

# Attachment 3 - Recommended Conditions of Consent 2018SSW032 (DA-681/2018)

## ABBREVIATIONS

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

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-681/2018, except where modified by the undermentioned conditions or marked in red by Council:

#### (a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Title Page	DA000	D	15/07/19	DKO
Site Analysis	DA100	A	23/08/18	DKO
Site Plan & Streetscape	DA101	D	15/07/19	DKO
Demolition Plan	DA102	A	23/08/18	DKO
Ground & Typical Levels	DA200	D	15/07/19	DKO
Upper Level	DA201	C	24/06/19	DKO
Typical Floor plans	DA300	A	23/08/18	DKO
Typical Floor Plans & Adaptable Unit Plans	DA301	A	23/08/18	DKO
Elevations & Sections	DA400	C	24/06/19	DKO

#### (b) Stormwater Concept Management Plan and Sediment and Erosion Control Plan

Description	Project No.	Drawing No.	Revision No.	Date	Prepared by
Concept Stormwater Management Plan	20 01 10539	C030	P15	22/07/19	Bonacci Group (NSW) Pty Ltd
Sediment and Erosion Control Plan	20 01 10539	C005	P5	19/07/19	Bonacci Group (NSW) Pty Ltd

#### (c) Landscape Plan

Description	Drawing No.	Revision No.	Date	Prepared by
Landscape Plan (Entire)	L01	7	01/07/19	Inviewdesign Pty Ltd

Site)				
Landscape Plan	L02	7	01/07/19	Inviewdesign Pty Ltd
Landscape Plan	L03	7	01/07/19	Inviewdesign Pty Ltd
Landscape Plan (Roof Top)	L04	5	01/07/19	Inviewdesign Pty Ltd
Planting Details and Specifications	L05	5	01/07/19	Inviewdesign Pty Ltd
Elevations	L06	3	01/07/19	Inviewdesign Pty Ltd

(d) Reports

Description	Reference No.	Date	Prepared by
Traffic Report (Updated)	18052	02/07/19	TEF Consulting
Waste Management Plan	--	17/08/18	TTM
DA Acoustic Report	20180534.1	10/08/18	Acoustic Logic
Arboricultural Impact Assessment	D3409	07/18	Allied Tree Consultancy

(e) BASIX certificate number 938743M\_04, dated 18 April 2019 prepared by Northrop Consulting Engineers Pty Ltd

Except where modified by the undermentioned conditions.

**Amendments in red**

2. The amendments marked in red by Council on the approved plans shall be incorporated in the Construction Certificate drawings described as follows:
  - (a) The architectural plans shall be amended to incorporate 1.5m high louvred privacy screens along the western and eastern elevation of all balconies on levels 1, 2, 3 and 4.
  - (b) The proposed windows on levels 1, 2, 3 & 4 facing the adjoining properties to the east and west to be a combination of a translucent fixed panel at the bottom with an operable awning window above. The bottom panel being at least 1500mm high from the finished floor level with built-in blinds, acoustic and translucent properties or similar integrated window system.
  - (c) Provide a bicycle parking/storage at the ground floor level to comply with the provisions of Part 1 in Section 20 of the LDCP 2008.

- (d) The landscape plans shall be amended to incorporate a fencing treatment along Ironbark Avenue in the manner that is consistent with the fencing along Kurrajong Road.

### **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 Liverpool City Council.

### **Comply with NCC**

4. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Works at no Cost to Council**

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

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

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

### **Fee Payments**

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

The following fees are applicable and payable:

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

- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

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

### **Section 7.11 Payment (Liverpool Contributions Plan 2009)**

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

The total contribution is **\$176,326.00** and will be adjusted at the time of payment in accordance with the contributions plan.

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

The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)

Payment must be accompanied by the attached form.

### **Construction Certificates**

9. Any Construction Certificate 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.

### **Site Development Work**

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

### **Cladding**

11. 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 National Construction Code and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the NCC for all products/systems proposed.

### **Fire Safety Measures**

12. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the Construction Certificate and submitted to Liverpool City Council, in compliance with the provisions of the EP&A Regulation.

### **Notification**

13. The certifying authority must advise Liverpool City 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, Liverpool City Council must be immediately informed.

### **Accessibility**

14. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the National Construction Code, 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 Principal Certifying Authority.

### **Noise Control**

15. The noise control recommendations as stipulated within the approved Acoustic Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.
16. Documentary evidence is to be provided to the satisfaction of Principal Certifying Authority to demonstrate that appropriate measures are to be taken to ensure that the following LAeq levels are not exceeded as specified within Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007:
- (a) in any bedroom in the building - 35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.
17. Mechanical plant shall be selected in consultation with a suitably qualified and experienced consultant to ensure compliance with the above-mentioned noise levels and other acoustic treatment detailed within DA Acoustic Report (document reference 20180534.1/0606A/R1/TT) prepared by Acoustic Logic dated 10/8/18.

### **Retaining Walls on Boundary**

18. 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**

19. 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 footpath, stormwater drainage, kerb and gutter in Ironbark Avenue and Kurrajong Road.

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.

### Stormwater details

20. Prior to the issue of a Construction Certificate, the applicant shall provide amended stormwater drainage plans in relation to the proposed Onsite Stormwater Detention System showing the following:
- (a) Orifice plate detail;
  - (b) Trash rack at the orifice.
  - (c) Clear emergency overflow path from Onsite Stormwater Detention Tank to Ironbark Avenue.

### On-site Detention

21. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval as follows:

Company	Job No./ Drawing No.	Title	Revision / Issue	Date
BONACCI GROUP PTY LTD	201053901 - C005	SEDIMENT AND EROSION CONTROL PLAN	P5	19/7/2019
BONACCI GROUP PTY LTD	201053901 - C007	SEDIMENT AND EROSION CONTROL CALCULATIONS	P4	19/7/2019
BONACCI GROUP PTY LTD	201053901 - C021	EXISTING STORMWATER DRAINAGE CATCHMENT PLAN	P6	19/7/2019
BONACCI GROUP PTY LTD	201053901 - C025	PROPOSED STORMWATER WATER QUALITY/WATER QUANTITY CATCHMENT PLAN	P8	19/7/2019
BONACCI GROUP PTY LTD	201053901 - C030	CONCEPT STORMWATER MANAGEMENT PLAN	P15	22/7/2019
BONACCI GROUP PTY LTD	201053901 - C061	ON-SITE DENTION DETAILS	P7	19/7/2019

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.

### **No Loading on Easements**

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

### **Water Quality**

23. 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 with the Liverpool City Council's Development Control Plan LDCP 2008. 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.

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

24. 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

### **ACM Inspection**

25. Prior to the issue of a construction certificate, a person with suitable formal qualifications and experience in the identification of asbestos construction materials (ACMs) must conduct a thorough inspection of all the five houses and outbuildings that are to be demolished. If the amount of ACMs discovered as a result of this inspection is less than 10m<sup>2</sup> in total, a letter to that effect should be lodged with Liverpool City Council, together with a copy of the inspecting officers qualifications.
26. If the amount of ACMs discovered by this inspection is more than 10m<sup>2</sup>, then the removal of those materials must be carried out by a person or company licensed to carry out asbestos removal. In this case, details of the name, address and asbestos license details of this person or company, together with the name and address of the licensed landfill to which the asbestos materials will be taken must be lodged with Liverpool City 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 Liverpool City Council officer or other Principal Certifying Authority.

### **Provision of Services**

27. An application to obtain a Section 3.21 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](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.

28. 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.
29. 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.

30. 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**

31. 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 Construction Certificate 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.

#### **Access and Manoeuvring**

- 32. 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.

#### **Garbage Services**

- 33. 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.

#### **Substation**

- 34. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

#### **Dilapidation Report**

- 35. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Ironbark 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 10m either side of the development.

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

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

#### **Building/Compliance**

- 36. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 6.1 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

37. Prior to the commencement of any building works, the following requirements must be complied with:
- a) Construction Certificate must be obtained from the Liverpool City Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
  - b) Where Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,
  - c) 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,
  - d) 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,
  - e) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
  - f) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given
38. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the Liverpool City Council written notice of name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

### **Hoarding**

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

Such hoarding or barrier must be designed and erected in accordance with Liverpool City Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Liverpool City Council road reserve area.

### **Craning**

40. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.

### **Site Facilities**

41. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - (c) be a temporary chemical closet approved under the Local Government Act 1993.
42. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

#### **Site Notice Board**

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

#### **Demolition Works**

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

#### **Waste Classification**

45. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste

owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

#### **Notification of Service Providers**

46. 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 Liverpool City Council.

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

#### **Sediment and Erosion Control Measures**

47. 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".

#### **Environmental Management**

48. 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.
50. 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**

51. Prior to any work, including demolition or site clearing, all domestic waste bins that have been issued by Liverpool Council to 30, 32, 34, 36 or 38 Ironbark Avenue Casula, and which are located at any of those premises, must be returned to Liverpool Council. Call Council on 1300 36 2170 to arrange for the removal of the waste bins and so their removal can be noted

## **D. DURING CONSTRUCTION**

**The following conditions shall be complied with during construction:**

### **Building Inspections**

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

### **Building Work**

53. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifying Authority 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 Principal Certifying Authority 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 Principal Certifying Authority, 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.

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

54. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
  - (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

### **Security Fence**

55. 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 Liverpool City Council's reserve area.

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

### **Construction Waste**

56. All construction waste must be separated as it is generated and kept separate bays, builder's site bins and/or skips.
57. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways, or onto neighbouring properties or public land in wet weather.

### **Demolition Inspections**

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

### **Hours of Construction Work**

59. 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 Liverpool City Council

### **Construction Noise**

60. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009;
61. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Liverpool City Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the

results to Liverpool City Council. If required by Liverpool City Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Liverpool City Council to Council's satisfaction.

### **Car Parking Areas**

62. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. Clear demarcation between pedestrian and vehicular circulation within the at grade carparking area is to be marked by distinctive surface treatment and signage. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with the LDGP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
63. All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All resident/staff/accessible parking spaces are to be clearly signposted. The applicant is to cover the costs of installation and maintenance of the signage.
64. 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**

65. 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.
66. 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.
67. Notice must be given to Liverpool City 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.
68. Applications must be made to Liverpool City Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **General Site Works**

69. 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 Liverpool City Council's stormwater drainage system.
70. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.



71. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
72. 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.
73. 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 Principal Certifying Authority may direct that such work is not to proceed.
74. 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.
75. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
76. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
77. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

#### **Major Filling/ Earthworks**

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

#### **External**

80. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
81. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

#### **Contamination**

82. 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).
83. 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 Liverpool City 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.
84. 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**

85. 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 Liverpool City 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.

#### **Waste Management Plan**

86. The Waste Management Plan submitted to and approved by Liverpool City 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 Liverpool City Council or any other authorised officer.

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

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

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

#### **Building/Compliance**

87. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.

88. 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 Liverpool City Council with the *Occupation Certificate*.
89. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.
90. 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.

### **Affordable Rental Housing**

91. Prior to the date of the issue of the Occupation Certificate (Interim or Final), a restriction shall be registered against the title of the property on which development is to be carried out, pursuant to 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. 681/2018 issued by Liverpool City Council.*

#### *The restrictions are:*

- (a) *All of the 63 apartments will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- (b) *All apartments that 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.*

### **Accessibility**

92. 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

### **Roads Act/ Local Government Act**

93. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with the Section 138 Roads Act or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

### **Works as Executed**

94. 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**

95. 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,
    - 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
    - 2. Have met the design intent with regard to any construction variations to the approved design, and
    - 3. Any remedial works required to been undertaken have been satisfactorily completed.

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**

96. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
- (a) On-site detention system/s,
  - (b) Stormwater pre-treatment system/s,

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.

### **Display of Street Numbers**

97. 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.

### **Compliance with Acoustic Assessment Report**

98. A compliance certificate from a qualified acoustic consultant is to be submitted to the Principal Certifying Authority, certifying that the development has been constructed to meet the noise criteria in accordance with the approved DA Acoustic Report and that all recommendations have been adopted.

99. A compliance certificate or other documentation deemed suitable to the Principal Certifying Authority is to be provided to the satisfaction of Principal Certifying Authority demonstrating that the development has been constructed to ensure that the LAeq levels as specified within Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007 are not exceeded.

### **Design Verification Statement**

100. 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 Principal Certifying Authority assessing the development, upon completion of all works subject of this consent and its accompanying CC. The Principal Certifying Authority shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

### **Traffic**

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

### **BASIX**

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

### **Redundant Laybacks**

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

### **Rectification of Damage**

106. Prior to the issue of an Occupation Certificate, any damage to Liverpool City 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 Ironbark Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Footpaths**

107. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving for the full length of the site frontage along Ironbark Avenue. .

### **Dilapidation Report**

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

### **Landscaping**

109. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifying Authority 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.

### **Waste storage signage**

110. Permanent signage for the various waste storage rooms and bulky household waste storage rooms must be installed on the outer face of the doors of those rooms, clearly describing the purpose of the room and what the residents are expected to do.
111. The green (garden) waste storage room is to be fitted with a door closer and a lock and must be kept locked at all times when not in use. Access to this room is to be restricted to agents of the strata including the onsite manager and property maintenance staff, residents are not to have access.
112. All the features of the waste storage areas, including signage, and any equipment necessary for waste handling (with the exception of the Council waste bins), are to be installed and operable prior to the issue of an Occupation Certificate.

### **Hanging of Washing on Balconies**

113. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

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

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

### **Service Providers**

114. The following documentation is to be provided prior to the release of the Occupation Certificate.

- a) Written evidence of a Section 3.21 Compliance Certificate under the Sydney Water Act 1994 is to be submitted to the Principal Certifying Authority.
- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Liverpool City Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997;
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

#### **Lot Consolidation**

115. All separate lots (being Lot 19, 20, 21, 22 & 23 of DP 245413) shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Liverpool City Council, has been registered with the Land Titles Office.

## **F. GENERAL CONDITIONS**

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

#### **Affordable Rental Housing**

116. The development comprising of 63 apartments is to be used solely for the purposes of affordable housing for 10 years from the date of issue of the Occupation Certificate and shall be managed by a registered not-for-profit community housing provider.

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

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

#### **Rooftop Communal Open Space**

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

### **Parking and Loading Requirements**

118. Parking spaces shall be allocated as follows:
- (a) 30 car parking spaces for residents (including 7 accessible spaces) are to be provided.
119. All parking areas shown on the approved plans must be used solely for this purpose.
120. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
121. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Liverpool City Council.

### **Landscaping**

122. Landscaping shall be maintained in accordance with the Implementation Plan 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 Liverpool City Council, for the 3 years following issue of the Occupation Certificate, certifying that the landscaping works have been satisfactorily maintained.

### **Noise and Environmental Emissions**

123. 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.
124. 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.
125. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

### **Waste Management**

126. After the issue of an occupation certificate, but prior to residents commencing moving in, the developer must contact Liverpool City Council to deliver the required waste bins for the properties. Please call 1300 36 2170 to arrange the bin delivery.



127. The onsite manager of the property is to maintain oversight of the use of the bins by the residents and provide help and guidance to the residents to ensure that correct waste separation and disposal is being carried out.
128. Waste bins are to be presented to the kerbside of Ironbark Avenue by agents of the building management, where the bins will be emptied by Liverpool City Council's waste contractors. The bins will be replaced promptly in the bin storage areas once emptied, no later than 24 hours after collection. The waste, recycling and green (garden waste) bins are to be kept at all times within the relevant storage rooms, except during the period when the bins are presented for collection.
129. All bulky household waste generated by residents is to be kept in the relevant storage rooms within the development. Wastes of this type may only be placed at the kerbside the evening before the date of a pre-booked bulky household waste collection made with Liverpool City Council

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

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

### **Complaints Register**

131. The operator shall keep a legible record of all complaints received in an up-to-date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
  - (a) The date and time, where relevant, of the complaint;
  - (b) The means by which the complaint was made (telephone, mail or email);
  - (c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - (d) The nature of the complaint;
  - (e) Any action(s) taken by the operator in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken;
  - (f) Allocate an individual "complaint number" to each complaint received.

The complaints register must be made available for inspection when requested by Liverpool City Council.

### **Graffiti**

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

### **Washing on Balconies**

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.

### **Council's Infrastructure**

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

## **G. ADVISORY**

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Liverpool City Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.

- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building
- i) "DIAL BEFORE YOU DIG" DIAL 1100

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

## ATTACHMENT 2: SECTION 7.11 PAYMENT FORM

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

#### Liverpool Contribution Plan 2009

**Note to the applicant:**

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

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

**APPLICATION NO.:** DA-681/2018

<u>Facilities</u>		<u>Amount (\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan 2009</b>			
Whitlam Centre Extensions		\$8,618	GL.10000001869.10110
Central Library Extensions		\$5,849	GL.10000001870.10112
Powerhouse		\$5,018	GL.10000001870.10114
District Community Facilities			
	Central	\$7,917	GL.10000001870.10099
District Recreation			
	Central	\$29,360	GL.10000001869.10093
Local Recreation			
	Casula	\$117,439	GL.10000001869.10094
Administration		\$2,126	GL.10000001872.10104
<b><u>TOTAL</u></b>		<b><u>\$176,326</u></b>	

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

#### RECORD OF PAYMENT

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

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

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