

## RECOMMENDED CONDITIONS OF CONSENT 2018SSW020

### **PART 1**

#### **DEFERRED COMMENCEMENT**

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

1. The proposal be amended to include a two-level verandah addition to the north elevation of the Hotel as a mitigative measure to the impacts on the overall hotel form, its streetscape presence and on the Bigge Park Conservation Area that will result from the removal of the Northern Wing.

The two-level verandah is to respond to the existing in height width and form and fabric of the existing verandah but also be recognisable in close inspection as new work (eg a simplified balustrade cast iron pattern).

The verandah should start at a retained dividing wall at the end of the verandah on Bigge Street and return along on the northern façade at least up to the curved upper level window above the staircase.

2. The Costed Works Schedule should be revised to include an overall written approach and scope to the demolition, conservation and adaptive reuse works for the building to accompany the table in the document.
3. The width of the proposed stables precinct along the northern boundary of the development site is to be reduced by 1.2m.

## **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**

1. 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.

<b>Plan Name</b>	<b>Plan Number</b>	<b>Date</b>	<b>Issue</b>	<b>Prepared By</b>
Architectural Plans	DA000 to DA026 (excluding DA020), DA097 to DA124, DA150 to DA160, DA200 to DA203 DA250 to DA285	26.09.18	03	Fender Katsalidis
Demolition Plan	DA020	14.02.19		Fender Katsalidis

<b>Report name</b>	<b>Date</b>	<b>Reference</b>	<b>Prepared by</b>
Preliminary Site Investigation	29 June 2018	E23349.E01_Rev2	EI Australia
Environmental Wind Assessment	28 June 2018	Issue 01	ARUP
BCA Capability Statement	28 June 2018	N/A	Group DLA
Fire Engineering Statement	28 June 2018	602271-13	ARUP
Reflectivity Study	28 June 2018	N/A	ARUP
Operational Waste Management Plan	24 September 2018	18044	Elephants Foot

### **General Terms of Approval**

2. All General Terms of Approval issued by the Roads and Maritime Services shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 17 October 2018. A copy of the General Terms of Approval are attached to this decision notice.

### **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.

## **Compliance with the Environmental Planning and Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000**

4. The requirements and provisions of the Environmental Planning and 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.

### **Design Integrity Panel**

5. Any proposed modification to the approved plans which amends the approved design then the plans must be reviewed by the Design Integrity Panel prior to any determination of the modification.

### **Separate Application for Use**

6. This application does not approve the fit and or use of the commercial tower. A separate consent is to be obtained for the fit out and use.
7. This application does not approve the fit out and or use of the "New Stables" precinct. A separate consent is to be obtained for the fit out and use.
8. This application does not approve the use of the ground floor of the Commercial Hotel. A separate consent is to be obtained for the use.
9. This approval strictly excludes the use and any internal works for Levels 1 and 2 of the Heritage Listed Commercial Hotel. Prior to the issue of the relevant construction certificate an application for use and internal fit out of levels 1 and 2 must be submitted and approved by Liverpool City Council.

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

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

### **Heritage Conditions**

10. Prior to the issue of the relevant Construction Certificate a full photographic archival recording is to be prepared. Two copies of the archival recording along with an electronic copy is to be submitted to Liverpool City Council. The photographic archival recording is to be undertaken by a suitably qualified heritage consultant.
11. Prior to the issue of the relevant CC, measures to protect the heritage item during demolition, excavation and construction are to be development and certified by a qualified structural engineer. Evidence of the certification are to be provided to the Manager of Development Assessment.

### **Design Integrity Panel**

12. Prior to the issue of the relevant Construction Certificate the Design Integrity Panel is to be engaged to review the final Construction Certificate documentation. The engagement of the Design Integrity Panel is to be at the full cost of the developer and any recommendations of the Design Integrity Panel is to be adhered too.

### **Dilapidation report**

13. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Scott and Bigge Street 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 20m either side of the development.

### **Fee Payments**

14. 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*.

15. 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 7.12 PAYMENT (Liverpool Contributions Plan 2018 Liverpool City Centre)**

16. 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 2018 Liverpool City Centre

The total contribution is **\$3,197,679** 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 (Attachment 2). Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney).

### **BCA Compliance**

17. Building work shall not commence prior to the issue of the relevant Construction Certificate. Building work as defined under Section 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.
18. 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 the relevant 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.
19. 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).
20. Detailed Architectural plans prepared by a suitably qualified person are to be submitted for certifier approval prior to the issue of the relevant Construction Certificate. All aspects of construction must comply with the performance requirements of the National Construction Code (NCC). The plans must include all requirements as noted from the Design Integrity Panel for the design of the building. The plans must match those submitted as detailed in the Architectural package for Development Approval (DA).

### **Landscape Plans**

21. Detailed Landscape Architectural (Public Domain) plans prepared by a suitably qualified person are to be submitted to a certifier prior to the issue of any Construction Certificate. The detailed Landscape Plans are to incorporate:
  - Each tree planted on podium must be provided with a soil depth of at least 1000mm plus mulch of 100mm plus drainage material
  - Each tree planted on podium must be provided with a soil volume of at least 15m<sup>3</sup>
  - Each tree within the public domain must finish flush or set down to accommodate passive irrigation requirements

- Each tree within the public domain must have either tree grate, decomposed granite finish or groundcover planting installed within the tree surrounds (1.5 x 1.5m zone at the tree base)
- Public domain trees and planting require sub-surface drip irrigation connected to a timer and two water sources
- Fixed public domain seating is to be constructed from concrete and timber
- Public domain paving shall be designed to provide passive irrigation to planting areas – with fall orientated towards planting and trees
- Planter boxes shown on the plans and sections are to be replaced with in-ground planting of ground covers and native grasses
- All requirements from the Design Integrity Panel are addressed and included for the building and plaza design

### **Fire Safety Measures**

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

### **Accessibility**

23. 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

### **Notification**

24. 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.

### **Work in the Public Road**

25. Prior to the issue of the relevant Construction Certificate, a Section 138 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:

Vehicular crossings (including kerb reinstatement of redundant vehicular crossings), Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or 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.

### **Retaining Walls on Boundary**

26. All retaining walls shall be of masonry or concrete 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.
27. 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.

### **Water Quality**

28. Prior to the issue of the relevant 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 with Council's Development Control Plan.

The Construction Certificate must be supported by:

1. Specification & installation details of the stormwater pre-treatment system
2. 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.

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

29. Prior to the issue of the relevant 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.

### **Construction Traffic Management Plan**

30. 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 for review.

### **Provision of Services - Roads & Transport**

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

### **Road Safety Audit**

32. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the relevant Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

### **Stormwater Concept Plan**

33. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Enstruct Group Pty Ltd, reference number (5674), revision (01), dated (27.06.18).

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

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

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

### **Stormwater Discharge**

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

### **Provision of Services**

35. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

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

36. 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.



37. Prior to the issue of the relevant Construction Certificate, the PCA 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.

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.

### **Landscaping**

39. Details relating to individual species placement and quantities, consistent with the Council approved Concept Landscape Plan, are to be approved by Council prior to the release of the relevant Construction Certificate.

### **Traffic**

40. 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, which is 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.

### **Waste Management**

41. Collection of waste and recycling must be provided and integrated with the design of the development. The development must comply with the approved Waste Management Plan, as stipulated in Condition 1.

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

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

### **Craning Activity**

42. Prior to any construction work commencing a crane application and a crane management plan is to be submitted and approved by the The Australian Government Department of Infrastructure, Regional Development and Cities.

### **Provision of Services - Street Lighting**

43. The applicant shall upgrade the street lighting system for the frontage of the development including side streets. Any street light poles shall be multifunction poles including all necessary accessories. The specification and accessory details are to be obtained from Council. The applicant shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical designs and obtain certification from Endeavour Energy. The electrical design shall include undergrounding / maintaining underground services and communication cables for the entire frontage including side streets. The approved design shall be submitted to Council for review and approval prior to any construction works.

### **Building Compliance**

44. Where this consent requires both civil engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.
45. 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.

## **Sediment & Erosion Control**

46. 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.

## **Site Notice Board**

47. 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) name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - b) name, address and telephone number of the *Principal Certifying Authority*
  - c) a statement stating that 'unauthorised entry to the work site is prohibited'.

## **Facilities**

48. 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*.
49. 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.

## **Construction Requirements**

50. 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.
51. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

## **Waste Classification**

52. 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**

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

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

## **Demolition Works**

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

## **Detailed Site Investigation and Remedial Action Plan**

55. Prior to any construction work commencing and following the demolition of the approved structures to be demolished the applicant is to engage a suitably qualified land contamination consultant to undertake a Detailed Site Investigation of the entire development site. Once a detailed site investigation has been undertaken a remedial action plan (RAP) is to be prepared if required. All detailed site investigations and remedial action plans are to be submitted to Liverpool Council for review and approval. No construction is to commence until formal advice is provided by the Manager of Development Assessment stating that this condition has been satisfied. Any recommendations of the detailed site investigation and RAP prepared and approved must be adhered to at all times for the life of the development.

## **D. DURING CONSTRUCTION**

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

### **Building Compliance**

56. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

### **Identification Survey Report**

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

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

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

### **Demolition Inspections**

58. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building 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.

### **Excavation Works**

59. 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**

60. 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.

### **Waste Management Plan**

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

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

### **Construction Noise**

62. 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.
63. 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.

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

64. 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, 7:00am to 3:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Drainage Connection**

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

### **Termite Protection**

66. To protect the new buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the 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.

### **Car Parking Areas**

67. 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.

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.

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.

### **Contamination**

72. 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).
73. 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.
74. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The source (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.

### **Site Remediation Works**

75. Any new information which comes to light during 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 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Air Quality**

76. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
77. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil



is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

78. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **General Site Works**

79. 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.
80. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
81. 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.
82. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
83. 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.
84. 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.

85. 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.

### **Ventilation**

86. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
87. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

88. The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

### **Pollution Control**

89. 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.
90. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
91. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
92. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
93. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
94. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### **Earthworks / Filling**

95. 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.

### **External**

96. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
97. 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.
98. The windows of all bathrooms, W.C. and en-suites shall be fitted with translucent/ obscure glazing, and all stair-well windows shall be fixed and are to be provided with obscured/frosted glazing, to the satisfaction of the PCA.

### **Display of Street Numbers**

99. 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.

### **Vegetation and Landscaping**

100. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
101. 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.
102. 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.
103. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

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

104. 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; and
  - (c) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting.

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

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

### **Design Integrity Panel**

105. Prior to the issue of the relevant Occupation Certificate the Design Integrity Panel is to be engaged to review the final development. The engagement of the Design Integrity Panel is to be at the full cost of the developer and any recommendations of the Design Integrity Panel is to be adhered too.

### **Bollards**

106. Appropriately designed bollards are to be constructed and installed at the southern end of the entry driveway of the basement to prevent conflicts with vehicles and pedestrians.

### **Fire Safety Certificate**

107. 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.

### **Cladding**

108. 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.

### **Paving**

109. Periphery Type/ Core Type paving is to be installed along the entire (insert street name/s) frontage/s, as part of this development, in accordance with the Liverpool CBD Street Tree and Landscape Strategy and, The Liverpool CBD Streetscape and Paving Guidelines.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

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

### **Building Compliance**

110. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
111. 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.
112. 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.

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

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

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

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

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

### **Stormwater Compliance**

115. Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority shall ensure that the works:
1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
  2. Have met the design intent with regard to any construction variations to the approved design, and
  3. Any remedial works required to been undertaken have been satisfactorily completed, for the following:
    1. On-site detention system/s,
    2. Stormwater pre-treatment system/s,
    3. Overland flowpath works,
    4. Flood control works, and/or
    5. Basement Carpark pump-out system. Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

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

116. Prior to the issue of the relevant Occupation Certificate a restriction as to user and positive covenant relating to the following shall be lodged with the Land and Property Information so as to be on the title of the property:
1. On-site detention system/s,
  2. Stormwater pre-treatment system/s,
  3. Overland flowpath works,
  4. Flood control works, and/or
  5. Basement carpark pump-out system.

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.

### **Traffic**

117. Any required roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

### **Linemarking & Signage**

118. Prior to the issue of an Occupation Certificate, the installation of regulatory / advisory line marking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Note: Allow eight (8) weeks for approval by the Local Traffic Committee.

### **Accessibility**

119. 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 Standards – 1428.1 (2009) Design for Access and Mobility – General requirements for new building work, to satisfaction of the certifying authority.

### **Paving**

120. Liverpool City Centre 'Core (Bluestone) paving shall be installed, reinstated or replaced along the entire street frontage for both Bigge Street and Scott Streets.

### **Landscaping**

121. Upon completion of the approved landscape works associated with the development and prior to the issue of the relevant 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.

### **Service Providers**

122. The following documentation is to be provided prior to the release of the Occupation Certificate.
- a) Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the Occupation Certificate.
  - 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.

### **Site Contamination Validation Report**

123. After completion of the remedial works if required, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
- (a) describe and document all works performed;
  - (b) include results of validation testing and monitoring;
  - (c) include validation results of any fill imported on to the site;

- (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
- (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

#### **Rectification of Damage**

124. 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 Scott and Bigge Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

#### **Waste Transfer System**

125. Prior to the issue of the relevant OC for the use of the hotel ground floor the applicant must demonstrate to the manager of development assessment that an appropriate method or system has been developed for the transfer of waste from the ground floor of the hotel or that a waste collection solution has been arranged directly from the ground floor of the hotel with a waste removal company so that the waste generated does not need to go to the base of the tower.

#### **Public Art**

126. An element of the public art that is to be incorporated into the development is to incorporate a reference to indigenous heritage as well as post European heritage.

#### **Consolidation**

127. All separate lots must be consolidated.

## **F. GENERAL USE CONDITIONS**

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

#### **Landscaping**

128. 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**

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

## **Waste Management**

131. All waste products associated with the use of the development are to be placed in containers and stored within the building.
132. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
133. 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.
134. A separate storage area is to be allocated for the holding of bulk waste prior to collection.
135. The disposal of green waste shall be managed by a private contractor.
136. Any bin bay 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:
    - i. Only recyclable materials accepted by Council are to be placed within the recycling bins;
    - ii. A phone number for arranging disposal of bulky items;
    - iii. Maximum compaction ratio is 2:1.

## **Noise**

137. 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.

## **Car Parking**

138. A total of 69 off street car parking spaces must be provided for the development.
139. All parking areas shown on the approved plans must be used solely for this purpose.
140. 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.
141. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

## **Graffiti**

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



**Council's Infrastructure**

143. 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"

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) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or 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.
- m) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

## ATTACHMENT 2 – SECTION 7.12 PAYMENT FORM

### CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

#### Liverpool Contribution Plan 2018 (Liverpool City Centre)

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

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

**APPLICATION NO:** DA-507/2018

**APPLICANT:** Mackycorp Pty Ltd

**PROPERTY:** 277 Bigge Street & 11-23 Scott Street Liverpool

**PROPOSAL:** Construction of a 23 storey commercial building including the conservation and adaptive reuse of the existing heritage listed commercial Hotel, ground floor retail spaces and the demolition of existing structures.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>	
Georges River Foreshore	\$596,900	GL.10000001869.10105	
Pioneer Park	\$85,271	GL.10000001869.10105	
Apex Reserve	\$42,636	GL.10000001869.10217	
Georges River Pedestrian Crossing	\$106,589	GL.10000001869.10218	
Discovery Park	\$106,589	GL.10000001869.10219	
Community Facility Upgrade	\$255,814	GL.10000001870.10099	
Car parking	\$852,714	GL.10000001868.10108	
Access, bike facilities and bus priority	\$639,536	GL.10000001865.10220	
Peripheral Streetscape works	\$426,357	GL.10000001865.10221	
Footpath widening in City Centre	\$85,271	GL.10000001865.10222	
<b><u>TOTAL</u></b>	<b><u>\$3,197,679</u></b>		

## ATTACHMENT 3 – RMS General Terms of Approval



Transport  
Roads & Maritime  
Services

17 October 2018

Our Reference: SYD18/01179/02 (A24476658)  
Council Ref: DA 507/2018

The General Manager  
Liverpool City Council  
Locked Bag 7064,  
LIVERPOOL B.C., NSW, 1871

Attention: George Nehme

Dear Sir/Madam,

**CONSTRUCTION OF A 23 STOREY COMMERCIAL BUILDING INCLUDING ADAPTIVE  
REUSE OF THE EXISTING HERITAGE LISTED COMMERCIAL HOTEL –  
277 BIGGE STREET and 11-23 SCOTT STREET, LIVERPOOL**

Reference is made to Council's letter dated 26 September, 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed land use application. Roads and Maritime, however, recommend Council consider inclusion of the following conditions into any consent issued by Council in order to promote the orderly, safe and efficient operation of the local and regional road network:

1. All ingress/egress to/from the development (site) shall be from the rear of the property. Access is not permitted from Scott or Bigge Streets.
2. All vehicles are to enter and leave the site in a forward direction.
3. All vehicles are to be wholly contained on site before being required to stop.
4. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
5. A Road Occupancy Licence should be obtained from Roads and Maritime for any works that may impact on traffic flows on Bigge and Scott Streets during construction activities.
6. 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 prior to the issue of a construction certificate.

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |  
PO Box 973 Parramatta NSW 2150 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
8. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Bigge Street and Scott Street boundaries.

In addition to the above, Roads and Maritime provides the following advisory comments to Council for consideration in its determination of the development application:

1. The car parking provision is to be to Council's satisfaction.
2. Provision for building maintenance vehicles and removalists needs to be provided on-site.
3. Roads & Maritime Services has no approved proposal that requires any part of the subject property for road purposes.

If you have any further inquiries in relation to this development application Chris King would be pleased to take your call on 8849 2087 or e: [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

Yours sincerely



**Pahee Rathan**  
Senior Land Use Assessment Coordinator  
North West Precinct