

ATTACHMENT 1: CONDITIONS OF CONSENT

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

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-1248/2016, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Demolition Plan	1563 – DA06	E	21/12/18	Kennedy Associates Architects
Proposed level - 02	1563 – DA07	E	21/12/18	Kennedy Associates Architects
Proposed level – 01	1563 – DA08	E	21/12/18	Kennedy Associates Architects
Proposed level 00/Lucas Ave ground	1563 – DA09	E	21/12/18	Kennedy Associates Architects
Proposed level 01/Nuwarra Rd Ground	1563 – DA10	E	21/12/18	Kennedy Associates Architects
Proposed level 02	1563 – DA11	E	21/12/18	Kennedy Associates Architects
Proposed level 03	1563 – DA12	E	21/12/18	Kennedy Associates Architects
Proposed level 04	1563 – DA13	E	21/12/18	Kennedy Associates Architects
Proposed level 05	1563 – DA14	E	21/12/18	Kennedy Associates Architects
Proposed level 06	1563 – DA15	E	21/12/18	Kennedy Associates Architects
Proposed roof level	1563 – DA17	E	21/12/18	Kennedy Associates Architects

Nuwarra Rd Elevations	1563 – DA18	E	21/12/18	Kennedy Associates Architects
Courtyard Sections	1563 – DA20	E	21/12/18	Kennedy Associates Architects
Lucas Avenue Sections	1563 – DA19	E	21/12/18	Kennedy Associates Architects
North/South Elevations	1563 – DA21	E	21/12/18	Kennedy Associates Architects
Cross Section	1563 – DA22	E	21/12/18	Kennedy Associates Architects
Finishes	1563 – DA23	E	21/12/18	Kennedy Associates Architects
Adaptable units	1563 – DA31	E	21/12/18	Kennedy Associates Architects
Adaptable units	1563 – DA32	E	21/12/18	Kennedy Associates Architects
Party Wall details	1563 – DA40	E	21/12/18	Kennedy Associates Architects
Substation detail	1563 – DA41	E	21/12/18	Kennedy Associates Architects

(b) Landscape Drawings

Description	Drawing No.	Revision No.	Date	Prepared by
Landscape Plan	1	E	01.04.19	Conzept Landscape Architects
Landscape Plan	2	E	01.04.19	Conzept Landscape Architects
Detail + Specification	3	D	01.04.19	Conzept Landscape Architects
Detail	4	D	01.04.19	Conzept Landscape Architects

(c) Civil drawings

Description	Drawing No.	Revision No.	Date	Prepared by
Stormwater Concept Design – Basement 02 Plan	SW200	A	15.03.2019	SGC Consulting Engineers
Stormwater Concept Design – Lower Ground Floor Plan	SW201	A	15.03.2019	SGC Consulting Engineers
Stormwater Concept Design – Upper Ground Floor Plan	SW202	A	15.03.2019	SGC Consulting Engineers
Stormwater Concept Design – Roof Plan	SW203	A	15.03.2019	SGC Consulting Engineers
Stormwater Concept Design – Details Sheet	SW300	A	15.03.2019	SGC Consulting Engineers
Erosion and Sediment Control – Plan and Details	SW400	A	15.03.2019	SGC Consulting Engineers
Stormwater Concept Design – Music Catchment Plan	SW500	A	15.03.2019	SGC Consulting Engineers

(d) Reports

Description	Reference No.	Date	Prepared by
Noise Assessment	160740-01L-DD	31/1/2019	Acoustic Consulting Engineers
Hazardous Building Materials Report	-	14/3/2019	Dirt Doctors Pty Ltd

(e) BASIX certificate No. 732270M_02 as prepared by Sustainable Thermal Solutions, dated 13 March 2019.

Amendments in Red

- The location of the commercial waste storage room is to be swapped with the household bulky waste storage room.
- Windows above ground level to be fitted with devices to be locked at 12.5cm when it is engaged to prevent children from falling from windows.
- Privacy screening shall be provided to any portion of the Level 5 terrace that is less than 9 metres from the adjoining property boundary.

Endeavour Energy Requirements

5. All the recommendations issued by Endeavour Energy shall be complied with prior, during, and at the completion of construction, as required in accordance with the recommendations attached to this decision notice.

Development in flight paths

6. The site sits within the 51m AHD contour of the Bankstown Airport Obstacle Limit Contour. This consent does not authorise any structure associated with the proposed development that breaches Bankstown Airport Obstacle Limit Contour. Any cranes utilised in this construction greater than 51m AHD requires separate application to be lodged and approved.

Works at no Cost to Council

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

General Provisions

8. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

Site Development Work

9. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance 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).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Section 7.11 Payment

10. 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 **\$252,102** and will be adjusted at the time of payment in accordance with the contributions plan.

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

Provision of Services

11. An application to obtain a Section 3.21 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

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

12. 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.
13. 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.

Fee Payments

14. 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.

15. 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.

Substation

16. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

BCA Compliance

17. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Disabled Access

18. 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, to the satisfaction of the Certifying Authority

Cladding

19. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Products banned under the Building Products (Safety) Act 2017

20. No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.

Crime Prevention Through Environmental Design

21. 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 PCA.
- (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.

Recommendations of the Acoustic Report

22. The recommendations provided in the Noise Assessment – Development Application (DA) Phase Proposed Mixed-use Development 101 Nuwarra Road, Moorebank (Ref: 160740-01L-DD) prepared by Acoustic Consulting Engineers dated 31 January 2019 shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the Construction Certificate application. The proposed glazing plan is to be implemented in accordance with Section 7.0 Recommendations, which includes, however is not limited to;
- (a) Minimum weighted sound reduction index for external façade glazing
 - (b) Acoustic consultant be appointed during design phase to review acoustic privacy between sole-occupancies.

The acoustic consultant is to review all proposed mechanical ventilation systems to ensure the relevant noise criterias will be met.

Construction Environmental Management Plan (CEMP)

23. Prior to issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:

- a) Asbestos Management Plan;
- b) Project Contact Information;
- c) Site Security Details;
- d) Timing and Sequencing Information;
- e) Site Soil and Water Management Plan;
- f) Noise and Vibration Control Plan (as prepared by a suitably qualified acoustic consultant);
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency; and
- m) Unexpected Finds Protocol.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

Mechanical Plant/s

24. To ensure the proposed mechanical ventilation units/plants do not create a noise nuisance, an appropriately qualified acoustic consultant is to be appointed to undertake a review on whether the selected units/plants will meet the relevant noise criteria.

Any recommendations provided in the acoustic review shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the Construction Certificate application.

Design Verification Statement

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

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

S138 Roads Act – Minor Works in the public road

26. 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.

Retaining Walls on Boundary

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

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

S68 Local Government Act – roadworks requiring approval of civil drawings

28. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of stormwater connection to Council in gully pit.

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

Note:

1. Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

On-site Detention

29. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC, reference number 20190035, revision A, dated 15/03/2019.

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

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

No Loading on Easements

31. 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

32. 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 and Manoeuvring

33. 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.

Construction Site

34. The following recommendations shall be incorporated during the construction stage:
- a) Construction equipment to be locked and secured when not in use/after hours; and
 - b) Construction site to be locked and secured by fence with a security guard on patrol after hours to prevent theft or construction equipment/s.
 - c) Display visible signage at entrances to warn of security guards patrolling the location.

Traffic

35. Access to car parking spaces for residential apartments shall be restricted with access given to authorised people (residents only) to prevent unauthorised access.
36. Detailed design plans for the access driveways and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.
37. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
38. The applicant is to review the adequacy of the existing street lighting in frontage of the property and, if required, provide street lighting upgrade to Category 'V3' for Nuwarra Road and 'P4' for Lucas Avenue to Council's specifications.
39. 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.
40. 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.

Garbage Services

41. On site collection of waste and recycling must be provided and integrated with the design of high density residential development (RFBs and MUDs). This must comply with the specifications detailed in the Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing.

42. The developer/owner of the site is to contact Liverpool Council- Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.
43. 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) Bin bay signs are available from Council,
 - f) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - i. Garbage is to be placed wholly within the garbage bins provided,
 - ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
 - iii. The area is to be kept tidy,
 - iv. A phone number for arranging disposal of bulky items, and
 - v. Graphic illustrative content to be 50%.

Asbestos

44. Prior to issue of a Construction Certificate, the existing buildings and structures to be demolished must be assessed by an experienced building professional for the presence of asbestos building materials (ABMs). If more than 10m² of bonded ABMs are present on site, a suitably licensed asbestos contractor must be engaged to undertake the removal, wrapping and disposal of those materials. If an asbestos contractor is required, both Council and the Principal Certifying Authority must be informed of the contractor's name, address and asbestos license details and the name and address of the facility to which the materials will be taken. All records regarding the transport and disposal of any ABMs must be retained on site and be capable of being inspected by a Council Officer or the Principal Certifying Authority. On completion of asbestos removal works (if such are necessary), an Occupational Hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.

Geotechnical Report

45. The applicant is to submit to the Private Certifying Authority a Geotechnical Report from a suitably qualified Geotechnical Engineer detailing the subsurface profile, the geotechnical feasibility of the proposed development as well as any recommendations.

Dilapidation Report Private Property (Excavation)

46. 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.

C. PRIOR TO WORKS COMMENCING

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

Building/Compliance

47. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 6.1 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
48. Prior to the commencement of any building works, the following requirements must be complied with:
- a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - c) 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.

- d) a Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - e) 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.
49. Where this consent requires both civil engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie, a separate Civil Engineering Construction Certificate (CCE) and a separate Building Construction Certificate (CCB).

Building Work

50. 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 name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

Demolition Works

51. 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, and
 - c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Notification of Service Providers

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

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

Site Facilities

53. 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

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

Waste Classification

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

Environmental Management

56. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
57. 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.

Sediment and Erosion Control Measures

58. 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

59. 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.

Waste Bins

60. Prior to any works commencing, including site clearance or demolition, any Liverpool Council residential waste bins that may be on site as a result of previous activities must be returned to Council. Ring 1300 26 2170 to notify Council if there are waste bins ready for collection and so that their removal can be noted.

Dilapidation Report

61. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Nuwarra Road and Lucas Avenue 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 shall be complied with during construction:

Building Inspections

62. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 (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.
63. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Hours of Construction Work

64. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

Construction Noise

65. 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;

Demolition Inspections

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

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

Identification Survey Report

67. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed,

comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

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

Notification/Principal Certifying Authority

68. 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.
 - (c) 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.

Toilet Facilities

69. 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.

Hoarding

70. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:

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

71. 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.

Demolition Works

72. All demolition work is to be carried out in accordance with all requirements of AS 2601. Demolition is to be carried out strictly in accordance with the Approved procedures and work plan.
73. Following completion of demolition works and prior to commencement of construction, a Clearance Certificate prepared by a licensed asbestos assessor or competent person in accordance with the Work Health and Safety Regulation 2017 shall be submitted to the PCA.

Hazardous Material

74. The recommendations provided in the Hazardous Building Materials Report – 101 Nuwarra Road, Moorebank NSW (Version 0) prepared by Dirt Doctors Pty Ltd dated 14 March 2019 are to be complied with.

Security Fence

75. 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.

Car Parking Areas

76. 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.

Traffic Management

77. 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.
78. 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.

79. 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.
80. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

General Site Works

81. 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.
82. All demolition and construction waste must be separated as it is generated and kept separate bays, builder's site bins and/or skips prior to recycling or disposal.
83. All lightweight or granular demolition, excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing away in wet weather.
84. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
85. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
86. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
87. 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.
88. 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.
89. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

90. 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.
91. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
92. 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 SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

External

93. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
94. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

Contamination

95. 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).
96. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
97. 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

98. 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.

Pollution Control

99. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.

Waste Management Plan

100. 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.

Erosion and sediment control

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

Major Filling/Earthworks

102. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions shall be complied with prior to issue of either an Interim or Final OC by the PCA:

Building/Compliance

103. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.

104. 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 with the *Occupation Certificate*.
105. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
106. Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.
107. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Roads Act/ Local Government Act

108. 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.

Surveillance

109. Prior to the issue of an occupation certificate, the following safety and security measures shall be incorporated in the development:
 - (a) CCTV cameras covering the main entrance of the building, mail box areas and underground car parking shall be installed at the premises in accordance with the following:
 - i. Display signs warning of CCTV cameras being used at the location at the main entrance, mail box areas and entry to underground car park
 - ii. Register the CCTV cameras with the NSW Police CCT register.
 - (b) Install an emergency help button inside elevators with clearly labelled sign of the building's address near the help button.
 - (c) Strata buildings with windows above ground level to be fitted with devices to be locked at 12.5cm when it is engaged to prevent children from falling from windows.
 - (d) If building and floors is only accessible swipe card, consider supplying Liverpool Police with a master key for access into the building.
 - (e) All building installations to comply with Australian Standards.

Works as Executed

110. 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 electronic copies on a USB 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

111. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the On-site detention system, Stormwater pre-treatment system and Basement Carpark pump-out system:
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.
 - Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

112. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the On-site detention system, Stormwater pre-treatment system and 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.

Anti-Theft Mailboxes

113. Installation of 'anti-theft' type mail boxes or mailboxes that cannot be accessed by universal keys to prevent mail/identity theft (Australian Standards AS/NZS 4253:1994).

Smoke Alarms

114. Install smoke alarms to meet with NSW legislation (Australian Standards AS3786).

Washing on Balconies

115. 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.

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. The number should be a minimum height of 120mm and be visible at night.

BASIX

117. 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

118. 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

119. 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

120. A Compliance Certificate or other documentation deemed demonstrating compliance with the following is to be submitted to the Principal Certifying Authority:
- (a) The building has been constructed to meet the relevant noise criteria's in accordance with the approved acoustic report; and
 - (b) All recommendations within the approved acoustic report have been adopted.

Lot Consolidation

121. 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 Land and Property Information. This shall be provided to Council prior to the release of the occupation certificate.

Redundant Laybacks

122. Redundant laybacks shall be removed and replaced with kerb and gutter as required to Council specifications.

Roadworks and signposting

123. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Rectification of Damage

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

Any rectification works within Nuwarra Road and Lucas Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Garbage Services

125. Prior to the issue of an Occupation Certificate, if onsite waste and recycling collection is required the following restriction as to user must be registered on the title of the property:

The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.

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

126. All waste management facilities and equipment (excluding waste bins), the required features within bin storage areas and the bin compartments on each level and the permanent fixed signage must be installed and operational prior to the issue of an Occupation Certificate. The doors to the residential and commercial bin storage areas must be fitted with automatic door closers, must lock as they close, and must be keyed so as to ensure that no access is possible to the residential waste storage room by commercial occupants or their agents and vice versa. Permanent signage attached to the doors of the waste storage areas must clearly state that they are for commercial and residential waste respectively. The residential waste storage area must also have supplementary signage stating that 'Residents must contact building management to arrange for unwanted household items to be placed in the household waste storage area prior to disposal.'
127. A 'restriction as to user' is to be placed on the title of all the buildings that comprise the development at the applicant's expense, which may not be altered or removed without Council's consent, stating:

'Liverpool City Council does not provide green (garden) waste bins or services to this property, all green waste is to be removed from the property by the property maintenance contractors appointed by the strata and then disposed of lawfully.'

Strata Subdivision

128. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument if required.
129. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
130. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
131. 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.

Footpaths

132. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

Dilapidation Report

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

G. GENERAL CONDITIONS

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

Parking Requirements

134. A total of 215 off street car parking spaces must be provided in accordance with Council's relevant development control plan. A minimum of 68 car parking spaces shall be provided for the commercial units/occupancies and a minimum of 131 car parking spaces shall be provided for the residential apartments and their visitors. A total of 15 car parking spaces must be designed and signposted/marked for the specific use of persons with a disability.
135. Access to car parking spaces for residential apartments shall be restricted with access given to authorised people (residents only) to prevent unauthorised access.
136. All parking areas shown on the approved plans must be used solely for this purpose.
137. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery and waste vehicles only.
138. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
139. The non-residential car parking spaces approved pursuant to this consent are to be made available for use at all times by visitors to non-residential premises of the development approved pursuant to this consent.

Separate Application for Use

140. Each separate commercial unit/occupancy shall be subject to submission and approval of a separate application for its use.

Washing on Balconies

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

Goods in Building

142. All materials and goods associated with the use shall be contained within the building at all times.

Landscaping

143. Vegetation is not to cover/obstruct natural surveillance of the entrance and mail box areas to deter stealing related offences.
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.

Use of Premises

145. All materials and goods associated with the use shall be contained within the building at all times.
146. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.
147. Any alarm installed on the site is to be “silent back to base” type.
148. The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
149. The use of the premises shall not give rise to “offensive noise” as defined under the *Protection of the Environment Operations Act 1997*.
150. The use of the premises is not to interfere with the amenity of the residential area.

Unreasonable Noise and Vibration

151. The proposed use of the premises and mechanical equipment installed must not create offensive noise so as to interfere with the amenity of the adjoining or neighbouring properties. Should an offensive noise complaint be received and verified by Council, an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Council must be implemented.

Waste

152. All waste products associated with the use of the site are to be placed in containers and stored within the building.
153. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
154. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
155. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

156. 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.

Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate. Maximum compaction ratio is 2:1.

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.

Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:

- (a) Garbage is to be placed wholly within the garbage bins provided,
 - (b) Only recyclable materials accepted by Council are to be placed within the recycling bins,
 - (c) The area is to be kept tidy,
 - (d) A phone number for arranging disposal of bulky items, and
 - (e) Graphic illustrative content to be 50%.
157. After the issue of an Occupation Certificate but prior to residents commencing moving in, Council must be contacted to deliver the required residential waste bins for the property. Please ring 1300 26 2170 to arrange for the delivery of the bins.
158. Recycling bins and appropriate waste separation signage are to be provided to the commercial areas of the development. Recyclable materials collected by cleaning staff from those commercial areas are to be placed loose and unbagged in the commercial recycling bins.
159. All 240 litre mobile waste bins used in each residential waste compartment for the transfer of waste within the property are to be privately supplied and maintained by the strata(s). A bin lifter is to be provided to tip the 240 litre bins into the 660 litre bins for emptying to the waste truck.
160. Residential bins are to be presented to the designated waste collection point by agents of the building management, bins will be emptied by Council's waste contractors and the bins will be replaced promptly in the waste storage areas.
161. The management of the building(s) must undertake ongoing resident education with regard to correct waste separation, and maintain oversight and undertake periodic review of the resident's capacity to correctly separate and recycle all recyclable materials.

Lighting

162. Lighting to cover the entrance, main foyer of the apartment block, car park and mail box areas to deter stealing related offences.
163. 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.

Graffiti

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

H. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) 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.
- h) 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
- i) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development

consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

j) 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.

- k) 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.
- l) 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.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- n) 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 2: SECTION 7.11 PAYMENT FORM

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2009

Note to the applicant:

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

These figures have been calculated to the CPI July Quarter 2018 and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-1248/2016

APPLICANT: OAR2 PTY LTD

PROPERTY: 101 NUWARRA ROAD, MOOREBANK

PROPOSAL: Demolition of existing buildings, construction of a mixed use development consisting of two (2) residential apartment buildings with a total of 76 apartments, above ground floor commercial space with basement parking and strata subdivision.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2009		
Whitlam Centre Extensions	\$12,390	GL.10000001869.10110
Central Library Extensions	\$8,409	GL.10000001870.10112
Powerhouse	\$7,170	GL.10000001870.10114
District Community Facilities		
Eastern	\$11,314	GL.10000001870.10098
District Recreation		
Eastern	\$41,956	GL.10000001869.10092
Local Recreation		
Moorebank	\$167,825	GL.10000001869.10100
Administration	\$3,037	GL.10000001872.10104
<u>TOTAL</u>	<u>\$252,102</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

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

ATTACHMENT 3: ENDEAVOUR ENERGY

The General Manager
Liverpool City Council

ATTENTION: Marcus Jennejohn, Senior Development Planner DEVELOPMENT ASSESSMENT

Dear Sir or Madam

I refer to Council's letter of 24 January 2017 regarding Development Application DA-1248/2016 at 101 NUWARRA ROAD, MOOREBANK NSW 2170 (LOT 101 DP 601256, LOT 1 DP 230908) for 'Demolition of existing buildings, construction of two (2) residential apartment buildings with basement parking and strata subdivision'. Submissions needed to be made to Council by 14 February 2017. From Council's 'ePlanning' portal I note the application is 'Status: Application Under Assessment'. I apologise for the late submission but trust that Endeavour Energy's recommendations and comments will still be considered.

As shown in the below site plan from Endeavour Energy's G/Net master facility model, there are:

- An easement over the site and adjacent road benefitting Endeavour Energy (indicated by red hatching) for low voltage and 11,000 volt / 11 kV high voltage overhead power lines along the Lucas Avenue frontage.
- An easement for a padmount substation on the adjoining property Lot 102 DP 607779 in close proximity to the boundary with low voltage and 11 kV underground cables to the nearby pole (which also has a Streetlight Control Point shown as PZ which is an electrical device fixed to a pole that switches a group of streetlights on and off) to the Nuwarra Road frontage.
- Low voltage, 11kV high voltage and 33,000 volt / 33 kV high voltage overhead power lines to the Nuwarra Road frontage.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only and this plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the Electricity Supply Act 1995 (NSW).

Subject to the following recommendations and comments, Endeavour Energy has no objections to the Development Application:

- Network Capacity / Connection

In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Although there is a number of existing padmount substation in close proximity of the site, given the size of the proposed development, at present it is expected the existing local network would need to be upgraded. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefitting and gifted to Endeavour Energy. Please find attached for the applicant's reference a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Dial before You Dig**

Before commencing any underground activity the applicant is required to obtain advice from the *Dial before You Dig 1100* service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected i.e. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site e.g. street light columns, power poles, overhead and underground cables etc.

- Excavation

The applicant should be advised of the following object of Section 49A 'Excavation work affecting electricity works' of the of Electricity Supply Act 1995 (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

Electricity Supply Act 1995 No 94
Current version for 8 January 2016 to date (accessed 30 March 2016 at 08:12)
[Part 3](#) > [Division 2](#) > Section 49A

49A Excavation work affecting electricity works

(1) This section applies if a network operator has reasonable cause to believe that the carrying out or proposed carrying out of excavation work in, on or near its electricity works:

- (a) could destroy, damage or interfere with those works, or
- (b) could make those works become a potential cause of bush fire or a potential risk to public safety.

(2) In these circumstances, a network operator may serve a written notice on the person carrying out or proposing to carry out the excavation work requiring the person:

- (a) to modify the excavation work, or
- (b) not to carry out the excavation work, but only if the network operator is of the opinion that modifying the excavation work will not be effective in preventing the destruction or damage of, or interference with, the electricity works concerned or in preventing those works becoming a potential cause of bush fire or a potential risk to public safety.

If the development entails the completion of any work in and/or affecting Endeavour Energy's adjoining electrical infrastructure, prior contact must be made to Endeavour Energy's Easements Officer, Philip Wilson, on 9853 7110 alternately Philip.Wilson@endeavourenergy.com.au.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/community/nsw/safety/safety+brochures>

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.

Could you please pass on the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. As I am working on different projects across the company's franchise area, to ensure a response contact by email is preferred.

Yours faithfully
Cornelis Duba
Development Application Review
Network Environment & Assessment
T: 9853 7896
E: cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148
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