

# **DRAFT CONDITIONS OF CONSENT**

## **ATTACHMENT 1 – CONDITIONS OF APPROVAL**

Council has imposed the following conditions under the relevant planning instruments and policies.

### **PART 1:**

#### **DEFERRED COMMENCEMENT**

**Development consent shall be deferred pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, until the submission to Council of:**

##### **Overland Flow**

1. Revised proposals addressing the overflow flooding issue satisfying Councils design requirement shall be submitted for Councils review and approval. This shall include revised design drawings/plans of the development, flood compensatory works including storage volume calculation, stormwater plans/drawings, updated flood report, and post developed flood mapping for all modelled events from 5yr to 100yr ARI events.
2. The revised details shall demonstrate and include the following information:
  - i) Mainstream flooding:
    - There shall be no net loss of floodplain storage volume below the 1%AEP flooding due to proposed work on western portion of the site. Interim flood compensatory work for loss of flood storage shall be provided within the site, until regional flood mitigation works of the Precinct are completed. Design plans/drawings of flood compensatory works, flood storage volume calculation along with a flood impact assessment shall be submitted for review and approval.
    - Finished habitable floor levels of proposed buildings shall be no lower than the 1%AEP flood levels plus 0.5m freeboard. The 1%AEP flood levels of scalabrini Creek in the vicinity of the site shall be consistence with Council flood levels established for the Precinct and be obtained from Council.
  - ii) Overland Flow Flooding:
    - Existing overland flows through the site from upstream external catchment shall not be disturbed and be accommodated into the proposed major/minor system of the development for range of storm events up to the 1%AEP flood event
    - Post development flow discharges from the site onto downstream properties shall not be greater than the predevelopment flows. Temporary on-site detention (OSD) shall be provided to limit the post development flows to pre-development level up the 1%AEP flood. Hydrologic/hydraulic modelling analysis of OSD design shall be submitted
    - Design & sizing of ultimate major/minor drainage system shall take into account full developed external catchment flows through the site for up to the 1%AEP flood event

- Major system (roads/open flow routes) shall consider overland flows through the site up to the 1%AEP flood with flood depth not exceeding 0.2m & comply with velocityxdepth safety criteria as per Councils design criteria.
- Undertake an overland flow path study using preferably 2D tuflow modelling for existing and post development scenarios. Details of catchment analysis, hydrologic & hydraulic modelling analysis along with an overland flow flood impact assessment report supported by flood extent, hazard, depth, velocity vector mapping and flood difference mapping shall be prepared for the 1%AEP flood event. The report shall demonstrate that overland flows through the site is managed satisfactorily without adversely affecting the adjoining properties.

iii) Basement car parking shall be protected from inundation by floods equal or greater than 1%AEP flood plus 0.1m freeboard.

iv) Temporary on-site water quality control measures shall be provided for capturing gross pollutants and contaminants from the stormwater before discharging onto downstream of the site. Water quality measures shall be designed using MUSIC modelling.

3. Electronic copies of updated Drain model and the 2D model with result files shall be provided
4. The proposal shall demonstrate (and update the overland flow study report accordingly), that there is no adverse flooding impact on u/s and d/s of the site due to proposed work. Any existing overland flows from adjoining sites shall be accommodated into the proposed drainage system.

### **Civil Engineering Works**

5. The applicant's Engineer shall provide amended Civil Engineering and subdivision details (for road construction and dedication), and updated Car-parking Certification Report, to reflect the amended approved Architectural Plan, as provided for in the Approved Plans table in Part 2 of the Consent.

This information shall be submitted to Council for review and approval prior to the development consent being operational.

### **Temporary Turning Head Easement**

6. The applicant shall provide documentary evidence that adjoining owner's consent from the owner's of the adjoining land, with a plan showing the proposed easement and proposed Civil and Road Construction works signed by those allotment owners.
7. An easement is required to be registered, showing that the subject allotment benefits from an easement, required to be created over to burden the adjoining lot. The easement is required to be registered on title with the LPI Service / NSW Registry, to satisfy this condition.

### **Acoustic Assessment**

8. The applicant shall provide an acoustic assessment which reviews the potential impact of the development on neighboring properties. This assessment shall include, but not be limited to; vehicle noise assessment (i.e. movements in/out of the carpark and general traffic increase), assessment of equipment used for security/traffic control (i.e. security gates and speed limiting devices) and any required mechanical plant.

### **BASIX Certificate**

9. The applicant shall provide an updated BASIX Certificate to reflect the amended approved Architectural Plan, as provided for in the Approved Plans table in Part 2 of the Consent

**Note: The items raised within Part 1, above, are to be addressed within twelve (12) months of the determination date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" conditions is acceptable.**

## PART 2:

On the submission of the required evidence and on the applicant receiving written notification that Council is satisfied that the matters listed in “Part 1” have been satisfied, then the consent shall become operative subject to compliance with conditions outlined in “Part 2”.

### A. THE DEVELOPMENT

#### Approved Plans

- Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans/reports marked as follows, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Date	Revision	Prepared By
Site and Context Plans	a102	23.04.2019	I	GM Architects
Site Analysis Plan	a103	23.04.2019	I	GM Architects
Demolition Plan	a105	23.04.2019	I	GM Architects
Basement Plan	a200	23.04.2019	I	GM Architects
Ground Floor Plan	a202	23.04.2019	I	GM Architects
Level 1 Plan	a203	23.04.2019	I	GM Architects
Level 2 Plan	a204	23.04.2019	I	GM Architects
Level 3 Plan	a205	23.04.2019	I	GM Architects
Roof Level Plan	a206	23.04.2019	I	GM Architects
Adaptable Unit Plan	a208	23.04.2019	I	GM Architects
Elevations (north/south/east)	a300	23.04.2019	I	GM Architects
Elevations (west / internal)	a301	23.04.2019	I	GM Architects
Section	a400	23.04.2019	I	GM Architects
Schedule of Finishes	16826	20/09/2017	---	GM Architects
Landscape Plan – Set	L-01 to L-06	30/3/19	C	Site Design + Studios
BASIX Certificate (as required to satisfy the deferred commencement)	---	---	---	---

Report Name	Date	Reference	Prepared By
Aboriginal Heritage Due Diligence Assessment	7 September 2017	---	Tocomwall
Access Compliance Report	---	17087	Vista Access Architects Pty.Ltd
Arboricultural Impact Assessment	24 July 2017	2895	Redgum Horticultural
Architect's National Construction Code Overview	20/09/2017	16826	GM Architects
Bushfire Assessment	29 August 2017	100B-2016	Sydney Bushfire Consultants
Carpark Certification of a Proposed Development (as required to satisfy the deferred	---	---	---

commencement)			
Demolition and Waste Management Plan for Construction and use of premises	20/09/2017	16826	GM Architects
Design Verification Statement	20/09/2017	16826	GM Architects
Flood Study Report (as required to satisfy the deferred commencement)	---	---	---
Geotechnical Investigation Report	June 2017	P2017-014-G217 Rev 0	Benviron Group
Preliminary Site Investigation	August 2017	E1292 Rev 0	Benviron Group
Detailed Site Investigation	February 2018	E1292-2 Rev 0	Benviron Group
Remediation Action Plan	February 2018	E1292-3 Rev 0	Benviron Group
Traffic Impact Assessment Report	May 2017	N1715868A Rev 1a	Motion Traffic Engineers

### **Council Waste-Water Requirements**

2. The development must provide for a physical sewerage connection to each created residential allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Liverpool City Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

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

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

### **Stages of Consent**

4. This consent approves the Strata subdivision of all of the residential apartment dwellings.

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

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

### **Fee Payments**

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

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.

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

These fees are reviewed annually and will be calculated accordingly.

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

## **SECTION 7.11 PAYMENT**

### **Liverpool Contributions Plan 2014 Austral and Leppington North**

- 7. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with above Liverpool Contributions Plan as amended.

The total contribution is \$4,830,000.00 and will be adjusted at the time of payment in accordance with the contributions plan.

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

The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au). Payment must be accompanied by the attached form.

## **SPECIAL INFRASTRUCTURE CONTRIBUTION**

- 8. A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative. Information about this special infrastructure contribution can be found on the Department of Planning and Environment regarding arrangements for the making of a payment.

## **Site Development Work**

- 9. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.

## **Notification**

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

- (b) The name and permit of the owner-builder who intends to do the work.

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

- 11. Any works constructed on private property will require the consent of the affected property owner.

### **Building Compliance**

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

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

- 13. 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).

- 14. *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*.

- 15. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority

### **Cladding**

- 16. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with

the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

### **Design Verification Statement**

17. 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.

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

18. 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.

### **Security Access to car park**

- Secure access is to be provided to the basement car park to prevent any unauthorised entry. Details are to be provided with the Construction certificate.

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

- Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

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

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

### **Construction Certificate for Subdivision Works**

- Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s as required to satisfy the Deferred Commencement, and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads (including the removal of the originally proposed temporary road)
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function

- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

### Road design criteria table

22. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Fifth Avenue (half width)	16m (8m to construct)	9.0m (4.5m to construct)	3.5m	1.5m	$3 \times 10^5$
Selale Street	16m (10m to construct)	9.0m (6.5m to construct)	3.5m	1.5m	$3 \times 10^5$

### Access, Car Parking and Manoeuvring – General

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

### Road and Traffic Requirements

24. Detailed design drawings of the subdivision roads, demonstrating that the design has been carried in accordance with RMS Guidelines, DCP and AS: 2890, and as required to satisfy the Deferred Commencement, is to be submitted to Council's Traffic and Transport Section for approval.

### On-Site Detention

25. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, as required to satisfy the Deferred Commencement. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

## Water Quality

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

The Construction Certificate must be supported by:

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

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

## Retaining Walls on Boundary

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

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

## Dilapidation Survey

28. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any

dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

### **Floodplain Engineer Conditions of Consent**

29. Prior to the issue of a Construction Certificate, detailed design plans and drawings and reports are required shall be submitted demonstrating for Council's review and approval the following:
  - a) The proposed development shall not have any adverse flooding impact on the adjoining properties and the development shall be carried out as indicated in the overland flood study report as required by the Deferred Commencement.
  - b) Existing upstream stormwater runoffs that flow through the site shall be captured and managed into the stormwater network of the proposed development.
  - c) The depth of flooding on new roads under the proposed subdivision shall not be higher than 0.2m during the 1% AEP storm event.
  - d) The proposed onsite detention (OSD) basin as indicated in the engineering concept plan as required by the Deferred Commencement, shall provide adequate flow attenuation to ensure that downstream peak post-development discharges do not exceed peak pre-development discharges for 20%, 5% and 1% storm events. Any OSD basin cannot be removed without Council's written consent.
  - e) Temporary on-site water quality control measures shall be provided and maintained until downstream regional water quality basin is constructed and operational.

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

30. Prior to the issue of a Construction Certificate for Blocks C & D, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for new pit and pipe connection.

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

### **Stormwater Discharge – Basement Car Parks**

31. 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.

### **Construction Traffic Management Plan**

32. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council's Traffic and Transport Section for approval prior to the issue of a Construction Certificate.

### **Mechanical Plant**

33. Mechanical plant shall be selected in consultation with a suitably qualified and experienced consultant to ensure compliance with the internal noise levels detailed within Acoustic and Traffic Noise Report (ref no: 2850/D04) prepared by Sebastian Giglo dated 4 September 2017.

### **Recommendations of Acoustic Report**

34. The recommendations provided in the approved acoustic report required to be provided to satisfy the deferred commencement, shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

### **Balcony Balustrades and privacy screen design**

35. All glass balustrades must be 1.2m in height and must be translucent, obscured, frosted or sandblasted glazing in design.

Reason: To mitigate inadvertent privacy impacts from a seated position within the units of the building to adjoining properties and to ensure any items stored within the balconies are appropriately screened from the public, and to restrict direct views from the public domain into the living areas of the units.

### **Balcony and courtyard window and door design**

36. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:

- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings
- assist in the proportioning of elevations
- ensure maximum light to the interior of the dwellings
- create a seamless relationship between the balcony / courtyard and the interior

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

### **Services**

37. All services required to adequately service the development are to be shown on the engineering drawings submitted for the Construction Certificate approval including duct configurations, road crossings, water and sewer services, electrical services and light column positions.

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

### **Provision of Services – Residential Subdivision**

39. Prior to the issue of a Construction Certificate, written evidence is to be made available to Council that:

a) An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, has been 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.

b) 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.

c) Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version). The colours and materials used in the construction of any wall or structure are to match those of the approved development.

d) Telecommunications infrastructure can 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 will need to be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

## C. PRIOR TO WORKS COMMENCING

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

### Construction Certificates

40. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act, and a copy registered with Council.
41. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.141A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
42. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
43. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.

### Building Compliance

44. Prior to the commencement of any building works, the following requirements must be complied with:
  - a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act* 1979.
  - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
  - c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
  - e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or

subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

### **Residential Building Work**

45. 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.
46. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

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

47. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.18 of the Act.
48. The PCA must advise Council of the intended date to commence work which is the subject of the consent, by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
49. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
  - a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b) The notice shall be given seven (7) days prior to the commencement of work.
50. In the event the development involves 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.

### **Site Notice Board**

51. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- (a) The name, address and telephone number of the principal certifying authority for the work; and
- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Unauthorised entry to the premises is prohibited.

### **Environmental Management**

52. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site, specifically with regard to the operation of the adjoining school and times of peak or sensitive use, including during exams periods. The developer is required to consult with the school to this effect, and provide evidence of agreement to negotiated times and periods of construction.
- (b) Measures to suppress odours and dust emissions;
- (c) Selection of traffic routes to minimise residential noise intrusions;
- (d) Soil and sediment control measures;
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
- (f) Community consultation.

### **Traffic Control Plan**

53. Prior to commencement of works a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the RMS publication "Traffic Control at Worksites" and certified by an appropriately accredited RMS 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.

### **Demolition Works**

54. Demolition works shall be carried out in accordance with the following:

- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be

employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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

#### **Matters to be addressed prior to commencement of Subdivision Works**

55. Work on the subdivision shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

#### **Street Lighting**

56. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards. The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

#### **Dilapidation Report**

57. Prior to the Commencement of Works, a dilapidation report of all infrastructure fronting the development in Seventeenth Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 80m either side of the development.

#### **Sediment & Erosion Control**

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

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

### **Facilities**

59. 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*.

### **Site Facilities**

60. 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.

### **Waste Classification**

61. 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).

### **Notification of Service Providers**

62. 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.

## **D. DURING CONSTRUCTION**

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

### **Building Compliance**

- 63. 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.
- 64. The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works.
- 65. 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.

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

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

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

### **Security Fence**

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

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

### **Demolition Inspections**

- 69. The following inspections are required to be undertaken by Council in relation to approved demolition works:
  - a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

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

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

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

### **Demolition of Septic Tank and Effluent Disposal Area**

- 70. Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

Any septic tank, collection well or aerated waste water treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website ([www.health.nsw.gov.au](http://www.health.nsw.gov.au) ).

### **Construction Requirements**

- 71. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or construction activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
- 72. 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.
- 73. 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.
- 74. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:
- 75. 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.

76. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.
77. 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.

### **Traffic Management**

78. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Interim Guide to Signs and Markings.
79. 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.
80. Notice must be given to Council's Traffic and Transport 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 to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
81. 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.

### **Site Remediation Works**

76. Remediation and validation works are to be carried out in accordance with the recommendations in the Remediation Action Plan prepared by Benviron Group dated February 2018 ref: E1292-3 Rev0.

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination and any required remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Note: Cap and contain onsite shall not be used as a preferred remediation strategy within Liverpool City Council.

### **Contamination**

77. 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).

78. 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.

79. 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.

### **Major Fill / Earthworks**

80. 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.

### **Soil Testing - Subdivision**

81. Soil Testing is to be carried out to enable each lot to be classified according to AS 2870 "Residential Slabs and Footings".
82. Subdivision works and activities shall adhere to the recommendations outlined in the approved Salinity Assessment prepared for the site.

### **General Site Works**

82. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
83. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
84. 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.
85. 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.
86. 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.
87. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
88. All 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.
89. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
90. 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.

### **Construction Noise**

91. 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.
92. 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.

### **Waste**

93. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
94. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **Waste Management Plan**

95. 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.

### **Car Parking Areas**

96. 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.

### **Termite Protection**

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

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

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

### **Ventilation**

98. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

### **External**

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

100. The mailboxes are to be consistent with the design and colours and materials for the development.

101. 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.

102. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

103. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

### **Graffiti**

104. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

### **Front fence and boundary fencing**

105. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

### **Display of Street Numbers**

106. Street/address number must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit.

### **Security and Safety**

107. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
108. Cameras are required to be installed covering the entrance and exit and main areas of the car park.
109. The underground car park is required to be locked with access to be provided to residents only.
110. Windows in the building above the ground level are to be fitted with devices to be locked at 12.5cm.

### **Vegetation**

111. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
112. 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.
113. 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.
114. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
115. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

### **Street Trees**

116. The street trees to be used can be any or all of the following in the locations as shown on the approved plans are;
  - Eleocarpus reticulatus (Blue Berry Ash)
  - Fraxinus griffithii (Evergreen Ash)
  - Tristianopsis Laurina ( Luscious Water Gum)

### **Footpaths**

117. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential access roads and both sides of all collector and distributor roads.

### **Aboriginal and European Heritage**

118. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

119. If Aboriginal object/s are identified during works, then all works in the immediate area must cease and the area secured. The Office of Environment and Heritage must be notified by ringing the Enviroline 131 555. No works are to commence until authorisation has been received from the Office of Environment and Heritage and the appropriate permits have been obtained.

120. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

121. Copies of all Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.

### **Waste Storage Area**

122. Any bin bays must be:

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

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

## **F. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR RESIDENTIAL FLAT BUILDINGS**

**The following conditions are to be complied with or addressed prior to issue of a Occupation Certificate by Council:**

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

- 123. 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.
- 124. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

This includes the provision of street trees, street signs, roadworks and linemarking and signage, which must be erected on-site, consistent with the existing Fifth Avenue, and those approved by the Geographical Names Board of NSW, for the proposed roads as follows;

- Half Road – Selale Street

### **Building Compliance**

- 125. 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*.
- 126. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
- 127. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within each building must be submitted to Council with the *Occupation Certificate*.

128. 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.
129. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, in relation to *residential building work*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

### **Access Report**

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

### **Design Verification Statement**

131. 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.

### **BASIX**

132. 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

### **Site Contamination Validation Report**

133. After completion of the subdivision works, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. This Report shall be prepared in accordance with Guidelines for Consultants Reporting on Contaminated Sites produced

by Office of Environment and Heritage, and must confirm the site is suitable for the proposed use as per State Environmental Planning Policy 55.

### **Recommendations of Acoustic Report**

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

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

135. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the temporary on-site detention 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.
136. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the temporary turning head on the adjoining site, 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 Council's Design and Construction Guidelines and Construction Specification for Civil Works.

137. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system, stormwater pre-treatment system and the 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 Council's Design and Construction Guidelines and Construction Specification for Civil Works.

138. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the garbage compaction unit to be maintained in perpetuity, 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 Council's Design and Construction Guidelines and Construction Specification for Civil Works.

139. Prior to the issue of an Occupation Certificate, 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 on 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.

### **Basement Pump-out System**

140. 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.

### **Roadworks**

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

### **Rectification of Damage**

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

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

### **Dilapidation Report**

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

### **Service Providers**

144. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
145. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.

146. 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

### **Landscaping**

147. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, 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.

### **BASIX**

148. 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.

### **Works as Executed**

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

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

### **Structural Engineer Certificate**

150. A Structural Engineer's construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

### **Stormwater Compliance**

151. Prior to the issue of an Occupation Certificate the PCA shall ensure that the on-site detention system, stormwater pre-treatment systems and the basement carpark pump-out system:

- (a) Has been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;

- (b) Has met the design intent with regard to any construction variations to the approved design; and.
- (c) Any remedial works required to be undertaken have been satisfactorily completed.

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

### **Mechanical Ventilation Certification**

- 152. Prior to the issue of an Occupation Certificate (Interim or Final), a certificate shall be submitted to the Principal Certifying Authority, certifying that:
  - a. The mechanical ventilation exhaust system has been installed in accordance with Australian Standard AS1668 Part 1 and 2.
  - b. The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics – Description and Measurement of Environmental Noise).

### **Garbage Services**

- 153. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the dwellings as well as serving requirements. These waste/garbage bins are to be kept within the curtilage of each dwelling, except before and after collection days.

### **Dilapidation Report**

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

## **G. GENERAL CONDITIONS**

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

### **Car Parking / Loading**

- 155. Any rectification works in the public roads will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.
- 156. The off street car parking spaces must be maintained as approved, and spaces must be designed and signposted/mark for the specific use of persons with a disability.

- 157. All parking areas shown on the approved plans must be used solely for this purpose.
- 158. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
- 159. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

### **Landscaping**

- 160. 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.

### **Mail-boxes**

- 161. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
- 162. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

### **Noise and Environmental Emissions**

- 163. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

### **Waste Management**

- 164. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
- 165. Waste bins must be stored in designated garbage areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
- 166. Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected and returned as soon as possible after collection by the same persons.
- 167. The garbage compaction unit is to be maintained in operational order in perpetuity.
- 168. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.

169. The development is required to be serviced by a waste collection contractor, twice in any one week.

### **Washing on Balconies**

170. 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.

### **Landscaping**

171. 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.

172. Front fence designs to any of the lots must not exceed 1.1m in height as approved on landscape plans.

### **Waste Storage Area**

173. Waste bins must be kept within the curtilage of each building. Bins must not be stored or allowed to overflow into landscaped areas or the rear lanes, must not obstruct the entry/exit of the driveway, and must not leave the site onto neighbouring, public or private properties.

### **Temporary Turning Head**

174. The temporary turning head shall remain in place until such time as the continuation of roads have been provided.

## **H. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2, 8.3, 8.4 & 8.5 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 8.7 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 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.

- d) In accordance with Section 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) The Planning Assessment Commission has not, conducted a review of the application.
- f) These conditions are imposed to control development, having regard to 4.15 of the Environmental Planning and Assessment Act 1979.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

- k) 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 7.11 Payment Form

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

#### Liverpool Contribution Plan 2014 Austral and Leppington North

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

**These figures have been calculated to the CPI March 2019 Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

**APPLICATION NO.:** DA-43/2018

**APPLICANT:** GM ARCHITECTS PTY LTD

**PROPERTY:** 185 FIFTH AVENUE, AUSTRAL  
LOT 1115 DP 2475

**PROPOSAL:** Demolition of existing structures and removal of all vegetation, the construction of four x part 3 and 4-storey residential flat buildings containing 162 residential apartments, basement carparking, landscaping, and road construction and civil works.

Facilities	Amount (\$)	Job No.
<b>Liverpool Contributions Plan 2014 (Austral and Leppington North)</b>		
Community Facilities – Land	?	GL.3011210001870.10190
Local Recreation – Land	?	GL.3011210001869.10191
Local Recreation - Works	?	GL.3011210001869.10192
Local Transport Facilities – Land	?	GL.3011210001865.10193
Local Transport Facilities - Works	?	GL.3011210001865.10194
Local Drainage Facilities - Land	?	GL.3011210001866.10195
Local Drainage Facilities - Works	?	GL.3011210001866.10196
Administration	?	GL.3011210001872.10197
<b>TOTAL</b>	<b>\$4,830,000.00</b>	

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

##### **RECORD OF PAYMENT**

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

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