

## ATTACHMENT 5: RECOMMENDED 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-865/2016, except where modified by the undermentioned conditions or marked in red by Council:

#### (a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Title page	DA0000	B	31/08/2016	DKO
Site plan	DA0100	B	31/08/2016	DKO
Demolition plan	DA0101	B	31/08/2016	DKO
Ground floor plan	DA0200	D	19/05/2017	DKO
Level 1 and level 2 floor plan	DA0201	B	31/08/2016	DKO
Level 4 floor plan	DA0203	B	31/08/2016	DKO
Level 5 floor plan	DA0204	D	19/05/2017	DKO
Roof plan	DA0205	D	19/05/2017	DKO
Development summary	DA0206	B	31/08/2016	DKO
Adaptable units	DA0207	B	31/08/2016	DKO
Elevations 1	DA0300	B	31/08/2016	DKO
Elevations 2	DA0301	D	19/05/2017	DKO
Elevations 3	DA0302	D	19/05/2017	DKO
Section A	DA0303	D	19/05/2017	DKO
Section B	DA0304	B	01/09/2016	DKO
Erosion and sediment control plan	SW001	A	29/08/2016	WEBB Australia

#### (b) Landscape Plan

Description	Drawing No.	Revision No.	Date	Prepared by
Ground floor plan	L-01	B	18/05/2017	Site Design Studios
Level 5 floor plan	L-02	B	18/05/2017	Site Design Studios
Planting details	L-03	B	18/05/2017	Site Design Studios
Specifications	L-04	-	-	Site Design Studios

#### (c) Reports

Description	Reference No.	Date	Prepared by
Acoustic Report	SYD2016-1025-R001B	10/08/2016	Acouras Consultancy

Waste Management Plan	-	-	-
Preliminary Contamination Assessment	20849	March 2016	Ideal Geotech
Flood Assessment Report	J1603_R3	August 2016	Flood Mit
BCA Capability Statement	D2016-042	23/08/2016	Technical Inner Sight

(d) BASIX certificate number 754025M\_02

### **Amended Waste Management Plan**

2. An amended waste management plan shall be submitted to the satisfaction of Council's Manager of Development Assessment demonstrating compliance with the following:

(a) In order to reduce the number of bins presented to the street kerb for collection, 660L recycling bins and 660L waste bins are to be utilised instead of 240L bins.

Note: All storage areas and access requirements for waste shall comply with Council's specifications.

### **Works at no Cost to Council**

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

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

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

#### **Section 94 Payment**

4. 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 **\$84,951**

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

#### **Construction Certificates**

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

#### **Fee Payments**

6. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/CC. The following fees are applicable:

- (a) Damage Inspection Fee;
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and

- (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly.

### **BCA Compliance**

7. In accordance with section 80A(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).

### **Fire Safety Measures**

8. A schedule specifying all of the essential fire safety services, 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.

### **Accessibility**

9. 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

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

10. The noise control recommendations as stipulated within the approved Acoustic Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.
11. Documentary evidence is to be provided to the satisfaction of PCA to demonstrate that appropriate measures are to be taken to ensure that the following LAeq levels are not exceeded as specified within Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007:
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
12. Mechanical plant shall be selected in consultation with a suitably qualified and experienced consultant to ensure compliance with the internal noise levels detailed with the approved Acoustic Report.

### **Retaining Walls on Boundary**

13. 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.

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## **S68 Local Government Act – Stormwater drainage works**

14. Prior to the issue of a CC the PCA shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Council for the pit and pipe connection.

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

### **On-site Detention**

15. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by WEBB Australia, reference 162826, revision A, dated August 2016.

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

Engineering plans and supporting calculations for the 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

### **No Loading on Easements**

16. 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**

17. Prior to the issue of a CC the PCA shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with the LDCP 2008. The CC must be supported by:

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

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

### **Access and Manoeuvring**

18. Prior to the issue of a CC the PCA shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and AS2890.6.

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

### **Provision of Services**

20. 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.

21. 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.
22. 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.

23. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

### **Design Verification Statement**

24. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
  - (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (b) That the qualified designer has designed or directed the design of the subject

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

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

### **Flooding**

25. Habitable floor levels shall be no lower than the 1% AEP flood plus half a metre freeboard (i.e. 20.6m + 0.5m = 21.1m Australian Height Datum).
26. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. 20.6m + 0.5m = 21.1m Australian Height Datum).
27. Fencing across the north-east portion of the site shall be limited to permeable open type fences so that it does not obstruct overland flow path.
28. On-site water quality treatment facilities shall be incorporated in the proposal to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The water quality treatment facilities shall be designed using MUSIC modelling software. Water quality modelling report and an electronic copy of MUSIC model shall be submitted to Council.

### **Traffic Management**

29. 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.
30. 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.
31. Detailed design plans, including turning paths analysis of the proposed basement car park are to be submitted to Council for approval.
32. 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.

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

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

#### **Construction Certificates**

33. Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

### **Building/Compliance**

34. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) A CC must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.
  - (b) A copy of the CC, 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.
  - (c) A PCA must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
  - (d) a principal contractor must be appointed for the building work and the PCA and Council are to be notified accordingly; and
  - (e) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the PCA; and
  - (f) at least two days notice must be given to the Council, in writing, prior to commencing any works.

### **Site Facilities**

35. 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.
36. 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.
37. 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.

### **Residential Building Work**

38. 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.
39. 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

40. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

### **Site Notice Board**

41. 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.

### **Site Facilities**

42. 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:
- (d) be a standard flushing toilet connected to a public sewer, or
  - (e) have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - (f) be a temporary chemical closet approved under the Local Government Act 1993.
43. 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.

### **Notification of Service Providers**

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

### **Dilapidation Report**

45. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Hoxton Park Road and Edgeworth Place is to be submitted to Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

### **Waste Classification**

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

### **Sediment and Erosion Control Measures**

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

### **Traffic Management Plan**

48. 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.
49. 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.
50. 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.
51. 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.

### **Demolition Works**

52. Any demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable

expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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

#### **D. DURING CONSTRUCTION**

**The following conditions shall be complied with during construction:**

##### **Building Inspections**

53. 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.

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 proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

##### **Identification Survey Report**

54. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

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

##### **Demolition Inspections**

55. 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.

56. All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note; Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

### **Security Fence**

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

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

### **Hours of Construction Work**

58. 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**

59. 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;
60. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

### **Car Parking Areas**

61. 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.
62. 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.

63. 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**

64. 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.
65. 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.
66. 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.
67. 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**

68. 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.
69. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
70. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
71. 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.
72. 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.
73. 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.
74. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

75. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
76. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

### External

77. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
78. 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

79. 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).
80. 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.
81. 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.
82. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

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

83. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
- (a) Back to base alarm systems shall be installed;
  - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
  - (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; and

### **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.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

### **Fire Safety Certificate**

85. 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.

### **Building/Compliance**

86. 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.
87. 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.
88. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

### **Affordable Rental Housing**

89. Prior to the issue of an OC, a restriction shall be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that:

- (a) For 10 years from the date of the issue of an OC:
  - i. The development is used for the purposes of affordable housing; and
  - ii. The development shall be managed by a registered not-for-profit community housing provider.

### **Accessibility**

- 90. 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

### **Landscaping**

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

### **Roads Act/ Local Government Act**

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

### **Works as Executed**

- 93. Prior to the issue of an OC, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Council with notification of the issue of the OC where Council is not the PCA.

### **Stormwater Compliance**

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

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

### **Restrictions on Title**

- 95. Prior to the issue of an OC, a restriction as to user and positive covenant relating to the on-site detention system and stormwater pre-treatment systems shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Council's standard wording as detailed in Council's Design and Construction Guidelines and Construction Specification for Civil Works.

### **Compliance with the Recommendations of the Acoustic Assessment Report**

96. A compliance certificate from a qualified acoustic consultant is to be submitted to the PCA, certifying that the development has been constructed to meet the noise criteria in accordance with the approved Acoustic Assessment Report and that all recommendations have been adopted.
97. A compliance certificate or other documentation deemed suitable to the PCA is to be provided to the satisfaction of PCA demonstrating that the development has been constructed to ensure that the LAeq levels as specified within Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007 are not exceeded.

### **Design Verification Statement**

98. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
  - (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

### **Service Providers**

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

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

## **BASIX**

102. 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.

### **Redundant Laybacks**

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

### **Lot Consolidation**

104. All separate lots (being Lot 10 DP 1155995, Lot 502 DP 236840 and Lot 503 DP 236840) shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an OC.

### **Rectification of Damage**

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

Any rectification works within Hoxton Park Road or Edgeworth Place will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Removal of Bollards**

106. The bollards within the raised speed hump directly in front of 11 Edgeworth Place shall be removed in order to improve vehicular access to the proposed development. Prior to the removal of the bollards the applicant shall obtain approval the Roads and Maritime Services, as Hoxton Park Road is under the controls of the Roads and Maritime Services.

### **Washing on Balconies**

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

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

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

## **F. GENERAL CONDITIONS**

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

### **Affordable Rental Housing**

108. The development is to be used for the purposes of affordable housing for 10 years from the date of issue of the OC and shall be managed by a registered not-for-profit community housing provider.

Note: Affordable Housing is defined as *housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument. A household is taken to be a very low income household, low income household or moderate income household if the household:*

- (a) *Has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
- (b) *Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*

### **Rooftop Communal Open Space**

109. All occupants of the existing development shall have access to the rooftop communal open space area.

### **Parking Requirements**

110. Parking spaces shall be allocated as follows:

- (a) 19 car parking spaces for residents (including 6 accessible spaces).

111. All parking areas shown on the approved plans must be used solely for this purpose.

112. 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.

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

### **Landscaping**

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

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

### **Noise and Environmental Emissions**

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

117. Any alarm installed on the site is to be “silent back to base” type.
118. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

### **Waste Management**

119. Waste bins must be stored in the designated garbage refuse area, which must be kept clean and tidy at all times. Bins must not be stored or allowed to overflow into parking, driveway or landscaped areas, must not obstruct the exit of the building, must not leave the site onto neighbouring public or private properties and must be adequately secured.
120. All garbage rooms must be:
- (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
  - (c) Provided with sufficient light to permit usage at night; and
  - (d) Provided with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector.

### **Graffiti**

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

### **Washing on Balconies**

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

### **Council's Infrastructure**

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

### **G. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.

- d) 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.
- e) 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.
- f) "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](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.

- g) 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.

- h) 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.
- i) 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.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k) 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.

## Section 94 Payment Form

**CONTRIBUTIONS PURSUANT TO SECTION 94 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 March 2017 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

**APPLICATION NO.:** DA-865/2016

<u>Facilities</u>		<u>Amount (\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan 2009</b>			
Whitlam Centre Extensions		\$4,309	GL.10000001869.10110
Central Library Extensions		\$2,924	GL.10000001870.10112
Powerhouse		\$2,409	GL.10000001870.10114
District Community Facilities			
	Central	\$3,802	GL.10000001870.10099
District Recreation			
	Central	\$14,097	GL.10000001869.10093
Local Recreation			
	Miller Area	\$56,389	GL.10000001869.10096
Administration		\$1,021	GL.10000001872.10104
<b><u>TOTAL</u></b>		<b><u>\$84,951</u></b>	

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

**RECORD OF PAYMENT**

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

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

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