access**

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

### **General Site Works**

75. 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.
76. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
77. 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.

### **Car Parking Areas**

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

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

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

79. 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**

80. 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.

81. 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.
82. 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.
83. 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**

84. 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.

#### **Vegetation**

85. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
86. 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.

#### **Landscaping Works**

87. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

#### **External**

88. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
89. 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.
90. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

### **Graffiti**

91. 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**

92. 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).
93. 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.
94. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
  - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.

### **Site Remediation Works**

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

### **Air Quality**

96. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
97. 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.
98. Gaseous emissions from the development shall comply with the requirements of the POEO Act and Regulations there under. Processes producing airborne particulate matter shall incorporate a suitable dust collection system.

#### **Erosion Control**

99. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

#### **Water Quality**

100. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

#### **Pollution Control**

101. 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.
102. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

#### **Ventilation**

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

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

#### **Construction Noise**

105. 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.

#### **Erosion and sediment control**

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

#### **Drainage Connection**

107. 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 ISSUE OF OCCUPATION CERTIFICATE**

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

#### **Certificates**

108. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
109. An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.
110. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
111. 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.
112. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
113. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

### **Service Providers**

114. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
115. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- The requirements of the Telecommunications Act 1997:
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

### **Display of Street Numbers**

116. 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**

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

### **BASIX**

118. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

### **Landscaping**

119. 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.

### **Design Verification Statement**

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



Residential Flat Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

#### **Recommendations of Acoustic Report**

121. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report prepared by Acouras Consultancy, reference SYD2017-1021-R001B, dated 27/03/17, and that all recommendations have been adopted.

#### **Lot Registration/Dedication**

122. The proposed lots shall be endorsed by a subdivision certificate and registered with the LPI Service.

#### **Air Conditioners**

123. All air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and AS/NZS 3666:2011-Air Handling and water systems of building - Microbial Control:
- (a) All water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 2010 and Public Health Regulation 2012 before being commissioned.
  - (b) All cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 2010, Public Health Regulation 2012.
  - (c) A true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2012 that certifies the effectiveness of the process of disinfection used for the water cooling system, shall be submitted to Council prior to the period ending 30 June each year.
  - (d) The owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 2010 and Regulation thereunder. Registration forms are available from Council.

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

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

### **Works as executed – General**

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

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

### **Stormwater Compliance**

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

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

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

127. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:
- a) On-site detention system/s
  - b) Stormwater pre-treatment system/s
  - c) Basement carpark pump-out system

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

### **Rectification of Damage**

128. Prior to the issue of select an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

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

#### **Pump-out system**

129. 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.

#### **Dilapidation Report**

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

#### **Restrictions on Title**

131. 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

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

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

#### **Separate Application for Use**

132. Each separate unit/occupancy shall be subject to submission (and approval by Council), of a separate Development Application for its use.

133. All solid and liquid waste is to be removed from the site by a registered waste contractor. A record of receipts shall be kept and maintained up to date at all times. Records are to be made available to Council's Officers, upon request.
134. 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.
135. Waste and recyclable material generated from the operations of the development shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
136. All solid waste stored on site is to be covered at all times.

### **Waste Storage Area**

137. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
138. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
139. Any bin bays must be:
  - (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
  - (c) Provided with sufficient light to permit usage at night;
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
  - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
    - (f) Garbage is to be placed wholly within the garbage bins provided;
    - (g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
    - (h) The area is to be kept tidy;
    - (i) A phone number for arranging disposal of bulky items;
    - (j) Graphic illustrative content to be 50%.
  - (k) Bin bay signs are available from Council;
  - (l) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute;

- (m) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
- (n) Maximum compaction ratio is 2:1;
- (o) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

### **Car Parking/Loading**

140. Off street car parking spaces must be provided in accordance with the following;

- a) 136 residential car spaces inclusive of 12 disabled car spaces
- b) 13 Visitor spaces inclusive of 1 disabled car space.
- c) 3 service bays within the basement
- d) 7 commercial spaces inclusive of 1 disabled space.

The parking spaces must be provided in accordance with Council's relevant development control plan. All disabled spaces must be signposted/marked for the specific use of persons with a disability.

- 141. All parking areas shown on the approved plans must be used solely for this purpose.
- 142. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
- 143. 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.

### **Landscaping**

- 144. 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.

### **Pool Area Design**

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

### **Use of the Premises**

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

### **Lighting**

- 150. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

### **Swipe Card Access**

- 151. Swipe card access is to be provided to the communal open space and basement parking to residents and visitors only.
- 152. Swipe card access is to be provided to the basement for the usage of the commercial car spaces for any future tenant of the commercial tenancies.

### **Washing on Balconies**

- 153. 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.

### **Mail-boxes**

- 154. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

## H. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- e) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- f) Prior to completion of the pool, the owner of the premises is requested to attend an approved Cardio Pulmonary Resuscitation Course.
- 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) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

- i) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.

- j) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential 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.



## ATTACHMENT (A)

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

#### Liverpool Contribution Plan 2007 – Liverpool City Centre

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

These figures have been calculated to the CPI March 2017 and will be adjusted at the time of payment in accordance with the conditions of consent.

**APPLICATION NO:** DA-496/2016

**APPLICANT:** Mosca Pserras Architects

**PROPERTY:** 7-13 Norfolk Street Liverpool

**PROPOSAL:** Construction of a 25 storey mixed use residential and commercial building with four basement levels of car parking

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$7,910	GL.10000001870.10112
Whitlam Centre Extensions	\$5,842	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$7,542	GL.10000001870.10099
Woodward and Collimore Parks	\$35,490	GL.10000001869.10105
Georges River Foreshore	\$248,432	GL.10000001869.10105
Bigge Park	\$53,235	GL.10000001869.10105
Pioneer Park	\$53,235	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$823,374	GL.10000001868.10108
TOTAL	\$1,235,061	

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

#### **RECORD OF PAYMENT**

Total Amount paid: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Cashier: \_\_\_\_\_