

## DEFINITIONS

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

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - (a) Architectural plans as prepared by Ghazi Al Ali, project no. 26.16; as follows:

Description	Drawing No.	Revision No.	Date
Unit Schedule	A0020	E	06/10/17
Affordable Unit Schedule	A0021	D	06/10/17
Site Analysis	A1000	B	24/08/17
Site Plan	A1010	B	24/08/17
Maximum Building Height 3D	A1030	D	06/10/17
Streetscape Analysis	A1050	C	06/10/17
Demolition Plan	A1101	B	24/08/17
Basement Plan	A1201	G	06/10/17
Ground Floor Plan	A1202	H	06/10/17
Level 01 Plan	A1203	I	06/10/17
Level 02 Plan	A1204	I	06/10/17
Level 03 Plan	A1205	I	06/10/17
Level 04 Plan	A1206	I	06/10/17
Roof Plan	A1207	I	06/10/17
Elevations	A1301	I	06/10/17
Elevations	A1302	I	06/10/17
Section AA	A1401	I	06/10/17
Section BB	A1402	I	06/10/17
GFA Calculations	A2000	F	20/07/17
Landscape Calculation	A2030	D	06/10/17
Storage Diagram	2040	E	06/10/17
Material Schedule	A2201	E	06/10/17
Material Schedule	A2202	E	06/10/17

- (b) Landscape drawings as prepared by Conzept Landscape Architects, drawing no. LPDA 17-018; as follows:

Description	Page No.	Revision No.	Date
Landscape Plan	1	D	13.10.16
Detail	2	A	15.07.16
Specification & Detail	3	A	15.07.16

- (c) Stormwater Drawings as prepared by Australian Consulting Engineers, Job No. 160543; as follows:

Description	Drawing No.	Revision No.	Date
Cover Sheet	D00	A	12.08.16
Basement Stormwater Drainage Plan	D01	D	06.10.17

Ground Floor Stormwater Drainage Plan	D02	E	26.10.17
Basement Stormwater Drainage Details	D03	C	06.10.17
Ground Floor Stormwater Details	D04	B	06.10.17
Erosion and sediment control plan	D10	A	12.08.16

- (d) Waste management plan as submitted with DA-993/2016;
- (e) Building Code of Australia Report as prepared by Design Right Consulting, dated 4 October 2016;
- (f) BASIX certificate as prepared by Sustainable Thermal Solutions, Certificate No. 751816M-02, dated 24 August 2017;
- (g) Acoustic report as prepared by Acoustic Noise & Vibration Solutions P/L, Reference No. 2016-397, dated 12/08/2016; and
- (h) Preliminary Geotechnical Investigation report as prepared by geo-environmental engineering, reference G16083LIV-R01F, dated 12 October 2016.

except where modified by the undermentioned conditions.

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

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

#### **Legislative Requirements**

- 3. 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.

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

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

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

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 \$ 90,538.00.

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

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

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

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

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

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

Where:

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

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

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

### **Land Component**

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

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

Where:

- C** = Original contributions as shown on the consent  
**L<sub>2</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid  
**L<sub>1</sub>** = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

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

The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)

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

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

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

### **Provision of Services**

5. 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.

6. 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.
7. 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:
  - (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.

### **Landscape Plan**

- 8. Prior to the issue of any Construction Certificate, all landscaping plans shall be revised to be consistent with the stamped approved architectural plans as prepared by Ghazi Al Ali, and submitted to the Manager of Liverpool City Council for assessment and approval. The landscape plan shall also provide for the landscape treatment of non-trafficable areas on Level 4 of the proposed development.

### **Fee Payments**

- 9. 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.

- 10. 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.

### **Fire Safety - Cladding**

- 11. For all Buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

### **Site Development Work**

12. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
13. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Notification**

14. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

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

### **Design Verification Statement**

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

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

### **BCA Compliance**

16. In accordance with Section 80A(1) 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).

### **Accessibility**

17. 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 Acoustic Report**

18. The recommendations provided in 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.

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

19. 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**

20. 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 – Stormwater drainage works**

21. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority 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 Liverpool City Council for new pit and pipe connection to existing drainage pipe.

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**

22. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Australian Consulting Engineers, reference number 160543, revision E, dated 26/10/2017.

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**

23. 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.

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

24. 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 should be submitted to Traffic and Transport Section for review.
25. 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.

### **Access Ramp**

26. Detail design plans shall provide 200mm wide grated drain at access ramp.

### **Engineering Works**

27. A construction traffic management plan (CTMP) is to be submitted to Liverpool City Council's Traffic & Transport Section for review and endorsement. The

CTMP is to be prepared by a qualified project manager/engineer. The construction activities are not to commence prior to Council endorsing the CTMP.

28. All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.
29. The construction sites must install shakers to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.
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.

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

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

### **Construction Certificates**

31. 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*.
32. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
33. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.
34. A copy of the construction certificate, the approved plans and development consent must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

### **Residential Building Work**

35. 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.
36. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

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

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

- 37. 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.

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

- 38. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
- 39. 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.
- 40. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
  - (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
  - (b) The notice shall be given seven (7) days prior to the commencement of work.
- 41. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.

## **Facilities**

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:

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

## **Construction Requirements**

43. 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.
44. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
45. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.
46. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

## **Demolition Works**

47. 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.

### **Site Facilities**

48. 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**

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

### **Notification of Service Providers**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

### **Waste Classification**

51. 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).

### **Traffic Control Plan**

52. 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.

#### **Dilapidation report**

53. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Memorial 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 40m either side of the development.

## **D. DURING CONSTRUCTION**

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

#### **Building Work**

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

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

#### **Identification Survey Report**

55. 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.

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

56. 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, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **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.

### **Demolition Inspections**

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

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

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

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

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

### **General Site Works**

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

### **Waste Management Plan**

61. 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.

### **External**

62. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
63. 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**

64. 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).
65. 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.

### **Air Quality**

66. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
67. 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.
68. 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.

### **Water Quality**

69. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or



road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

### **Pollution Control**

70. 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.
71. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

### **Erosion and sediment control**

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

### **Major Filling/ Earthworks**

73. 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.

### **Car Parking Areas**

74. Car parking spaces and driveways must be constructed in accordance with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking. The car parking spaces and the driveway are to be sealed with a minimum of two coat finish seal or better. The parking spaces must be clear of obstructions, permanently line marked or demarcated, signposted and provided with adequate manoeuvring facilities.

The number of accessible parking spaces should be provided in accordance with AS:2890.6.

### **Traffic Management**

75. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and to be in accordance with the RTA's Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RTA Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.
76. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for review and implementation.
77. 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.

78. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

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

79. The following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building.
- (a) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
  - (b) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (c) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;

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

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

### **Certificates**

80. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
81. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
82. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
83. Prior to the issue of an Occupation Certificate or Subdivision Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- The requirements of the Telecommunications Act 1997:
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and

- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

### **Affordable Rental Housing**

84. A restriction shall be registered, before the date of issue of the Occupation Certificate (Interim or Final), against the title of the property on which the development is to be carried out, pursuant to Section 88E of the Conveyancing Act 1919, in the following terms:

#### *Terms of the Restriction on Use*

The restriction applies for ten (10) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. 993/2016 issued by Liverpool City Council.

The restrictions are:

- (a) A minimum of fifty (50)% of the floor space of the in-fill affordable housing, in this case Units G03, G04, G05, 102, 103, 104, 105, 106, 202, 203, 204, 205, 206, 302, 303, 305, 306 & 402 will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (b) All accommodation that is used for affordable housing will be managed by a registered community housing provider;
- (c) Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and
- (d) Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.

### **Fire Safety – Cladding**

85. Prior to issuing an occupation certificate the Principal Certifying Authority 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.

### **Display of Street Numbers**

86. 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**

87. 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**

88. 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.

## **Road Works**

89. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

## **Design Verification Statement**

90. 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**

91. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

## **Lot Registration**

92. All separate lots must be consolidated. The OC cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service.

### **Crossing Application**

93. A concrete vehicular footpath crossing must be provided at the entrance to the property over Council's footpath/pedestrian way. This crossing must be constructed in accordance with Council's standard requirements for a light duty residential crossing. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply, including requirement for inspection prior to consent to pour by Council's driveway inspector.

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

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

### **Works as executed - General**

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

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

### **Stormwater Compliance**

96. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the On-site detention system/s 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 been undertaken have been satisfactorily completed.
  - Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

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

97. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the On-site detention system/s 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.

### **Rectification of Damage**

98. Prior to the issue 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 Memorial Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Hanging of washing on balconies**

99. 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

### **Linen Plans & 88B**

100. 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.
101. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
102. 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.

### **Pump-out system**

103. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
  - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
  - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council

is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

#### **Service Providers**

104. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the subdivision certificate.
105. Notification of arrangement for the development from Integral Energy shall be submitted to Council.
106. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

#### **Dilapidation Report**

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

## **F. CONDITIONS RELATING TO USE**

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

#### **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 community housing provider.

**Note:** *Affordable housing means 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 Greater Sydney (Greater Capital City Statistical Area) (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.
109. Prior to each anniversary date for the ten year period, evidence shall be provided to Council by way of letter from a Registered Community Housing provider confirming that the identified ARH dwellings are managed in accordance with DA-993/2016.

### **Car Parking**

110. A total of 32 off street car parking spaces must be provided in accordance with Council's relevant development control plan. Three of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
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, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

### **Waste Management**

113. Waste bins must be stored in designated garbage refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
114. Bin receptacles of 660 Litres shall be stored on site and used for collection of waste from the proposed development, at all times.
115. 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;
  - (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;

### **Landscaping**

116. 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**

117. 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.
118. 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.
119. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

### **Washing on Balconies**

120. 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.

## **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 six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) In accordance with Section 98 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.
- e) The Planning Assessment Commission has not conducted a review of the application.
- f) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.

- 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](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.

- 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) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- l) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- m) 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.
- n) 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.

- o) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- p) 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.