**ATTACHMENT 1: RECOMMENDED CONDITIONS OF CONSENT**

**A. THE DEVELOPMENT**

**STAGED APPROVAL**

The conditions referenced in the below table apply to each stage of the development as identified.

|  |  |  |  |
| --- | --- | --- | --- |
| **Stage** | **Development works** | **Part Reference** | **Condition Reference** |
| 1 | Construction of basement and construction of Building 2 (northern building), with associated works | All Parts | All conditions |
| 2 | Construction of Building 1 (southern building), with associated works | All Parts | All conditions |

**Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans and reports listed below, except where modified by the undermentioned conditions.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plan Name** | **Plan Number** | **Rev** | **Date** | **Prepared By** |
| Streetscape Lucas Avenue | DA100 | C | 03/07/2020 | Studio Rhizome |
| Streetscape Harvey Avenue | DA101 | C | 03/07/2020 | Studio Rhizome |
| Streetscape McKay Avenue | DA102 | C | 03/07/2020 | Studio Rhizome |
| Architectural Roof Features | DA125 | A | 06/06/2018 | Studio Rhizome |
| Photomontage 01 | DA02 | C | 03/07/2020 | Studio Rhizome |
| Photomontage 02 | DA02a | C | 03/07/2020 | Studio Rhizome |
| Photomontage 03 | DA03 | C | 03/07/2020 | Studio Rhizome |
| Site Plan 01 | DA10 | C | 03/07/2020 | Studio Rhizome |
| Site Plan (BASIX) | DA11 | B | 03/07/2020 | Studio Rhizome |
| Demolition Plan | DA12 | C | 15/06/2019 | Studio Rhizome |
| Amalgamation Plan | DA14 | B | 06/06/2018 | Studio Rhizome |
| Sediment Control Plan | DA15 | C | 03/07/2020 | Studio Rhizome |
| Ground Floor Plan | DA16 | E | 03/07/2020 | Studio Rhizome |
| Ground Floor Plan (without landscaping) | DA16a | F | 03/07/2020 | Studio Rhizome |
| Level 01 – 03 Plan | DA17 | F | 03/07/2020 | Studio Rhizome |
| Level 4 Plan | DA18 | D | 03/07/2020 | Studio Rhizome |
| Roof Plan | DA19 | D | 03/07/2020 | Studio Rhizome |
| Visual Privacy | DA19a | B | 03/07/2020 | Studio Rhizome |
| Visual Privacy | DA19b | B | 03/07/2020 | Studio Rhizome |
| Car Park Level 1 | DA20 | E | 03/07/2020 | Studio Rhizome |
| Car Park Level 2 | DA21 | D | 03/07/2020 | Studio Rhizome |
| Communal Open Space | DA22 | B | 03/07/2020 | Studio Rhizome |
| Proposed Elevation 01 | DA24 | E | 03/07/2020 | Studio Rhizome |
| Proposed Elevation 02 | DA25 | E | 03/07/2020 | Studio Rhizome |
| Proposed Elevation 03 | DA26 | E | 03/07/2020 | Studio Rhizome |
| Proposed Elevation 04 | DA27 | E | 03/07/2020 | Studio Rhizome |
| Section A | DA28 | C | 03/07/2020 | Studio Rhizome |
| Section B | DA29 | C | 03/07/2020 | Studio Rhizome |
| Landscape Section 01 | DA30A | B | 03/07/2020 | Studio Rhizome |
| Landscape Section 02 | DA30B | B | 03/07/2020 | Studio Rhizome |
| Façade Sections | DA31 | B | 03/07/2020 | Studio Rhizome |
| Facade Sections | DA31a | A | 03/07/2020 | Studio Rhizome |
| Adaptable Units | DA32 | D | 03/07/2020 | Studio Rhizome |
| Materials & Finishes | DA33 | C | 03/07/2020 | Studio Rhizome |
| Solar & Cross Ventilation 01 | DA37 | F | 03/07/2020 | Studio Rhizome |
| Solar & Cross Ventilation 02 | DA38 | F | 03/07/2020 | Studio Rhizome |
| Solar & Cross Ventilation 04 | DA40 | F | 03/07/2020 | Studio Rhizome |
| SEPP AH Units Allocation | DA41 | B | 03/07/2020 | Studio Rhizome |
| Storage | DA42 | A | 03/07/2020 | Studio Rhizome |
| Plenum Detail | DA43 | A | 03/07/2020 | Studio Rhizome |
| Landscape Planting Plan 1 of 4 | L01/4 | C | 07/07/2020 | Michael Siu Landscape Architect |
| Landscape Planting Plan 2 of 4 | L02/4 | C | 07/07/2020 | Michael Siu Landscape Architect |
| Landscape Planting Plan 3 of 4 | L01/4 | C | 07/07/2020 | Michael Siu Landscape Architect |
| Plant Species Photographs | L04/4 | C | 07/07/2020 | Michael Siu Landscape Architect |
| Drainage Plan Sheets 1 - 8 | 1718-006 | B | 02/07/2020 | ACE Civil & Hydraulic Engineers |

|  |  |  |  |
| --- | --- | --- | --- |
| **Report Name** | **Date** | **Reference** | **Prepared By** |
| Affordable Housing Mix Information | 20/05/2019 | - | Studio Rhizome |
| Traffic Impact Statement and Car Parking Certification | July 2018 | Rev C | Safeway Traffic Management Solutions |
| Waste Management Plan | 15/08/2019 | - | Low Impact Development Consulting |
| Waste Management Plan Report | 12/08/2019 | - | Low Impact Development Consulting |
| ACM Inspection, ARCP, Waste Management Plan | 26/03/2019 | - | Jim’s Asbestos Removal |
| Preliminary Site Investigation | 02/06/2017 | 2868/ER-1-1 | Alliance Geotechnical |
| Geotechnical Desktop Report | 27/03/2018 | 2868-GR-1-2 | Alliance Geotechnical |
| Social Impact Comment | March 2018 | 16/007 Rev B | Studio Rhizome |
| Acoustic Assessment | 05/05/2017 | TJ187-01F02 | Renzo Tonin & Associates |
| Arboricultural Impact Assessment | 20/06/2017 | 17-128 | Advance Treescape Consulting |
| Natural Ventilation Letter | 23/07/2018 | WD120-02F01 (Rev0) | Windtech |
| Fire Engineering Statement | 12/11/2018 | CAN01 | Olsson Fire & Risk |
| Access Report | 16/08/2019 | - | Accessibility Solutions |
| BCA Compliance Report | July 2018 | 6672-Rev3.0 | AED Group |
| BASIX Certificate | 02/07/2020 | 833572M\_05 | Damian O’Toole Town Planning |

**Works at no cost to Council**

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

**Comply with EP&A Act**

1. 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.

**Prescribed condition**

1. In accordance with Section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the *National Construction Code*. Compliance with the Performance Requirements can only be achieved by:
2. Complying with the Deemed to Satisfy Provisions, or
3. 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).

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

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

**Fee Payments – Land Development**

1. 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:

1. 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,
2. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
3. 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 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

**Privacy Screens**

1. Prior to the issue of a Construction Certificate, amended plans detailing privacy screening to the western ends of the balconies of Unit 405 shall be submitted to the PCA for approval.

**Access**

1. 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.

**Substation**

1. Should a Pad-mount Electrical Substation be required and is required to be located outside the building envelope, the location and any associated fire separation walls must comply with Endeavour Energy Substation Design Instruction Document No SDI 104 (Current Version).

**Notification**

1. The certifying authority must advise Council, in writing of:
2. The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
3. The name and permit of the owner-builder who intends to do the work.

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

**Fire Safety - Cladding**

1. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards.  The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

**Products banned under the Building Products (Safety) Act 2017**

1. No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.

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

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

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

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

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

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

1. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of 1.5m footpath, kerb and gutter in McKay Avenue, Lucas Avenue and Harvey Avenue.

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

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

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

1. 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.
2. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
3. Off street access and parking complies with AS2890.1,
4. Sight Distance at the street frontage has been provided in accordance with AS 2890.1,
5. All cars can enter and exit the site in a forward direction
6. Detailed design plans for the access driveways and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Council’s Traffic and Transport Section for review and approval.

**Street Lighting**

1. An assessment of adequacy of existing street lighting along the frontage of development site is to be submitted to Council’s Traffic and Transport Section for review. A public lighting design brief in accordance with Council’s and Endeavour Energy specifications along all the roads fronting the development site should be submitted to Council Traffic and Transport Section for review if additional street lighting is required.

**Construction Environmental Management Plan**

1. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development’s construction phases, and include, where relevant, but not be limited to, the following:
2. Asbestos Management Plan;
3. Project Contact Information;
4. Site Security Details;
5. Timing and Sequencing Information;
6. Site Soil and Water Management Plan;
7. Dust Control Plan;
8. Waste Management Plan;
9. Incident Management Contingency; and
10. Unexpected Finds Protocol.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

**Construction Traffic Management Plan**

1. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council’s Traffic and Transport Section for approval prior to the issue of a Construction Certificate.

The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

1. All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.

**Recommendations of Acoustic Report**

1. The recommendations provided in the approved acoustic report titled Acoustic Assessment, report reference TJ187-01F02 prepared by Renzo Tonin & Associates dated 05/05/2017 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.  
  
*Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.*

#### **Mechanical Plant and Equipment**

1. To ensure the proposed mechanical ventilation units/plants do not create a noise nuisance, an appropriately qualified acoustic consultant is to be appointed to undertake a review on whether the selected units/plants will meet the relevant noise criteria.

Any recommendations provided in the acoustic review shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

*Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.*

**Retaining Walls on Boundary**

1. 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**

1. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by ACE Civil & Hydraulic Engineers, reference number 1718-06 Sheets 1 to 8, revision B, dated 02/07/2020.

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.

**Civil drawings**

1. Prior to the issue of a Construction Certificate all relevant plans shall be amended to include the following:
   1. Show Location of the emergency overflow weir for the proposed above ground On-site Stormwater Detention system;
   2. Show extents of pool type fencing and the provision of an access gate for maintenance purposes within the On-site Stormwater Detention area.
   3. Construction of a 1.5m wide concrete footpath along the entire frontages of the proposed development site.

**Stormwater Discharge – Basement Car parks**

1. 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.

**Easements**

1. Prior to the issue of a Construction Certificate, any redundant easements shall be extinguished.

**Water Quality**

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

The Construction Certificate must be supported by:

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

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

#### **Dilapidation report**

1. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in McKay Avenue, Lucas Avenue, and Harvey Avenue is to be submitted to Liverpool City Council.  The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 15m either side of the development.

**Dilapidation Report Private Property**

1. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the ‘zone of influence’ of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

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

**Provision of Services**

1. 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.

1. 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.
2. 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.

1. 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**

1. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

(a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);

(b) That the qualified designer has designed or directed the design of the subject development; and

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

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

**Crime Prevention Through Environmental Design**

1. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building and the Construction Certificate documentation.
2. Back to base alarm systems shall be installed;
3. Basement parking areas shall be painted a light colour;
4. CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
5. ‘Way finding’ signage should be utilised at all major interchanges such as lifts and stair wells;
6. 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
7. Access to the parking levels of the building shall be controlled via a security controlled device.

**C. PRIOR TO WORKS COMMENCING**

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

#### **Demolition Works**

1. Demolition works shall be carried out in accordance with the following:
2. 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,
3. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
4. The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW 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 SafeWork NSW requirements.

**Construction Certificates**

1. 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.

**Construction Certificate**

1. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 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.
2. Prior to the commencement of any building works, the following requirements must be complied with:
3. Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979,*
4. 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 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
5. 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,
6. A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
7. 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.

**Site Development Work**

1. 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.

**Traffic Control Plan**

1. Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 “Traffic Control Devices for Works on Roads” and the Roads and Traffic Authority’s publication “Traffic Control at Worksites” and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

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

**Notification of Service Providers**

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

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

#### **Hazardous Waste**

1. Details of the name, address and license details of the licensed asbestos contractor who will undertake the removal of all the asbestos construction materials must be submitted in writing to both Council and the Principal Certifying Authority.

**Waste Storage Area**

1. Any bin bays must be:
2. Provided with mechanical ventilation,
3. Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,
4. Provided with sufficient light to permit usage at night,
5. 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,
6. Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
   1. Garbage is to be placed wholly within the garbage bins provided,
   2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
   3. The area it to be kept tidy,

**Sediment & Erosion Control**

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

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

**Waste Classification**

1. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

**Environmental Management**

1. 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:
   1. Siltation fencing;
   2. Protection of the public stormwater system; and
   3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

**Waste Bins**

1. Prior to any work, including demolition or site clearing beginning on site, all domestic waste bins that have been issued by Liverpool Council to 61, 63 & 65 Lucas Avenue, 36 McKay Avenue and 31 Harvey Avenue, must be returned to Liverpool Council. Call Council on 1300 36 2170 to arrange for the removal of the domestic bins and so their removal can be noted.

**Waste**

1. If the existing properties have air-conditioning systems that are to be removed as part of the demolition works, then prior to the removal/demolition of those air-conditioning units, any refrigerants must first be extracted from these systems into an air-tight container by a licensed air-conditioning technician. This container and its contents must be sent to a facility licensed to destroy such compounds for safe and secure destruction. Documentary evidence that this has been completed (if air-conditioning systems are present) must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

**D. DURING CONSTRUCTION**

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

**Building Work**

1. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 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.
2. The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

**Excavation**

1. All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration.

In this regard, excavation of the site by use of pneumatic drill for the breaking of rock or any other vibrating equipment for excavation, is not permitted.

**Identification Survey Report**

1. 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.

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

**Site Works**

1. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
2. 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)
3. name, address and telephone number of the PCA
4. a statement stating that ‘unauthorised entry to the work site is prohibited”.

**Excavation**

1. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
2. protect and support the adjoining premises from possible damage from the excavation,
3. where necessary, underpin the adjoining premises to prevent any such damage, and
4. a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
5. 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.

**Toilet Facilities**

1. 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:
2. be a standard flushing toilet connected to a public sewer, or
3. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
4. be a temporary chemical closet approved under the *Local Government Act 1993*.

**Craning and Hoardings**

1. 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.
2. 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 or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

**Switchboards**

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

**Site Facilities**

1. 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.

**Security Fence**

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

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

**Hours of Construction Work**

1. 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.

**General Site Works**

1. 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.
2. 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.
3. 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.
4. 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.
5. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
6. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.

**Erosion and sediment control**

1. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
2. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

**Construction Noise and Vibration**

1. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the ‘Interim Construction Noise Guideline’ published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

**Complaints**

1. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and is to include the following:

* 1. the date and time, where relevant, of the complaint;
  2. the means by which the complaint was made (telephone, mail or email);
  3. any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  4. the nature of the complaint;
  5. any action(s) taken in response to the complaint, including any follow-up contact with the complainant;
  6. if no action was taken in relation to the complaint, the reason(s) why no action was taken; and
  7. allocate an individual “complaint number” to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

**Car Parking Areas**

1. 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**

1. 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.
2. 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.
3. 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.
4. 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**

1. 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).

**Fill**

1. Filling material must be limited to the following:
2. Virgin excavated natural material (VENM)
3. Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or
4. Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

**Record Keeping of Fill**

1. 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.

**Unidentified Contamination**

1. 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 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

**Environment**

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

**Major Filling/Earthworks**

1. 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.

**Demolition and Construction Waste**

1. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
2. The relevant approval documents regarding waste, being the Waste Management Plan prepared by LID Consulting, dated 15/8/2019 and the LID Consulting Waste Management Plan Report, dated 12/8/2019, must be adhered to in respect to the waste management of this project, except where modified by the DA Conditions. All supporting documentation (receipts, transport and tipping dockets) of waste/recycling/disposal methods used, is to be kept and must be produced upon the request of Council or any other authorised officer.
3. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder’s site bins and/or skips.
4. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

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

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

**Section 7.11 Payment**

1. 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 - Established Areas as amended.

The total contribution is **$214,711.00** and will be adjusted at the time of payment in accordance with the contributions plan.

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

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

**Certificates**

1. The premises shall not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
2. 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 occupational certificate.
3. 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.
4. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

**Outstanding Contributions**

1. Prior to the issue of any occupation certificate all outstanding section 7.11 contributions must be paid as required by condition 91. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

**Affordable Rental Housing**

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

*Terms of the Restriction on Use*

The restriction applies for ten (10) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. 552/2018 issued by Liverpool City Council.

The restrictions are:

1. A minimum of 28 apartments (units 001, 002, 004, 005, 009, 011, 015, 101, 102, 105, 108, 109, 111, 201, 203, 204, 209, 211, 213, 303, 305, 308, 312, 313, 401, 404, 412, 413) will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;
2. All recommendation that is used for affordable housing will be managed by a registered community housing provider;
3. Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and
4. Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.

**Fire Safety – Cladding**

1. 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.

**Landscaping**

1. 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.

**Crime Prevention Through Environmental Design**

1. Prior to the issue of an Occupation Certificate the following Crime Prevention Through Environmental Design principles are to be incorporated into the building:
2. Back to base alarm systems shall be installed;
3. Basement parking areas shall be painted a light colour;
4. CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
5. ‘Way finding’ signage should be utilised at all major interchanges such as lifts and stair wells;
6. 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
7. Access to the parking levels of the building shall be controlled via a security controlled device.

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

1. 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**

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

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

**Stormwater Compliance**

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

a) On-site detention system/s;

b) Stormwater pre-treatment system/s;

c) Basement Carpark pump-out system

* Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
* Have met the design intent with regard to any construction variations to the approved design.
* Any remedial works required to been undertaken have been satisfactorily completed.

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

**Restriction as to User and Positive Covenant**

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

a) On-site detention system/s;

b) Stormwater pre-treatment system/s; and

c) Basement carpark pump-out system

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

**Rectification of Damage**

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

Any rectification works within McKay Avenue, Lucas Avenue or Harvey Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

**Access and car parking**

1. Access driveways, aisle and car park, line markings and sign posting are to be delivered in accordance with the endorsed design plans. Disabled parking provision to comply with Australian Standards Part 6.

**Footpaths**

1. 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**

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

#### **Noise Management Plan**

1. A Noise Management Plan shall be prepared under the supervision of a suitably qualified acoustic consultant for the operation of the car park, driveway and associated areas. The Noise Management Plan shall be consistent with the recommendations of the Noise and Vibration Management Plan and must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by occupiers and visitors; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints.

The Noise Management Plan shall clearly specify responsibilities for managing noise and include a detailed list of steps taken to manage potential noise impacts. This documentation shall be submitted to the PCA and Council for review and approval prior to issue of an Interim or Final Occupation Certificate.

*Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.*

**Redundant Laybacks**

1. The redundant laybacks are to be removed and the kerb and gutter restored to the Councils standard.

**Design Verification Statement**

1. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

(a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);

(b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

**BASIX**

1. 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.

**Section 73 Sydney Water**

1. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation Certificate.

**Service Providers**

1. The following documentation is to be provided prior to the release of the Occupation Certificate.
2. Written evidence (Section 3.21 Certificate) is to be submitted to the PCA.
3. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
4. 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.

**Compliance with the Recommendations of the Acoustic Report**

1. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the Acoustic Report, titled Acoustic Assessment, report reference TJ187-01F02 prepared by Renzo Tonin & Associates dated 05/05/2017. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

**Display of Street Number**

1. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

**Garbage Services**

1. Prior to the issue of the Occupation Certificate, all necessary waste handling equipment including the bin tug/tractor and the bin lifter must be in place and able to be operated and all permanent fixed signage in the various bin storage areas must be installed. This excludes the waste bins themselves, which will be delivered to site later.

**Lot Consolidation**

1. All separate lots shall be consolidated. 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. This shall be provided to Council prior to the issue of any OC.

**F. CONDITIONS RELATING TO USE**

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

**Affordable Housing**

1. A minimum of 28 apartments (units 001, 002, 004, 005, 009, 011, 015, 101, 102, 105, 108, 109, 111, 201, 203, 204, 209, 211, 213, 303, 305, 308, 312, 313, 401, 404, 412, 413) are to be used for the purposes of affordable housing for 10 years from the date of issue of the OC. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.

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

*(a) Has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*

*(b) Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*

**Car Parking/Loading**

1. A total of **103** off street car parking spaces must be provided onsite. A minimumof **8** spaces must be designed and signposted/marked for the specific use of persons with a disability.
2. A minimum of 38 bicycle storage spaces should be provided on the site, and 6 of these shall be made available for visitors.
3. All parking areas shown on the approved plans must be used solely for this purpose.
4. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
5. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

**Graffiti**

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

**Waste Management**

1. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
2. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
3. 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.   
     
   Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate. Maximum compaction ratio is 2:1.

Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate.

Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:

1. Garbage is to be placed wholly within the garbage bins provided,
2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
3. The area it to be kept tidy,
4. A phone number for arranging disposal of bulky items, and
5. Graphic illustrative content to be 50%.
6. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day’s waste and recycling.
7. A separate storage area must be allocated for the holding of bulk waste prior to collection.
8. After the issue of the Occupation Certificate, but prior to the residents starting to move in, Council must be contacted to deliver all those Council-supplied waste bins required for the development. Please ring Council on 1300 36 2170 to arrange the bin delivery. All other non-Council supplied bins must be delivered to site at this time.
9. The bin tug/tractor must be kept maintained in an operable condition, and must be used at all times when the 660 litre waste bins are being moved either up from the basement bin storage area, or down to the bin storage area after emptying. The bin lifter must also be kept maintained in an operable condition and used when 240 litre transfer bins are to be tipped into the larger bins.
10. The Council-supplied 240 litre green waste bins must be kept in the screened, locked storage area provided for the purpose when not in use. These bins must only be used by the garden maintenance contractor for the the development, and must be not be accessed by the residents.
11. All bulky household wastes are to be stored within the dedicated storage space that has been provided for that purpose. Disposal of these wastes is to be arranged by contacting Council.
12. All bins are to be moved to the kerbside for emptying no earlier than the afternoon before Council waste collection is to take place and must be moved back into the bin storage areas as soon as possible after the Council collection has taken place, which must be no more than 24 hours after collection.

**Landscaping**

1. 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**

1. 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.
2. Any alarm installed on the site is to be “silent back to base” type.

#### **Noise Management Plan**

1. The approved Noise Management Plan for the car park, driveway and associated areas prepared in accordance with the above condition shall be complied with at all times.

#### **Use of air conditioner/s on residential premises**

1. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
2. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

i.  before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or

ii. before 7:00am or after 10:00pm on any other day; or

1. cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
2. emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

#### **Lighting**

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

**Washing on Balconies**

1. 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.

**G. ADVISORY**

1. If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
2. If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
3. 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.
4. 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.
5. 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.
6. “DIAL BEFORE YOU DIG” DIAL 1100

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

1. 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.

1. 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.
2. 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 effect 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.
3. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
4. Care shall be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or the applicant’s agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

**ATTACHMENT 2: SECTION 7.11 PAYMENT FORM**

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL**

**PLANNING & ASSESSMENT ACT, 1979**

**Liverpool Contribution Plan 2009 (Established Areas)**

**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-552/2018**

|  |  |  |
| --- | --- | --- |
| **Facilities** | **Amount ($)** | **Job No.** |
|  |  |  |
| Whitlam Centre Extensions | $10,419 | GL.10000001869.10110 |
| Central Library Extensions | $7,071 | GL.10000001870.10112 |
| Powerhouse | $6,114 | GL.10000001870.10114 |
|  |  |  |
| District Community Facilities |  |  |
| Eastern | $9,647 | GL.10000001870.10098 |
| District Recreation |  |  |
| Eastern | $35,774 | GL.10000001869.10092 |
| Local Recreation |  |  |
| Moorebank | $143,096 | GL.10000001869.10100 |
| Administration | $2,590 | GL.10000001872.10104 |
|  |  |  |
| **TOTAL** | **$214,711** |  |

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

**RECORD OF PAYMENT**

# Total Amount paid: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Receipt No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Cashier:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**