

2018SSW022: RECOMMENDED CONDITIONS OF CONSENT

ATTACHMENT 1: Conditions of Approval

CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies:

A. THE DEVELOPMENT

Approved Plans

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

Plan Name	Plan Number	Rev	Date	Prepared By
Survey Plan	FORBES-DT	-	15/06/2018	Urbanex Surveyors
Cover Sheet	A-000-000	F	01/07/19	Fox Johnson
Site Plan	A-100-002	A	18/06/22	Fox Johnson
Basement 2	A-110-000	C	19/03/26	Fox Johnson
Basement 1	A-110-001	C	19/03/26	Fox Johnson
Ground level	A-110-002	D	29/04/29	Fox Johnson
Level 1	A-110-003	C	19/03/26	Fox Johnson
Level 2-6	A-110-004	D	19/03/26	Fox Johnson
Level 7	A-110-005	D	19/03/26	Fox Johnson
Level 8	A-110-006	C	19/03/26	Fox Johnson
Communal Garden	A-110-007	C	19/03/26	Fox Johnson
Roof	A-110-008	C	19/03/26	Fox Johnson
GFA	A-130-000	B	01/07/19	Fox Johnson
Deep Soil	A-140-000	B	26/06/19	Fox Johnson
Parking	A-150-000	-	18/06/22	Fox Johnson
Accessible 1/2	A-150-000	A	18/06/22	Fox Johnson
Accessible 2/2	A-150-001	A	18/06/22	Fox Johnson
Communal Open Space	A-160-000	A	18/06/22	Fox Johnson
Waste Management Plan	A-180-000	B	26/06/19	Fox Johnson
Site Cover Plan	A-190-000	B	26/06/19	Fox Johnson
South Elevation	A-200-001	C	19/03/26	Fox Johnson
North Elevation	A-200-002	F	25/06/19	Fox Johnson
East Elevation	A-200-003	C	19/03/26	Fox Johnson
West Elevation	A-200-004	D	25/06/19	Fox Johnson
Sections	A-210-001	A	18/06/22	Fox Johnson
Schedule of Finishes	A-700-000	A	18/06/22	Fox Johnson
3D View	A-800-001	A	11/01/18	Fox Johnson

Façade Detail 1	A-900-001	A	19/12/18	Fox Johnson
Façade Detail 2	A-900-002	A	19/12/18	Fox Johnson
Context Plan Level 1	A-120-003	-	-	Fox Johnson
Context Plan Level 2-6	A-120-004	-	-	Fox Johnson
Context Plan Level 7	A-120-005	-	-	Fox Johnson
Context Plan Level 8	A-120-006	-	-	Fox Johnson
Landscape Masterplan	01	A	19/06/2018	TaylorBrammer
Ground Floor Landscape Plan	02	B	25/06/2019	TaylorBrammer
Level 01 & 07 Landscape Plan	03	A	19/06/2018	TaylorBrammer
Roof Terrace Landscape Plan	04	A	19/06/2018	TaylorBrammer
Ground Floor and Planting Plan	05	B	25/06/2019	TaylorBrammer
Level 01 & 07 Planting Plan	06	A	19/06/2018	TaylorBrammer
Roof Terrace Planting Plan	07	A	19/06/2018	TaylorBrammer
Planting Characters	08	A	19/06/2018	TaylorBrammer
Landscape Details	D1	A	19/06/2018	TaylorBrammer
Catchment Calcs and Sediment Control	H-DA-00	B	27/06/19	itm Design
Lower Basement Stormwater Drainage	H-DA-01	A	21/06/18	itm Design
Upper Basement Stormwater Drainage	H-DA-02	A	21/06/18	itm Design
Ground Floor Stormwater Drainage	H-DA-03	C	28/06/19	itm Design
Level 01 Storwater Drainage	H-DA-04	B	27/06/19	itm Design

Report Name	Date	Reference	Prepared By
Statement of Environmental Effects	June 2018	-	ABC Planning
SEPP 65 Design Verification Statement	6 July 2018	-	Fox Johnson
Assessment of Traffic and Parking Implications	June 2018	18096 - Rev B	Transport and Traffic Planning Associates
Nathers and BASIX Assessment	06/06/2018	18-0738 Issue A	Efficient Living
BASIX Certificate	06/06/2018	932779M	Efficient Living

Stage 1 Environmental Site Assessment	30/05/2011	E1379.1	Environmental Investigations
Detailed Site Investigation	4 July 2019	E24270.E0 2.Rev0	Eiaustralia
Site Salinity Assessment	26/05/2008	E21788K-Let	Environmental Investigation Services
Waste Management Plan	14/06/018	-	Fox Johnson
BCA Compliance Capability Report	25/06/2018	J180253	Vic Lilli & Partners

Works at no cost to Council

2. 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

3. 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.

Substation

4. 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).

Prescribed condition

5. 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:
 - 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).

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:

Section 7.12 Payment

6. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2018 Liverpool City Centre.

The total contribution is **\$297,000.00**

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

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

Where:

C = Original contributions as shown on the consent

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

CPI₁ = "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

Please note. Payment must be accompanied by the attached form.

Fee Payments – Land Development

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

The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) 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.

Access

8. 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

9. 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.

Fire Safety - Cladding

10. 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.

S138 Roads Act – Minor Works in the public road

11. 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.

Access, Car Parking and Manoeuvring – General

12. 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.
13. 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 Traffic and Transport Section for review and approval.

Construction Traffic Management Plan

14. A construction traffic management plan (CTMP) is to be submitted to Liverpool City Council's Traffic & Transport Section for review and endorsement. The CTMP is to be prepared by a qualified project manager/engineer. The construction activities are not to commence prior to Council endorsing the CTMP.

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

The construction sites must install shakers to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.

Traffic Management Plan

15. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
16. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.
17. The Traffic Management Plan shall provide design, operation and maintenance plans for the proposed traffic signal system

Liverpool CBD – Footpath Paving and Landscaping

18. Periphery Type paving shall be installed along the entire Forbes Street frontage, as part of this development. Footpath paving and Landscaping works shall be strictly in accordance with the *Liverpool CBD Street Tree and Landscape Strategy 2005* and *The Liverpool CBD Streetscape and Paving Guidelines 2005* as amended in *Implementation Note 12/2015 – Liverpool CBD Paving*.

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

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

Liverpool CBD – Street Lighting Upgrade

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

Liverpool CBD – Communication Conduits

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

Retaining Walls on Boundary

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

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

S138 Roads Act – Roadworks requiring approval of civil drawings

22. 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 periphery paving and stormwater connection in Forbes Street.

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

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

Road Safety Audit

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

On-site Detention

24. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by:

Company	Job/Drawing No.	Title	Rev.	Date
ITM DESIGN PTY LTD	17/111 – H – DA-00	LEGEND, CATCHMENT CALCS. AND SED. CONTROL	B	27.6.2019
ITM DESIGN PTY LTD	17/111 – H – DA-01	LOWER BASEMENT STORMWATER DRAINAGE	A	21.6.2018
ITM DESIGN PTY LTD	17/111 – H – DA-02	UPPER BASEMENT STORMWATER DRAINAGE	A	21.6.2018
ITM DESIGN PTY LTD	17/111 – H – DA-03	GROUND FLOOR STORMWATER DRAINAGE	C	28.6.2019
ITM DESIGN PTY LTD	17/111 – H – DA-04	LEVEL 01 STORMWATER DRAINAGE	B	27.6.2019

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

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

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

Stormwater Discharge – Basement Car parks

25. 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.

Water Quality

26. Prior to the issue of a Construction Certificate the Principle 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; and
- 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

27. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Forbes 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.

Dilapidation report Private Property (Excavations)

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

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

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

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

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

Provision of Services

29. 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, 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.

30. 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.
31. 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.

32. 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

33. 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

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

Landscaping

35. Details shall be approved detailing pot sizes at planting, showing proposed trees to be planted at sizes not less than 45 litre pot sizes and shrubs at not less than 5 litre pot sizes.

Garbage Services

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

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

Waste Storage Area

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

Waste Removal

39. Details of the name, address and asbestos license details of the person or company that will carry out the asbestos removal, together with the name and address of the licensed landfill to which the asbestos materials and any contaminated materials will be taken must be lodged with Council. All documentation relating to the transport and disposal of the asbestos materials (tip dockets, transport receipts etc.) must be maintained on site and be capable of being inspected by a Council officer or other Principal Certifying Authority.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

40. 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

41. 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.
42. 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 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 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.

Site Development Work

43. 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 has been given written notice of the following information:
- a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act,

- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

Notification of Service Providers

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

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

Sediment & Erosion Control

- 45. 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

- 46. 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).

Environmental Management

- 47. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
 - (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;

- (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
48. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Traffic Control Plan

49. 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.

Waste Bins

50. Prior to any work, including demolition or site clearing beginning on site, all domestic waste bins that have been issued by Liverpool Council to either 41 or 43 Forbes Street and which are currently at either of those premises 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.

D. DURING CONSTRUCTION

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

Building Work

51. 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.

52. 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.

Heritage

53. In accordance with the Heritage Act 1977, if any works or objects are uncovered during excavation or other site works, the development is to stop work and the NSW Heritage Division is to be notified. If required, a historic archaeologist is to be engaged to assess the uncovered works or objects and the report is to be submitted to the NSW Heritage Division for consideration.

Work is only to recommence when authorised by the NSW Heritage Division.

A copy of this report is to be submitted to Liverpool City Council prior to issue of Occupation Certificate

Identification Survey Report

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

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

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

Site Works

55. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- 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 PCA
 - c) a statement stating that 'unauthorised entry to the work site is prohibited'.

Excavation

56. 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:

- a) protect and support the adjoining premises from possible damage from the excavation,
- b) where necessary, underpin the adjoining premises to prevent any such damage, and
- c) 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.
- d) 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

57. 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:
 1. be a standard flushing toilet connected to a public sewer, or
 2. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 3. be a temporary chemical closet approved under the *Local Government Act 1993*.

Craning and Hoardings

58. 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.
59. 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.

Landscaping Works – Liverpool CBD

60. Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines. These booklets can be purchased from the Council Administration Building at 33 Moore Street Liverpool.

Switchboards

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

Site Facilities

62. 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

63. 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

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 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

65. 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.
66. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
67. 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.
68. 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.
69. 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.
70. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
71. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
72. 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

Erosion and sediment control

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

Car Parking Areas

74. 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

75. 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.
76. 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.
77. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
78. 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

79. 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).

Site Remediation

80. The site must be remediated in accordance with the recommendations of the Detailed Site Investigation (ref. E24270.E02.Rev0), prepared by eiaustralia, dated 4 July 2019, and the requirements of;
1. *State Environmental planning Policy No. 55 – Remediation of Land*;
 2. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
 3. The guidelines in force under the *Contaminated Land Management Act 1997*.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

Council must be informed in writing of any proposed variation to the remediation works. Council must approve these variations in writing prior to commencement/ recommencement of works.

Capping and Containment

81. Council will not permit contaminated material to be capped and contained within the site or beneath public roads and footpath areas

Fill

82. 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.
83. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Site Remediation Works

84. 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.

Air Quality

85. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
86. 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.
87. 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.

Water Quality

88. 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.

Environment

89. 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

90. 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.

Waste Management Plan

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

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

Demolition and Construction Waste

92. All construction waste must be separated as it is generated and kept separate bays, builder's site bins and/or skips.
93. All demolition and construction waste must be either recycled, re-used or disposed of according to the approved Waste Management Plan. Any variation from the approved Waste Management Plan to the locations to which the materials will be taken must be advised to Council or the PCA.

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:

Certificates

94. 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.
95. 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.
96. 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.
97. 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.

Affordable Rental Housing

98. A restriction shall be registered, before the date of the issue of the Occupation Certificate, 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. 559/2018 issued by Liverpool City Council.

The restrictions are:

- (a) A minimum of 23 apartments (all units at Levels 1-3, all 1-bed units and the rear 2-bed unit at level 4) will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (b) All recommendation that is used for affordable housing will be managed by a registered community housing provider;
- (c) Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and
- (d) 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

99. 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

100. 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

101. Prior to the issue of an Occupation Certificate the following Crime Prevention Through Environmental Design principles are to be incorporated into the building:
- (a) Back to base alarm systems shall be installed;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
 - (f) Access to the parking levels of the building shall be controlled via a security controlled device.

Liverpool City Council clearance – Roads Act/ Local Government Act

102. 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

103. 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

104. 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; and
- c) Basement Carpark pump-out system
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

105. 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

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

Dilapidation Report

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

Validation Report

108. Prior to issue of the occupation certificate a detailed Validation report must be submitted to Council and the Principal Certifying Authority. The Report must be prepared in accordance with:

1. *NSW Contaminated Land Planning Guidelines (1998)*;
2. Relevant EPA guidelines, noting in particular the *NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites*; and
3. *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013).

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include details of the consultant's certification.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the recommendations of the Detailed Site Investigation (ref. E24270.E02.Rev0), prepared by eiaustralia, dated 4 July 2019).

Redundant Laybacks

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

Display of Street Numbers

110. 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.

Design Verification Statement

111. 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

112. 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.

Garbage Services

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

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

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

114. Since no provision is to be made in the waste storage area for sufficient space for a green waste bins to store garden waste from the property, then the following restriction as to user shall also be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

Liverpool City Council will not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste.

Lot Consolidation

115. 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 an OC.

F. CONDITIONS RELATING TO USE

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

Affordable Housing

116. A minimum of 51% the gross floor area of the development is 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.

The certifying authority must advise Council, in writing of the name and contact details of the boarding house manager who will reside at the boarding house.

Car Parking/Loading

- 117. A total of **45** off street car parking spaces must be provided onsite. A minimum of **5** spaces must be designed and signposted/marked for the specific use of persons with a disability.
- 118. All parking areas shown on the approved plans must be used solely for this purpose.
- 119. 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.
- 120. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Waste Storage Area

- 121. All waste products associated with the use of the commercial premises are to be placed in containers and stored within the building.
- 122. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
- 123. 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:

- (a) Garbage is to be placed wholly within the garbage bins provided,
- (b) Only recyclable materials accepted by Council are to be placed within the recycling bins,
- (c) The area is to be kept tidy,
- (d) A phone number for arranging disposal of bulky items, and
- (e) Graphic illustrative content to be 50%.

124. A separate storage area is to be allocated for the holding of bulk waste prior to collection.

Waste Management

125. After the issue of a occupation certificate but prior to residents commencing moving in, the Council must be contacted to deliver the required waste bins for the property.
126. Bins are to be presented to the designated waste collection point by agents of the building management, bins will be emptied by Council's waste contractors and the bins will be replaced promptly in the waste storage area.
127. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

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.

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

129. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
130. 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.

131. Any alarm installed on the site is to be “silent back to base” type.
132. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Washing on Balconies

133. 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

- a) 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.
- b) If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) 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.
- e) 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.
- f) “DIAL BEFORE YOU DIG” DIAL 1100

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

g) 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.

- h) 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.
- i) 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.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k) 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 7.12 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 CPI March 2018 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-559/2018

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Georges River Foreshore	\$75,600	GL.10000001869.10105
Pioneer Park	\$10,800	GL.10000001869.10105
Apex Reserve	\$5,400	GL.10000001869.10217
Georges River Pedestrian Crossing	\$13,500	GL.10000001869.10218
Discovery Park	\$13,500	GL.10000001869.10219
Community Facility Upgrade	\$32,400	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$81,000	GL.10000001865.10220
Peripheral Streetscape works	\$54,000	GL.10000001865.10221
Footpath widening in City Centre	\$10,800	GL.10000001865.10222
<u>TOTAL</u>	<u>\$297,000</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____