

Recommended Conditions of Consent 2018SSW009 (DA-108/2018)

ABBREVIATIONS

1% AEP Flood	The 1 in 100 year flood
AEP	Annual Exceedance Probability
AS	Australian Standard
BCA	Building Code of Australia
CC	Construction Certificate
Council	Liverpool City Council
DECCW	Department of Environment and Climate Change and Water
EPA Act 1979	<i>Environmental Planning and Assessment Act 1979</i>
EPA Regulation 2000	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EMP	Environmental Management Plan
LLEP 2008	Liverpool Local Environmental Plan 2008
LDCP 2008	Liverpool Development Control Plan 2008
LPI Service	Land and Property Information Service
NCC	National Construction Code
NZS	New Zealand Standard
OC	Occupation Certificate
SC	Subdivision Certificate
PCA	Principal Certifying Authority
POEO Act 1997	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-108/2018, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Site/proposed easement substation plan	17_043 DA-A-010	A	05/02/2018	Smith & Tzannes
Demolition & Site Management Plan	17_043 DA-A-050	A	05/02/2018	Smith & Tzannes
Level C1 Basement	17_043 DA-A-100	A	05/02/2018	Smith & Tzannes
Level 0 (Ground)	17_043 DA-A-101	E	29/06/2018	Smith & Tzannes
Level 1	17_043 DA-A-102	E	29/06/2018	Smith & Tzannes
Level 2	17_043 DA-A-103	E	29/06/2018	Smith & Tzannes
Level 3	17_043 DA-A-104	E	29/06/2018	Smith & Tzannes
Level 4	17_043 DA-A-105	E	29/06/2018	Smith & Tzannes
Roof	17_043 DA-A-106	A	05/02/2018	Smith & Tzannes
Adaptable unit plans	17_043 DA-A-150	A	05/02/2018	Smith & Tzannes
North (Street) Elevation	17_043 DA-A-200	D	29/06/2018	Smith & Tzannes
East & West Elevations	17_043 DA-A-201	D	29/06/2018	Smith & Tzannes
South Elevation	17_043 DA-A-202	D	29/06/2018	Smith & Tzannes
Section (1)	17_043 DA-A-203	A	05/02/2018	Smith & Tzannes
Section (2)	17_043 DA-A-204	A	05/02/2018	Smith & Tzannes
Section (3)	17_043 DA-A-205	C	29/06/2018	Smith & Tzannes
Materials and Finishes	17_043 DA-A-902	B	29/06/2018	Smith & Tzannes

(b) Erosion and Sediment Control Plan

Description	Project No.	Drawing No.	Revision No.	Date	Prepared by
Sediment Erosion and Control Plan	20 10175 01	C005	P2	Oct 2017	Bonacci Group (NSW) Pty Ltd
Sediment Erosion and Control Details	10175 01	C006	P2	Oct 2017	Bonacci Group (NSW) Pty Ltd

(c) Landscape Plan

Description	Project No.	Drawing No.	Revision No.	Date	Prepared by
Landscape Plan Level 0	17_009	LC01	G	20/01/18	Stitch Design Studio
Landscape Plan Level 4	17_009	LC03	D	22/01/18	Stitch Design Studio
Proposed Planting Level 0	17_009	LC02	D	22/01/18	Stitch Design Studio

(d) Reports

Description	Reference No.	Date	Prepared by
Acoustic Report	17SYA0038 R01_2	23/01/2018	TTM Consulting Pty Ltd
Waste Management Plan	--	23/01/2018	Elephants Foot Recycling Solutions
Demolition and Construction Waste Report	--	11/12/2017	Low Impact Development Consulting
Preliminary Contamination Assessment	26191	March 2017	Ideal Geotech
Preliminary Flood Advice	J703_R1	29/03/17	FloodMit Pty Ltd
Geotechnical Assessment	26192	March 2017	Ideal Geotech
Access Review	--	21/01/2018	Morris Goding Accessibility Consulting
BCA Capability Statement	D2017-045	21/01/18	Technical Inner Sight
Traffic and Parking Impact Assessment	17-091	January 2018	Stanbury Traffic Planning
ESD Report	--	22/01/18	Northrop
Aboriginal Impact Assessment	88-92/ELI/AIA/B	24/01/18	Tree iQ
Civil and Stormwater Concept Strategy Report	10175	25/01/18	Bonacci Group (NSW) Pty Ltd

(e) BASIX certificate number 846158M

Amended Landscape Details

- Details and specifications are to be provided for all aspects of the landscaping design including for each shrub and ground cover species/grouping that was not detailed on the Council Landscaping Concept Plan approved by Council. The amended details shall be submitted to the satisfaction of Council's Manager of Development Assessment.

Sectional Drawing

- A sectional drawing at a scale of 1:20 of the front elevation wall with all materials, brickwork, and edging details shall be submitted to the satisfaction of Council's Manager of Development Assessment.

Substations

4. 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).

Conditions issued by NSW RMS

5. All conditions issued by the NSW RMS, pursuant to S138 of the *Roads Act 1993* shall be complied with prior, during, and at the completion of construction, as required in accordance with their correspondence dated 14 June 2018. A copy of the correspondence is attached to this decision notice.

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

7. 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.

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*.

8. 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

9. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$135,508**.

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

Construction Certificates

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

BCA Compliance

11. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
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 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Notification

14. The certifying authority must advise Council, in writing of:

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

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

Cladding

- 15. 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 Principal Certifying Authority (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.

Fire Safety Measures

- 16. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

Accessibility

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

Recommendations of the Acoustic Report

- 18. The noise control recommendations as stipulated within the approved Acoustic Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.
- 19. Documentary evidence is to be provided to the satisfaction of PCA to demonstrate that appropriate measures are to be taken to ensure that the following LAeq levels are not exceeded as specified within Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- 20. 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 Report 'Noise Assessment – Development Application Phase Proposed Residential Development 88-92 Elizabeth Drive, Liverpool. (Report Reference. 17SYA0038 R01_2 FINAL Acoustic Report) prepared by TTM Group dated 23 January 2018.

Retaining Walls on Boundary

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

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

On-site Detention

22. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Bonacci Group Pty Ltd, reference 201017501, revision P4, dated 22/01/2018.

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

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

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

Stormwater Discharge – Basement Car parks

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

No Loading on Easements

24. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

Water Quality

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

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

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

26. On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link

Access and Manoeuvring

27. 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.

Provision of Services

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

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

29. 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.
30. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

Design Verification Statement

32. 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.

Construction Traffic Management Plan

33. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for review. Works within the road reserve shall not commence until the traffic management plan has been approved.
34. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Garbage Services

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

C. PRIOR TO WORKS COMMENCING

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

Building/Compliance

36. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 6.1 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
37. Prior to the commencement of any building works, the following requirements must be complied with:
 - a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - d) a Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.
38. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

Hoarding

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

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must

be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

40. 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.

Site Facilities

41. 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.
42. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders’ wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

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

Demolition Works

44. Demolition works shall be carried out in accordance with the following:
- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
 - b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
 - c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Notification of Service Providers

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

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

Dilapidation Report

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

Waste Classification

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

Sediment and Erosion Control Measures

48. 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".
49. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Traffic Management Plan

50. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.

51. 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.
52. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
53. 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.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Building Inspections

54. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
55. 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.
56. 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.

57. 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.
58. 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.

Security Fence

59. 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

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

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

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

Hours of Construction Work

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

Construction Noise

63. 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;
64. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

Car Parking Areas

65. 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 the LDCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
66. All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.
67. The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Traffic Management

68. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
69. 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.
70. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

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

General Site Works

72. 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.
73. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
74. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
75. 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.
76. 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.
77. 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.
78. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
79. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
80. 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.

Major Filling/ Earthworks

81. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
82. The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

External

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

84. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

Contamination

85. 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).
86. 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.
87. 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.
88. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Site Remediation Works

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

Crime Prevention Through Environmental Design

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

Waste Management Plan

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

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

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Building/Compliance

92. 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.
93. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
94. 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.

Affordable Rental Housing

95. Prior to the issue of the Final OC, a restriction shall be registered, before the date of the issue of the Final OC, against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), that will ensure that:
- (a) For 10 years from the date of the issue of an OC:
 - i. The development is used for the purposes of affordable housing; and

- ii. The development shall be managed by a registered not-for-profit community housing provider.

Accessibility

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

Landscaping

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

Roads Act/ Local Government Act

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

Works as Executed

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

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

Stormwater Compliance

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

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

Restrictions on Title

101. Prior to the issue of an OC, a restriction as to user and positive covenant relating to the on-site detention system, stormwater pre-treatment systems, overland flow path works and basement carpark pump-out system shall be registered on the title of the property.

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

Compliance with the Recommendations of the Acoustic Assessment Report

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

Design Verification Statement

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

Traffic

105. Signage must be placed at the driveway entrance advising that parking is for 'resident vehicles only'.
106. Adaptable unit car bay shared zones should remain as common strata and are kept clear at all times and are associated with the adaptable unit car bays at all times.
107. The approach to the accessible car bay should not have vertical clearance of less than 2.2m and height clearance of 2.5m at adaptable unit car bays compliant with AS2890.6.

BASIX

108. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Redundant Laybacks

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

Rectification of Damage

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

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

Landscaping

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

Garbage Services

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

- The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.
- The restriction as to user may not be extinguished or altered except with the consent of Liverpool Council.

113. The developer/owner of the site is to contact Liverpool Council - Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

Washing on Balconies

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

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

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

Pump-out System

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

Service Providers

116. The following documentation is to be provided prior to the release of the Occupation Certificate.
- a) Written evidence (Section 3.21 Certificate) is to be submitted to the PCA.
 - b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
 - c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Footpaths

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

Dilapidation Report

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

Lot Consolidation

119. All separate lots (being Lot 1 DP 26047, Lot 3 DP 414352 and Lot B DP 391258) shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office.

F. GENERAL CONDITIONS

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

Affordable Rental Housing

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

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

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

Rooftop Communal Open Space

121. All occupants of both residential flat buildings shall have access to the rooftop communal open space area.

Parking Requirements

122. Parking spaces shall be allocated as follows:

- (a) 25 car parking spaces for residents of both buildings (including 5 accessible spaces) are to be provided.

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

124. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
125. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
126. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

Landscaping

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

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

Noise and Environmental Emissions

128. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
129. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
130. 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

131. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
132. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
133. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
134. A separate storage area is to be allocated for the holding of bulk waste prior to collection.
135. Any bin bays must be:

- (a) 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;
- (b) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - A phone number for arranging disposal of bulky items;
 - Maximum compaction ratio is 2:1

Graffiti

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

Washing on Balconies

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

Council's Infrastructure

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

G. ADVISORY

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

- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building
- i) "DIAL BEFORE YOU DIG" DIAL 1100

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

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

- n) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

Yours sincerely,

ATTACHMENT 2: SECTION 7.11 PAYMENT FORM

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

Liverpool Contribution Plan 2009

Note to the applicant:

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

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

APPLICATION NO.: DA-108/2018

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Whitlam Centre Extensions	\$6,724	GL.10000001869.10110
Central Library Extensions	\$4,563	GL.10000001870.10112
Powerhouse	\$3,851	GL.10000001870.10114
District Community Facilities	\$6,076	GL.10000001870.10099
District Recreation	\$22,532	GL.10000001869.10093
Local Recreation	\$90,130	GL.10000001869.10103
Administration	\$1,631	GL.10000001872.10104
TOTAL	\$135,508	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

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

ATTACHMENT 3: CONDITIONS ISSUED BY NSW RMS



Transport
Roads & Maritime
Services

14 June 2018

Our Reference: SYD18/00378/01 (A22681338)
Council Ref: DA-108/2018

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Maya Elnazer

Dear Sir/Madam,

CONSTRUCTION OF RESIDENTIAL FLAT BUILDING - 88-92 ELIZABETH DRIVE, LIVERPOOL

Reference is made to additional information from Angus Nguyen (SGCH) dated 28 May 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for concurrence in accordance with Section 138 of the *Roads Act, 1993*.

Roads and Maritime has reviewed the additional information and would provide concurrence for the removal of the two redundant driveways and construction of new vehicular crossing on Elizabeth Drive under Section 138 of the *Roads Act 1993* subject to the following conditions being included in any consent issued by Council:

1. Roads and Maritime has previously resumed and dedicated a strip of land as road along the Elizabeth Drive frontage of the subject property, as shown by grey colour on the attached Aerial – "X".

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Elizabeth Drive boundary.

2. The removal of the existing vehicular crossings and design and construction of the new gutter crossing on Elizabeth Drive shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the reinstatement of kerb and gutter and proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to Suppiah.thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to: Suppiah.THILLAI@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. The existing "Bus Zone" signage shall not be impacted by the proposed driveway.
6. The proposed development should be designed such that road traffic noise from Elizabeth Drive is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007*.
7. In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.
8. All vehicles are to enter and leave the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Elizabeth Drive.
10. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Elizabeth Drive during construction activities.
11. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

Roads and Maritime has the following comments for Council's consideration in the determination of the application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS2890.6-2009.

2. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
3. The subject site is located within an area currently under investigation for strategic transport corridors between the Western Sydney Airport, the Western Sydney Priority Growth Area and the Liverpool City Centre. The strategic transport corridor studies under investigation are trying to address capacity demands and constraints for transport efficiency and reliability, freight demand and bus services. The timing of the strategic transport corridor investigations along Elizabeth Drive is currently unknown, and will be subject to further investigation and community consultation in future.

Any inquiries in relation to this Application can be directed to Malgy Coman on 8849 2413 or development.sydney@rms.nsw.gov.au.

Yours sincerely



Rachel Cumming
Senior Manager Land Use Assessment
North West Precinct

