

# ATTACHMENT 1: CONDITIONS OF APPROVAL

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-82/2017, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans:

Description	Drawing No.	Revision No.	Date	Prepared by
Basement Level 01	A022B1	D6	29/01/18	Woods Bagot
Basement Level 02	A022B2	D5	29/01/18	Woods Bagot
Local Context Plan	A01001	D3	10/02/17	Woods Bagot
Summary Table Plan	-	D3	03/01/18	Woods Bagot
Site Plan – Combined	A01002	D2	10/02/17	Woods Bagot
28 Shepherd St – Level 7, 8, 11, 12, 14 and 15 floor plan	A12207	D2	13/12/17	Woods Bagot
28 Shepherd St – Level 9 floor plan	A12209	D1	13/12/17	Woods Bagot
28 Shepherd St – Level 10 floor plan	A12210	D1	13/12/17	Woods Bagot
28 Shepherd St – Level 13 floor plan	A12213	D1	13/12/17	Woods Bagot
28 Shepherd St – Level 16 floor plan	A12216	D1	13/12/17	Woods Bagot
28 Shepherd St – Level 17 floor plan	A12217	D1	13/12/17	Woods Bagot
28 Shepherd St – Level 18 and 19 floor plan	A12218	D2	13/12/17	Woods Bagot
28 Shepherd St – Level 20 floor plan	A12220	D1	13/12/17	Woods Bagot
28 Shepherd St – Level 21 floor plan	A12221	D1	21/12/16	Woods Bagot
28 Shepherd St – Roof Plan	A12222	D1	21/12/16	Woods Bagot
28 Shepherd St – Elevation (Riverside)	A13101	D3	13/12/17	Woods Bagot
28 Shepherd St – Elevation (Courtyard)	A13102	D3	13/12/17	Woods Bagot
28 Shepherd St – Elevation (Northern)	A13103	D2	6/02/17	Woods Bagot



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170 **DX** 5030 Liverpool

**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170

**Fax** 9821 9333 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

28 Shepherd St – Elevation (North Elevation of Southern Tower and South Elevation of Northern Tower)	A13103	D1	13/12/17	Woods Bagot
28 Shepherd St – Elevation (South)	A13104	D2	6/02/17	Woods Bagot
28 Shepherd St – Section AA	A13201	D2	6/02/17	Woods Bagot
28 Shepherd St - Section BB	A13202	D2	6/02/17	Woods Bagot
28 Shepherd St – DDA Apartments	A18301	D2	13/12/17	Woods Bagot
28 Shepherd St – DDA Apartments	A18302	D1	13/12/17	Woods Bagot
28 Shepherd St – Perspective (Riverside)	A19100	D2	13/12/17	Woods Bagot
26 Shepherd St – Ground Floor Plan	A22200	D3	29/01/18	Woods Bagot
26 Shepherd St – Level 1 Floor Plan	A22201	D4	29/01/18	Woods Bagot
26 Shepherd St – Level 2 Floor Plan	A22202	D4	29/01/18	Woods Bagot
26 Shepherd St – Level 3 Floor Plan	A22203	D1	29/01/18	Woods Bagot
26 Shepherd St – Level 4 and 6 Floor Plan	A22204	D3	10/02/17	Woods Bagot
26 Shepherd St – Level 5 and 7 Floor Plan	A22205	D2	10/02/17	Woods Bagot
26 Shepherd St – Level 8, 10 and 12 Floor Plan	A22208	D3	10/02/17	Woods Bagot
26 Shepherd St – Level 9, 11 and 13 Floor Plan	A22209	D3	10/02/17	Woods Bagot
26 Shepherd St – Level 14 Roof Plan	A22214	D2	10/02/17	Woods Bagot
26 Shepherd St – Elevation (South West)	A23101	D4	29/01/18	Woods Bagot
26 Shepherd St – Elevation (North East)	A23102	D3	29/01/18	Woods Bagot
26 Shepherd St – Elevation (North West and South east)	A23103	D4	29/01/18	Woods Bagot
26 Shepherd St – Section AA	A23201	D4	29/01/18	Woods Bagot
26 Shepherd St – Section BB	A23202	D3	29/01/18	Woods Bagot
26 Shepherd St – Section CC	A23203	D3	29/01/18	Woods Bagot
26 Shepherd St – DDA Apartments	A28301	D3	13/12/17	Woods Bagot
26 Shepherd St – DDA Apartments	A28302	D2	10/02/17	Woods Bagot
26 Shepherd St – Materiality and Finishes	A29000	D2	10/02/17	Woods Bagot
26 Shepherd St – Perspective 1	A29100	D3	13/12/17	Woods Bagot

26 Shepherd St – Perspective 2	A29101	D3	13/12/17	Woods Bagot
26 Shepherd St – Perspective 3	A29102	D2	10/02/17	Woods Bagot
26 Shepherd St – Perspective 4	A29103	D3	13/12/17	Woods Bagot
26 Shepherd St – Perspective 4	A29104	D3	13/12/17	Woods Bagot
Substation Plan	A1204	A	08/11/17	Woods Bagot
Substation Plan – Elevation and Section	A1205	A	08/11/17	Woods Bagot

The amendments marked in red by Council on the approved plans are as follows:

- (i) The living room windows on the northern elevation of Building C1 North (28 Shepherd Street) shall be of obscure glazing.
- (ii) The hardstand associated within the access way along the southern boundary of 28 Shepherd Street, shall be extended as shown within the Vehicle Tracking Diagram within Appendix B of the approved Traffic Report.

Note: No approval is granted to the structural elements (which are labelled in red on the architectural plans). These works shall be subject to a Building Certificate under Section 149D of the Environmental Planning and Assessment Act 1979.

(b) Landscape Plans:

Description	Drawing No.	Revision No.	Date	Prepared by
26 Shepherd St - Analysis Plan	L2	B	20/12/16	Durie Design
26 Shepherd St - Landscape Ground Floor Plan	L3	B	20/12/16	Durie Design
26 Shepherd St - Rooftop Plan	L4	B	20/12/16	Durie Design
26 Shepherd St -Sections	L5	B	20/12/16	Durie Design
26 Shepherd St - Planting Schedule	L6	B	20/12/16	Durie Design
28 Shepherd St - Deep Soil Zones	-	-	29/11/17	Aspect Studios
28 Shepherd St – Roof Terraces Plan	15007-LA_4	C	November 2016	Aspect Studios
28 Shepherd St – Roof Terrace Planting Strategy	15007-LA_7	C	November 2016	Aspect Studios

(c) Reports

Description	Reference No.	Date	Prepared by
Acoustic Report – 26 Shepherd Street	29650-SYD-N	21/12/16	Wood and Grieve Engineers
Acoustic Report – 28 Shepherd Street	27826-SYD-N-2	21/12/16	Wood and Grieve Engineers
Remediation Action Plan – 26 Shepherd Street	E23125 AC_Rev0	24/03/17	EI Australia
Addendum to the Remediation Action Plan/Validation Plan and	E30392KPlat2	9/08/17	Environmental investigation Services

Waste Classification			
Archaeological Survey Report	-	March 2016	Artefact
Heritage Impact Statement	16-181	November 2017	City Plan Services
Wind Report	126/16	October 2016	MEL Consultants
Traffic Report	16-010	21/12/16	Inroads Group
Flora and Fauna Survey and Riparian Zone Assessment – 26 Shepherd Street	-	December 2016	ACS Environmental Pty Ltd
Riparian Zone Delineation and Rehabilitation	166795-01	05/12/16	Northrop
Waste Management Plan	-	12/01/17	MRA Consulting Group
Social Impact Assessment – 26 Shepherd Street	-	December 2016	Cred Consulting
Addendum to Social Impact Assessment – 28 Shepherd Street	-	19/12/16	Cred Consulting
Access Report	-	20/12/16	Accessibility Solutions
Geotechnical Report	E23125 GA Rev2	21/12/16	Ei Australia
Acid Sulfate Soils and Contamination Assessment	E23125 CC	29/09/16	Ei Australia

(d) BASIX certificate number 784632M and 624427M\_05

### **Water NSW - General Terms of Approval**

2. All General Terms of Approval issued by Water NSW (dated 29 June 2017), shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval is attached to this decision notice.

### **Requirements of Sydney Water**

3. The comments provided by Sydney Water shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 14 June 2017. A copy of the correspondence is attached.

### **Requirements of Endeavour Energy**

4. The comments provided by Endeavour Energy shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 21 November 2017. A copy of the correspondence is attached.

### **Voluntary Planning Agreement**

5. The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement executed by Shepherd Street Developments Pty Ltd, Coronation (33 Shepherd Street) Pty Ltd, Coronation (28 Shepherd Street) Pty Ltd,

Coronation (26 Shepherd Street) Pty Ltd, Shepherd Property Nominee Pty Ltd and Liverpool City Council (Document No. 6911292\_1).

### **Amended Waste Management Plan**

6. An amended waste management plan shall be submitted to the satisfaction of Council's Manager of Development Assessment demonstrating compliance with the specifications listed in Council's Fact Sheet titled *Waste Management Services for RFBs and Multi-Unity Development Housing*, in particular:
  - (a) The number of bins are to be calculated in accordance with Council's Fact Sheet titled *Waste Management Services for RFBs and Multi-Unity Development Housing*.
  - (b) Waste storage rooms are to be of sufficient size to allow for the separation of bins (i.e. waste to one side and recycling to the other) to avoid contamination of bins and be of sufficient size to allow for suitable access and maneuverability of bins.

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

7. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City 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 94A Payment**

8. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution payable is \$ 1,260,503.00

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

### **Building Certificate**

9. Prior to the issue of any CC a Building Certificate issued under Section 149D of the Environmental Planning and Assessment Act 1979 shall be obtained from Council for the unauthorised works.

### **Long Service Payment**

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

### **Compliance with the National Construction Code**

11. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
12. 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
13. A fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of construction certificate, demonstrating that all proposed external wall cladding materials used 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.
14. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

The schedule must distinguish between the measures that are currently implemented in the building premises; and

- (a) The measures that are to be proposed to be implemented in the building premises; and
- (b) The minimum standard of performance for each measure.

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

15. The noise control recommendations as stipulated within the approved Acoustic Reports shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.
16. 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 87 of 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.
17. Mechanical plant shall be selected in consultation with a suitably qualified and experienced acoustic consultant to ensure compliance with the approved Acoustic Reports

## **Recommendations of the Wind Report**

18. The recommendations as stipulated within the approved Wind Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

## **Provision of Services**

19. 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.

20. 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.
21. 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.

## **Design Verification Statement**

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

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

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

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

23. 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 on 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.

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

24. The applicant/developer shall upgrade street lighting system for entire frontage of the development including any side streets. The street light pole shall be multi-function pole including all necessary accessories. The specification and accessories details are to be obtained from Infrastructure and Environment Group of Council. The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The electrical design shall include undergrounding of existing aerial power lines and communication cables for entire frontage of the development including frontage to side streets. The approved design shall be submitted to Council **for review and approval prior to any public domain construction works.**

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

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

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

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

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including



references to the relevant details and specifications as contained in the abovementioned documents.

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

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

### **S138 Roads Act – roadworks requiring approval of civil drawings.**

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

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

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

### **Stormwater Concept Plan**

28. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by Wood And Grieve Engineers, reference 29650-SYD, revision A, dated 20/12/16.

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

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

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

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

### **Water Quality**

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

The Construction Certificate must be supported by:

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

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

### **Headwall**

31. The headwall within the Council reserve shall be deleted and be replaced with a spreader/dissipater system. The dissipater shall be located wholly within the property boundary with no works within the Council reserve permitted. The design of the dissipater shall ensure no impacts to the Council reserve.

### **Peer Review of Geotechnical Report**

32. An independent peer review of the geotechnical report and future structural design of the development will be required at no cost to Council. The peer review shall be submitted to Liverpool City Council for approval. This is to ensure that there are no impacts to the existing embankment at the rear of the property within the Council reserve

### **Restoration Bond**

33. A Restoration Bond is to be lodged with Liverpool City Council for development involving works around Council's Property. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the bank stabilisation works within the Council reserve at the rear of the property with a bond TBA and payable for the subject development. The bond is refundable 6 months after the issue of the OC once a final inspection has been carried out by Council and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure as a result of the development works.

### **Construction Traffic Management Plan**

34. A construction traffic management plan shall be submitted to and approved by Council's Traffic and Transport Section. The plan shall detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

### **Intersection Improvement Works**

35. Detailed design drawings of the following intersection works are to be submitted to Council for approval, prior to issue of a CC:
- (a) Modification to the south-eastern corner of the existing signalised intersection of Terminus Street, Newbridge Road and Speed Street to permit right turn and left turn movements simultaneously;

- (b) The provision of a roundabout at the intersection of Shepherd Street and Atkinson Street; and
- (c) The provision of a roundabout at the intersections of Speed Street, Shepherd Street and Mill Road.

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

36. Prior to the issue of a CC, detail drawings of signposting, linemarking, vehicular access, circulation, manoeuvring, pedestrian, parking areas, and swept path analysis of the loading bay in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan are to be submitted to Council for approval.

### **Garbage Services**

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

### **Flood Emergency Management Plan**

38. A comprehensive and well-structured flood emergency management plan (FEMP) shall be developed in accordance with the guideline of SES (Business Flood Safe Toolkit and Plan) identifying actions and triggers. The FEMP shall identify all potential risks and formulate measures for the protection of the people and the business and shall cover continuity and recovery planning process. The plan shall clearly demonstrate how evacuation of the site are being undertaken prior to floodwaters cutting off the access road (Shepherd Street). The FEMP shall also consider the cumulative evacuation needs of other existing and future developments in the area that use Shepherd Street as flood evacuation route. Alternative road access shall be explored and established if the existing road system is unable to provide flood-free access during the 1% AEP flood event.

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

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

39. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) 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. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
  - (b) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - (c) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and

- (d) 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.

### **Residential Building Work**

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

### **Notification of Service Providers**

41. 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.

### **Complaints Register**

42. Prior to the commencement of Construction, the Applicant must ensure that the following is available for the life of the Development:
- (a) a postal address to which written complaints may be sent;
  - (b) an email address to which electronic complaints may be transmitted; and
  - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

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

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

43. 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 Control Plan**

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

### **Dilapidation report**

45. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Shepherd Street and within the Council reserve at the rear of the property 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 10m either side of the development.
46. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures including the embankment at the rear of the property within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

### **Waste Classification**

47. 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).

## **D. DURING CONSTRUCTION**

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

### **Inspections**

48. 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**

49. 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.

### **Site Facilities**

50. 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.
51. 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**

52. 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.

## **Excavation Works**

53. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
  - (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

## **Hoardings**

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

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

55. 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

## **Security Fence**

56. 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**

57. 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**

58. 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.
59. 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.

### **Complaints Register**

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

### **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 resident/visitor parking areas are to be clearly signposted limiting car parking for resident/visitor 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.



64. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

### **Traffic Management**

65. 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.
66. 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.
67. 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.
68. 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**

69. 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.
70. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
71. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
72. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
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 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.

76. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
77. 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.
78. 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.

#### **External**

79. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
80. 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.
81. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

#### **Contamination and Importation of Fill Material**

82. 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).
83. 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.
84. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
  - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;

- (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
- (c) The results of any chemical testing of fill material.

### **Site Remediation Works**

85. Remediation and validation works must be carried out in accordance with the following approved Remediation Action Plans:

- (a) Remediation Action Plan, report number E23125 AC\_Rev0, dated 24/03/17, prepared by EI Australia; and
- (b) Addendum to the Remediation Action Plan/Validation Plan and Waste Classification, report number E30392KPlat2, dated 9/08/17, prepared by Environmental investigation Services.

Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.

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

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

87. 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) Basement parking areas shall be painted a light colour;
- (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
- (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
- (f) Access to the parking levels of the building shall be controlled via a security controlled device.

### **Waste Management Plan**

88. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

### **Vegetation**

- 89. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
- 90. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
- 91. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

### **Drainage Connection**

- 92. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

### **Major Filling/ Earthworks**

- 93. 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.

### **Archaeological discovery during excavation**

- 94. Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- 95. Should any archaeological remains be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate. If the discovery is on Council's land, Council must be informed

## **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:**

### **Certificates**

- 96. 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.

97. 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.
98. 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.

#### **Compliance with the Recommendations of the Acoustic Reports**

99. 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.
100. 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 87 of the State Environmental Planning Policy (Infrastructure) 2007 are not exceeded.

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

101. A compliance certificate from a qualified consultant is to be submitted to the PCA, certifying that the development has been constructed to comply with the recommendations stipulated within the approved Wind Report.

#### **Landscaping**

102. 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.

#### **Site Contamination Validation Report**

103. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
  - (a) describe and document all works performed;
  - (b) include results of validation testing and monitoring;
  - (c) include validation results of any fill imported on to the site;
  - (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
  - (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

#### **Design Verification Statement**

104. 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.

### **Road Works and Road Reserve Works**

- 105. All traffic related works including intersection improvements works, line-marking and signposting are to be completed to the satisfaction of Council.
- 106. Street lighting on Shepherd Street shall be completed to Council's and Endeavour Energy's satisfaction.

### **Service Providers**

- 107. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
- 108. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- 109. 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**

- 110. 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.

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

- 111. 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**

112. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation for the subject stage, 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**

113. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- (a) Stormwater pre-treatment system/s;
  - (b) Flood control works; and
  - (c) Basement Carpark pump-out system
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to been undertaken have been satisfactorily completed.

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

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

114. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- (a) Stormwater pre-treatment system/s;
- (b) Flood control works; and
- (c) Basement carpark pump-out system

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

## **Compliance Documentation**

115. Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design

Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.

- (b) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- (c) Structural Engineer's construction certification of all structures

### **Pump-out system**

116. 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.

### **Garbage Services**

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

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

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

- (b) *"Green waste bins are to be managed by a contractor responsible for green waste disposal."*

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

118. The developer/owner of the site is to contact Liverpool Council- Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements.

### **Restrictions on Title**

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



*“A static compaction unit for waste management shall be provided and maintained at all times within the waste storage area”*

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

120. 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

### **Lot Registration and Consolidation**

121. 26 Shepherd Street (Lot 23 DP 859055) and 28 Shepherd Street (Lot 22 DP 859055) 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 LPI Service. This is to be provided to Council prior to the release of any OC.

### **Rectification of Damage**

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

Any rectification works within Shepherd Street and the Council reserve at the rear of the development will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

## **F. GENERAL CONDITIONS**

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

### **Parking Requirements**

123. Parking spaces shall be allocated as follows:

- (a) A minimum of 387 parking spaces for residents;
- (b) A minimum of 37 parking spaces for visitors;
- (c) A minimum of 4 parking spaces for a carwash/service bay;
- (d) A minimum of 22 parking spaces for motorcycles; and
- (e) A minimum of 157 parking spaces for bicycles are to be provided. A minimum of 24 of these spaces are to be located on the ground floor which are accessible to visitors.

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

125. 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.

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

### **Noise and Environmental Emissions**

127. 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.
128. 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.
129. 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.

### **Public Access**

130. Any future application lodged on the subject site seeking starta and/or stratum subdivision of the approved development shall address Council's requirement to maintain public access from the site to the river foreshore and public land including maintenance and future ownership. The public access points include:
- (a) The access path (approximately 6m wide) located between the boundary of 20 Shepherd Street and 26 Shepherd Street;
  - (b) The access path (approximately 3.5m wide) located along the southern boundary of 26 Shepherd Street;
  - (c) The access path (approximately 6m wide) located along the southern boundary of 28 Shepherd Street.

### **Waste Management**

131. 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.
132. All waste products associated with the use of the of development are to be placed in containers and stored within the building
133. A separate storage area is to be allocated for the holding of bulk waste prior to collection.
134. 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;
- (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
  - Only recyclable materials accepted by Council are to be placed within the recycling bins;
  - A phone number for arranging disposal of bulky items;
- (f) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute;
- (g) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
- (h) Maximum compaction ratio for waste shall be 2:1; and
- (i) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

135. The waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection

### **Landscaping**

136. 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.

### **Graffiti**

137. 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**

138. 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.

### **Lighting**

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

## **Council's Infrastructure**

140. 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 Planning Assessment Commission has not conducted a review of the application.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) 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.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) "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.

- i) 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.

- j) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

## ATTACHMENT 2: SECTION 94A PAYMENT FORM

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

Liverpool Contribution Plan 2007 – Liverpool City Centre

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

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

**APPLICATION NO.:** DA-82/2017

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$24,220	GL.10000001870.10112
Whitlam Centre Extensions	\$17,888	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$23,091	GL.10000001870.10099
Woodward and Collimore Parks	\$108,664	GL.10000001869.10105
Georges River Foreshore	\$760,648	GL.10000001869.10105
Bigge Park	\$162,996	GL.10000001869.10105
Pioneer Park	\$162,996	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
<b><u>TOTAL</u></b>	<b><u>\$1,260,503</u></b>	

## ATTACHMENT 3: SYDNEY WATER REQUIREMENTS



14 June 2017

Our Ref 162920

Rodger Roppolo  
Senior Development Planner  
Development Assessment  
Locked Bag 7064  
Liverpool BC NSW 1871

**RE: 26 and 28 Shepherd Street, Liverpool NSW 2170**

Dear Mr Roppolo,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application and provide the following comments for your consideration.

### **Water**

- Development within Shepherd Street, Liverpool has been included within a Sydney Water planning study which is anticipated to be completed by mid-2018.
- Based on the proposed development density within the local area, the reticulation network will require amplification to service the future growth within the Shepherd Street. A new 200mm water main along Atkinson Street from the Hume Highway to the end of Shepherds Street will be required – approximately 795 metres.
- A significant portion (565m) of this amplification is currently proposed to be delivered to service the lead development at 20 Shepherd Street, Liverpool.

### **Wastewater**

- Development within Shepherd Street, Liverpool has been included within a Sydney Water planning study which is anticipated to be completed by mid-2018.
- Preliminary investigation indicates that amplification of the wastewater system will be required to service the ultimate development proposed within Shepherd Street, Liverpool. These system amplifications will be identified as part of the overall options planning investigation and are indicatively planned to be delivered by late 2019.
- Localised wastewater network amplifications in the immediate reticulation network *may* be required to be delivered by the developer which will be determined at the section 73 application phase.

### **Sydney Water E-Planning**

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).



Further advice and requirements for this proposal are at Attachment. If you require any further information, please contact Lulu Huang of Growth Planning and Development on 02 8849 4269 or e-mail [lulu.huang@sydneywater.com.au](mailto:lulu.huang@sydneywater.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Mulley". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Mulley".

Paul Mulley  
**Manager, Growth Planning and Development**

Attachment 1





### **Sydney Water Servicing**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

### **Building Plan Approval**

The developer must have building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

## ATTACHMENT 4: GENERAL TERMS OF APPROVAL WATER NSW



Contact: Richard Meares  
Phone: 02 8838 7527  
Fax: 02 8838 7554  
Email: richard.meares@waterNSW.com.au  
Our ref: 10ERM2017/0306  
Your ref: DA-82/2017

Via email: [icc@liverpool.nsw.gov.au](mailto:icc@liverpool.nsw.gov.au)

Rodger Roppolo  
Senior Development Planner, Development Assessment  
Liverpool City Council  
Customer Service Centre, 33 Moore Street  
Liverpool NSW 2170

29 June 2017

Dear Rodger,

**Re: Integrated Development referral under s.91A of the Environmental Planning and Assessment Act 1979 for 26 – 28 Shepherd Street, Liverpool**

Reference is made to your request for a response in relation to the proposed development described as 26 – 28 Shepherd Street, Liverpool and also identified as DA-82/2017.

Please be advised that, in addition to requiring development consent, parts of the development that intercept or extract groundwater are also required to be authorised under water management legislation. The information requirements for such an authorisation are explicitly detailed in the *NSW Aquifer Interference Policy*—including the need for the applicant to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likely to be extracted. As defined in that policy, such requirements apply to activities interfering with *all aquifers*, including low yielding and saline groundwater systems.

The proposed development is deemed to be an aquifer interference activity requiring an authorisation under water management legislation therefore General Terms of Approval have been provided.

Please direct all related correspondence to the following address:

Water Regulation – Coastal (Parramatta)  
Water NSW  
PO Box 398  
PARRAMATTA NSW 2124

Yours Sincerely

*Richard Meares*

**Richard Meares**  
**Water Regulation Officer**  
Coastal (Parramatta)  
**WaterNSW**

Important: As a result of NSW water reforms, many functions previously provided by DPI Water have transferred to WaterNSW, effective 1 July. These functions include customer interactions for licencing, compliance and billing – as well as all in-field services and metering operations. Customers will experience streamlined, more convenient and efficient services. Over the coming months, you will begin to see WaterNSW branded materials for these services.

### General Terms of Approval

#### General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
  - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
  - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

#### Prior to excavation

6. The following shall be included in the initial report:
  - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

- (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
  8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
  9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
  10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
  11. A copy of a valid consent for the development shall be provided in the initial report.
  12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
  13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### During excavation



14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

#### Following excavation

21. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
  - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
  - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
  - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

## ATTACHMENT 5: ENDEAVOUR ENERGY REQUIREMENTS

Dear Sir or Madam

I refer to Council's letter of 31 October 2017 regarding Development Application DA-82/2017 at 26-28 SHEPHERD STREET, LIVERPOOL NSW 2170 (LOTS 22 & 23 DP 859055) for 'Amalgamation of two lots and construction of a new 14 storey residential flat building comprising 82 apartments, an extension to 'Building C1' approved under DA-612/2015 by a maximum 14 storeys and an additional 150 apartments, changes to basement levels and basement excavation, landscaping and associated site works'. Submissions need to be made to Council by 21 November 2017.

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

- No easements over the site benefitting Endeavour Energy (easements are indicated by red hatching).
- Low voltage overhead service conductors to the road verge / roadway for the customer connection point to the existing building on Lot 23.
- Low voltage and 11,000 volt / 11 kV high voltage overhead power lines the opposite side road verge / roadway.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed). This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

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

- Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regards to whether utility services are available and adequate for the development.

As shown in the following extract of the 'Combined DA Site Plan' it does not appear that any provision has been made for a padmount or indoor / chamber substation on the site?



The availability of electricity supply to the site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation to meet the load but due to the foregoing factors, a substation may still be required to facilitate the development and from which the spare capacity is made available to subsequent nearby development. In older / above ground areas of the network utilising pole mounted substations are limited to a maximum load of 400 megavolt amperes (MVA) where as a padmount substation can accommodate loads of 315 MVA up to 1,500 MVA.

The following site plan from Endeavour Energy's G/Net master facility model shows there are various 'Work Polygons' (shown by the coloured highlighting and/or hatching of the lot) in the vicinity of the site indicating enquiries and applications for contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply. Although Endeavour Energy plans for the expansion and augmentation of its electrical network, applicants should not automatically assume that the presence of electricity infrastructure in the locality and/or an existing low voltage service conductor means that adequate supply is immediately available to facilitate their proposed development. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further redevelopment of urban areas continues to occur.





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

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

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

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

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

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- Dial before You Dig

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

- Demolition

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

- Public Safety

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

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

- Emergency Contact

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

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

Yours faithfully

Cornelis Duba

Development Application Review

Network Environment & Assessment

T: 9853 7896

E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)

51 Huntingwood Drive, Huntingwood NSW 2148

[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)

