

ATTACHMENT 1: CONDITIONS OF CONSENT

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

A. THE DEVELOPMENT

STAGED APPROVAL

The conditions referenced apply to each stage as identified.

Stage	Development works	Part reference	Condition reference
1	<ul style="list-style-type: none">• Associated level one works for the proposed retail development• Associated level one works for commercial tower• Level two retail development and future proofing for commercial tower development• Associated level three ELP works.• Upgrade pavement, conduits and street lighting along the Elizabeth Street/Drive frontage• Traffic calming treatments on Elizabeth Street/Drive.	All Parts	All conditions
2	<ul style="list-style-type: none">• Level 4 retail development	All Parts	All conditions
3	<ul style="list-style-type: none">• Associated level three car park allowance for commercial tower• Level four to 10 commercial tower development.	All Parts	All conditions
4	<ul style="list-style-type: none">• Associated car park works and internal ramps.	All Parts	All conditions
5	<ul style="list-style-type: none">• The addition of a new level of parking.	All Parts	All conditions

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-926/2018, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Site Plan	00.002	B	2019/07/26	Scentre Group
Existing & Demolition Level 1 Plan	01.01	B	2019/07/26	Scentre Group
Existing & Demolition Level 2 Plan (Ground Level)	01.02	B	2019/07/26	Scentre Group
Existing & Demolition Level 2 Mezzanine Plan	01.03	B	2019/07/26	Scentre Group
Existing & Demolition Level 3 Plan	01.04	B	2019/07/26	Scentre Group
Existing & Demolition Roof Plan	01.05	B	2019/07/26	Scentre Group
Proposed Level 1 (Basement Level)	02.01	B	2019/07/26	Scentre Group
Proposed Level 2 (Ground Level)	02.02	C	2019/10/16	Scentre Group
Proposed Level 2 Mezzanine Plan	02.03	B	2019/10/16	Scentre Group
Proposed Level 3 Plan	02.04	B	2019/10/16	Scentre Group
Proposed Level 4 Plan	02.05	B	2019/10/16	Scentre Group
Proposed Level 5 Office and Retail Roof Plan	02.06	B	2019/10/16	Scentre Group
Proposed Level 4 to 6 Typical Office Plan	02.07	B	2019/10/16	Scentre Group
Proposed Level 7 to 11 Typical Office Plan	02.08	C	2019/12/13	Scentre Group
Proposed Development Staging Diagram	02.09	B	2019/10/16	Scentre Group
Proposed South Elevation	03.01	C	2019/12/13	Scentre Group
Proposed Section A & B	03.02	C	2019/12/13	Scentre Group
Proposed Section C	03.03	C	2019/12/13	Scentre Group
Proposed Carpark North & West Elevations	03.04	B	2019/10/16	Scentre Group
Elizabeth Street Awning	05.04	B	2019/10/16	Scentre Group

(b) Landscape Drawings

Description	Drawing No.	Revision No.	Date	Prepared by
Landscape Masterplan	016	D	November 2019	Arcadia Landscape Architecture
Landscape Section	017	D	November 2019	Arcadia Landscape Architecture
Landscape Section	018	D	November 2019	Arcadia Landscape Architecture
Materials & Finishes	020	D	November 2019	Arcadia Landscape Architecture
Planting Character	021	D	November 2019	Arcadia Landscape Architecture

(c) Civil drawings

Description	Drawing No.	Revision No.	Date	Prepared by
Erosion and Sediment Control Plan	C-1-01	1	11.09.18	Robert Bird Group
Erosion and Sediment Control Details	C-1-10	1	11.09.18	Robert Bird Group
General Arrangement Plan	C-3-01	5	28.06.19	Robert Bird Group

(d) Reports

Description	Reference No.	Date	Prepared by
Waste Management Plan	Version 1.1	-	Scentre Group
Waste Management Plan	WSP-WAS-003	22/07/2019	WSP
ESD and Energy Efficiency Report	1023089	25 July 2019	Cundall
Noise Impact Assessment	20180813.3	6/07/2019	Acoustic Logic
Public Art Strategy	-	Sept 2019	Scentre Group
Construction Waste Management Plan	Version 1.0	-	Scentre Group
CPTED Report	P11606	30 July 2019	Urbis
Traffic Report	10445/3	December 2018	Colston Budd Rogers & Kafes Pty Ltd
Amended Traffic Report	TR/10445/jj	31 July 2019	Colston Budd Rogers & Kafes Pty Ltd

(e) Proposed Floor Plan as prepared by Donaldson Design & Drafting for Archie Brothers – Liverpool, NSW, Drawing No. SK01, dated 08.08.2019.

Amendments to Documentation

2. Detailed Landscape Architectural plans are to be prepared by a Registered Landscape Architect and submitted to Council for approval prior to the issue of the relevant Construction Certificate. The plans must match the scope of the area as outlined on 143534.2019, and include trees as outlined on drawing 191016 LIV DA REV[W2] L2 1 500 A1 as submitted for Development Approval (DA). Additionally all items listed here must be also included.
3. Periphery Type/Core Type paving shall be installed along the Elizabeth Drive/Street frontage to the extent marked in red on the approved plans.
4. This consent does not approve any changes to the Bathurst Street/Secant Street signalised intersection.
5. Prior to the issue of any Construction Certificate, the following amendments shall be made to approved documentation to the satisfaction of Council's Manager of Development Assessment:
 - (a) Deletion of the proposed kiss and ride layby on the approved civil drawings; and
 - (b) Public art strategy shall capture the removal of four (4) works of pavement art in Elizabeth Street/Drive.

Endeavour Energy Requirements

6. All the recommendations issued by Endeavour Energy shall be complied with prior, during, and at the completion of construction, as required in accordance with the recommendations attached to this decision notice.

Hospital helicopter airspace

7. All the recommendations issued by the South Western Sydney Local Health District, as required in accordance with the flight path safety assessment attached to this decision notice, shall be completed and implemented prior to the issue of any Construction Certificate for the proposed development.

Development in flight paths

8. This consent does not authorize the utilization of any cranes associated with the proposed development without a separate application to be lodged and approved.

Works at no Cost to Council

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

General Provisions

10. 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.

Site Development Work

11. 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).

B. PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

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

Section 7.12 Payment (Liverpool Contributions Plan 2018 – Liverpool City Centre)

12. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 3% of the cost of the development and is imposed in accordance with Section 7.12 of Liverpool Contributions Plan 2018 - Liverpool City Centre.

The total contribution is **\$2,847,241** and will be adjusted at the time of payment in accordance with the contributions plan.

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

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

Payment must be accompanied by the attached form.

Provision of Services

13. An application to obtain a Section 3.21 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and

developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92.

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

14. 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.
15. Prior to the issue of the relevant Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
 - o The requirements of the Telecommunications Act 1997:
 - o For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - o 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.

Fee Payments

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

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

17. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the

fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Fire Safety Upgrade Works

18. In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing areas affected by the new building work must be brought into total conformity with the fire safety provisions of the NCC-BCA. Details of the proposed building work demonstrating compliance with the relevant fire safety provisions must be submitted to the certifier prior to issue of any Construction Certificate.

Public Domain Works

19. Bluestone paving shall be installed in the Elizabeth forecourt and shall tie into the neighbouring site for smooth paving integration. Design to be subject to Council approval prior to issue of Construction Certificate.
20. The applicant shall install three (3) fixed seats to the Elizabeth Street Westfield entry forecourt. Seating design is subject to Council approval prior to issue of the relevant Construction Certificate. Seating design to be the same construction materials and details for seating.
21. Rainwater capture and reuse and photovoltaic technologies must be integrated into the architectural design. Plans of proposed use of these technologies must be submitted to and approved by Council prior to issue of the relevant Construction Certificate.

Construction Works

22. Detailed Architectural plans prepared by a suitably qualified person are to be submitted for certifier approval prior to the issue of the relevant Construction Certificate. All aspects of construction must comply with the performance requirements of the National Construction Code (NCC). The plans must match those submitted as detailed in the Architectural package for Development Approval (DA).

Public Art

23. Prior to the issue of the relevant Construction Certificate, a public artwork plan shall be submitted to Council's Manager of Development Assessment for review and approval. The public artwork plan shall incorporate public art into the proposed development to the satisfaction of Council's Manager of Development Assessment. The public art shall reflect the core concepts and a continuity associated with the "Aboriginal Pavement Project".

Traffic and Parking Works

24. Prior to the issue of any Construction Certificate, the applicant shall submit to Council's Traffic and Transport Section the following plans and design drawings for review and approval:
 - (a) A Construction Traffic Management Plan (CTMP) detailing construction vehicles routes, number of trucks, hours of operations, access arrangements and traffic control.

- (b) An Operational Traffic Management Plan (OTMP) detailing ongoing arrangements to manage traffic movements, vehicular access and parking operation, to minimise impact on the adjoining road network.
- (c) Detailed design plans for the following:
 - i. Vehicular access arrangements and car park including swept path analysis, line markings and sign posting, as well as parking for bicycles and motorcycles in accordance with Council's DCP and AS2890. The plan needs to show the entire parking spaces required (3,438 car parking spaces) for the shopping centre.
 - ii. Two traffic calming treatments across sections of Elizabeth Street/Drive approximately 20m from the signalised pedestrian crossing at Macquarie Mall, fronting the Shopping Centre entrance. The treatment is to consist of contrasting pavement or cross hatching to indicate a low speed environment and include landscaping on both sides to discourage pedestrian crossing at the treatment.
 - iii. Upgrade of the existing marked pedestrian crossing across Campbell Street (east of Macquarie Street) to a raised marked pedestrian crossing.
 - iv. Extension of the central median in Bathurst Street across the exit driveway to restrict exit manoeuvres to left out only onto Bathurst Street.
 - v. A central median on George Street fronting the existing George Street access to the shopping centre, to restrict turning movements to left in/left only, should it be required after 12 months from the completion of the proposed development.
 - vi. Footpath paving and landscaping works along Elizabeth Street/Drive from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans). The design is to show 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.
 - vii. A number plate recognition system to be implemented as part of the parking management system for the shopping centre.
 - viii. Street lighting upgrade for the frontage of the shopping centre along Elizabeth Street/Drive from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans). The design is to include replacement of the street light columns with multi-function poles including all necessary cables and accessories.

The applicant/developer is to engage the services of Endeavour Energy accredited ASP Level 3 service provider to prepare the 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.

Items (i) to (vi) are subject to approval by Liverpool Pedestrian Active Transport and Traffic Committee, through Council's Traffic and Transport Section. If an item is not approved it is deemed removed from this condition.

Substation

25. Prior to the issue of any relevant Construction Certificate, the location and design of any new substations required to service the proposed development, as well as any reconfigurations and upgrades required, shall be submitted to Council's Manager of Development Assessment for review and approval. Any new substation shall be suitably located and designed in a manner that minimises any streetscape impacts.

Access

26. 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.

Cladding

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

Products banned under the Building Products (Safety) Act 2017

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

Crime Prevention Through Environmental Design

29. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
 - (a) Back to base alarm systems shall be considered;
 - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (c) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (d) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;

- (e) Corrugated ramps should be considered to prevent skate boarding activities; and
- (f) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders.

Construction Environmental Management Plan (CEMP)

30. Prior to issue of any Construction Certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:

- a) Asbestos Management Plan;
- b) Project Contact Information;
- c) Site Security Details;
- d) Timing and Sequencing Information;
- e) Site Soil and Water Management Plan;
- f) Noise and Vibration Control Plan (as prepared by a suitably qualified acoustic consultant);
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency; and
- m) Unexpected Finds Protocol.

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

S138 Roads Act – Minor Works in the public road

31. Prior to the issue of the relevant 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:

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

Liverpool CBD – Communication Conduits

32. The applicant/developer shall supply and install two 50mm white communication conduit with draw wires approximately 300mm behind kerb and gutter connecting multifunction poles. Details can be obtained from Infrastructure and Environment Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170. This work shall be limited to Elizabeth Street/Drive frontage from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans).

Liverpool CBD – Footpath Paving and Landscaping Works

33. Periphery Type/Core Type paving shall be installed along the entire Elizabeth Street/Drive frontage from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans), 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.

A Section 138 Roads Act Approval for all works within Council's road reserve will be required.

S68 Local Government Act – roadworks requiring approval of civil drawings

34. Prior to the issue of the relevant 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, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of core type paving in Elizabeth Street/Drive.

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:

1. 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

35. 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 correction actions recommended in the RSA have been addressed in the final design.

Stormwater Discharge – Minor Development

36. Stormwater drainage from the site shall be discharged to the Existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

Food Premises - Construction

37. To ensure compliance with the relevant standards and requirements, the following details are to be submitted to the Principal Certifying Authority for approval;
- a) Plans, to scale, demonstrating the proposed floor layout as well as associated works is in compliance with;
 - i. AS4674-2004 – Design, construction and fit-out of food premises
 - ii. Food Standards Code (Australia)
 - iii. Building Code of Australia
 - b) Proposed/alterd mechanical ventilation system/s (Building Code of Australia & Australian Standard 1668 Part 1 & 2);

Construction Noise Management Plan

38. Prior to issue of the relevant Construction Certificate, a *Construction Noise and Vibration Management Plan* shall be developed to manage noise associated with construction activities in accordance with the NSW EPA Interim Construction Noise Guideline. As a minimum the management plan should:
- a) Identify sensitive land uses and receivers around the site;
 - b) Identify appropriate noise and vibration management levels;
 - c) Predict noise and vibration impacts during the various phases and activities associated with the development;
 - d) If required, identify implement noise mitigation measures including but not limited to; selection of quieter plant/methodologies, location of plant, enclosures and barriers, respite periods, managements and monitoring;
 - e) Outline the measures to be adopted; and
 - f) Recommend community liaison measures and complaints handling procedures.

Mechanical Services Plant

39. Ancillary mechanical services plant (e.g condensing units, exhaust fans, etc.) associated with the proposed development shall be selected in consultation with a suitably qualified and

experienced acoustic consultant to ensure compliance with the *Westfield Liverpool LEP: Revised Scheme Development Application Acoustic Assessment* (prepared by Acoustic Logic, ref no: 20180813.3/0607A/R1/VF, revision date: 6/7/2019).

Dilapidation Report

40. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Elizabeth Street/Drive, Campbell Street, Bathurst Street and George 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 10m either side of the development.

Dilapidation Report Private Property (Excavation)

41. 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 the relevant 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.

Performance Bond

42. Prior to the issue of the relevant Construction Certificate, a performance bond is to be lodged with Liverpool City Council for any road reserve works within Elizabeth Drive.

The value of the bond shall be determined and administered in accordance with Liverpool City Council's Bond Policy.

Note: Contact Council's Land Development Section for further information relating to bond requirements.

Waste Management

43. Details of the waste management of the wastes produced from the demolition and construction phases of the development must be submitted prior to the issue of the relevant construction certificate. This must include:
 - a) The expected weights and/or volumes of all the different types of waste materials to be generated,
 - b) What is to be done with each of these types of materials, whether they will be retained and re-used, recycled or disposed of (with preference towards either of the first two options),
 - c) The names and addresses of the facilities to which the materials will be sent.
44. Prior to the removal/demolition of any refrigeration or air-conditioning units, any refrigerants must first be extracted from these systems into a sealable container by a licensed air-conditioning technician. This container and its contents must be sent to a facility where those refrigerants can be safely and securely destroyed.

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

45. Building work shall not commence prior to the issue of the relevant 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.
46. Prior to the commencement of any building works, the following requirements must be complied with:
 - a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - d) a Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision

works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Public Art

47. Any pavement art required or proposed to be removed, as part of this application, is to be removed prior to commencement of any work, in line with the processes and procedures agreed upon and overseen by Council representatives. The pavement art shall be relocated to Liverpool Museum, or any other location as agreed upon by Council representatives, at a date and time agreed upon by Council representatives.

Public Domain Works

48. Tree protection measures are to be installed and approved by Council prior to Construction commencing for existing trees retained near (within 5.0m of) construction.

Demolition Works

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

Notification of Service Providers

50. 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.

Site Facilities

51. 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

52. 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 principal certifier; and
 - (c) A statement stating that 'unauthorised entry to the work site is prohibited.

Waste Classification

53. 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

54. 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.
55. 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.

Sediment and Erosion Control Measures

56. 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.

Traffic Control Plan

57. Prior to commencement of traffic management works on Elizabeth Street/Drive and Campbell Street, approval is to be obtained from the Liverpool Pedestrian Active Transport and Traffic Committee, through Council's Traffic and Transport Section.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Building Inspections

58. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
59. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Hours of Construction Work

60. 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 7:00am to 3:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

Demolition Inspections

61. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

- (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Identification Survey Report

- 62. 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.

Excavation

- 63. 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 building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (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

- 64. 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.

Craning and Hoarding

65. 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.

Demolition Works

66. All demolition work is to be carried out in accordance with all requirements of AS 2601. Demolition is to be carried out strictly in accordance with the Approved procedures and work plan.

Security Fence

67. 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.

Car Parking Areas

68. 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.

69. Directional signage indicating the location of customer parking, "in" and "out" crossings and directional arrows are to be provided in accordance with the approved plans.

Traffic Management Works

70. All the approved traffic management works including street lighting shall be carried out, including the following works:
- (a) Access driveways and car park (3,438 car parking spaces) including, line markings and sign posting, as well as parking for bicycles and motorcycles in accordance with Council's DCP and AS2890.

- (b) Two traffic calming treatments on Elizabeth Street/Drive to be located approximately 20 metres away on each side of the signalised pedestrian crossing fronting the Shopping Centre entrance.
 - (c) A raised pedestrian crossing on the eastern approach to the roundabout at the intersection of Campbell Street and Macquarie Street.
 - (d) Extension of the central median in Bathurst Street across the exit driveway to restrict exit manoeuvres to left out only onto Bathurst Street.
 - (e) The number plate recognition system to be implemented as part of the parking management system for the shopping centre.
 - (f) Street lighting upgrade for the frontage of the shopping centre along Elizabeth Street/Drive from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans). The street light poles shall be multi-function poles including all necessary accessories.
 - (g) Footpath paving and Landscaping works along Elizabeth Street/Drive from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans). It needs to include detailed plans 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.
71. An application must be made to Council's Traffic & Transport Section, for any road occupancy, road closure, or works zone. The application is to include Traffic Control Plan, and indicate the exact location required and the applicable fee is to be included. The TCP is to be prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
72. All works within the public road reserve are to be at the applicant's 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.

General Site Works

73. 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.
74. All demolition and construction waste must be separated as it is generated and kept separate bays, builder's site bins and/or skips prior to recycling or disposal.
75. All demolition and construction waste must be either retained and re-used, recycled or disposed of in accordance with the approved waste management plan.
76. All lightweight or granular demolition or construction waste such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed at all times to prevent it from becoming blown off the site in strong wind conditions, or from washing into drains, sewers, or waterways, or onto public land or adjacent properties in wet weather.

77. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
78. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
79. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
80. 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.
81. 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.
82. 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.
83. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
84. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

External

85. 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

86. 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).

Pollution Control

87. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be

implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.

Notification of Damage

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

Ventilation

89. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
90. To ensure that adequate provision is made for ventilation of the building, the design, construction, installation and commissioning of the mechanical ventilation systems(s) shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person and shall be positioned to comply with AS 1668 Part 2, Section 3.7.

Food Premises - Construction

91. The construction, fitout and finishes of the premises shall comply with the Australian Standards 4674-2004, Food Act 2003 and Regulations thereunder. Construction is to include, but not be limited to the following:
- a) All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (e.g., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level;
 - b) Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg. stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling;
 - c) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor;
 - d) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture;
 - e) The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm;

- f) All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - i. at least 75mm high;
 - ii. finished level to a smooth even surface;
 - iii. recessed under fittings to provide a toe space of not more than 50mm;
 - iv. rounded at exposed edges; and
 - v. coved at the intersection of the floor and wall to a minimum radius of 25mm.
- g) The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof;
- h) The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint;
- i) All service pipes and electrical conduits shall be either:
 - i. concealed in floors, walls, ceiling or concrete plinths, or
 - ii. fixed with brackets so as to provide at least:
 - iii. 25mm clearance between the wall and the pipe/conduit; &
 - iv. 100mm between the floor and the pipe/conduit
 - v. pipes so installed are not to run underneath fittings.
- j) All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas;
- k) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin;
- l) The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned;
- m) All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level;
- n) The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction;
- o) A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C;

- p) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment;
- q) A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least: - 45°C in one bowl for washing purposes; and - 77°C in the other bowl for rinsing purposes, together with a thermometer accurate to 1°C.
- r) Discharge of commercial trade wastewater is to be approved by Sydney Water. Before selecting or installing trade wastewater pre-treatment devices at a retail food business, refer to Plumbing for retail food businesses produced by Sydney Water.
- s) A cleaners sink shall be provided. The sink is NOT to be within an area where open food is handled.
- t) The grease trap is NOT to be located within an area where food is being handled.

Construction Noise and Vibration

- 92. All recommendations, procedures and practices developed in the *Construction Noise and Vibration Management Plan* (developed at prior to CC stage) shall be implemented and adopted during construction.

Waste Management Plan

- 93. 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.

Erosion and sediment control

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

Glass Reflectivity

- 95. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Public Domain Works

- 96. All paving areas are to be designed with passive irrigation – whereby local falls drain to planting areas.
- 97. Three (3) new tree planting is to be installed in the Elizabeth Street Westfield entry forecourt. Species to be *Fraxinus 'Urbansite'* and be minimum 200L in size. Each tree to have 30m³ soil volume. Structural soil with '*Stratacell*' or approved similar to be used under paving zones.

'Healguard' Stainless steel tree grates (or approved similar) are required for each street tree as tree surrounds.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Building/Compliance

98. The premises must not be occupied until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
99. 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*.
100. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
101. Prior to issuing of the relevant occupation certificate the principal certifier 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.
102. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Roads Act/ Local Government Act

103. Prior to the issue of the relevant 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.

Traffic Management and Parking Works

104. Prior to the issue of the relevant Occupation Certificate, all approved traffic management works and street lighting are to be completed to Liverpool City Council requirements, including:
 - (a) Access driveways and car park (3,438 car parking spaces) including, line markings and sign posting, as well as parking for bicycles and motorcycles in accordance with Council's DCP and AS2890.
 - (b) Two traffic calming treatments across sections of Elizabeth Street approximately 20m from the signalised pedestrian crossing at Macquarie Mall, fronting the Shopping Centre entrance.
 - (c) Upgrade of the existing marked pedestrian crossing across Campbell Street (east of Macquarie Street) to a raised marked pedestrian crossing

- (d) Number plate recognition system to be implemented as part of the parking management system for the shopping centre.
 - (e) Extension of the central median in Bathurst Street across the exit driveway to restrict exit manoeuvres to left out only onto Bathurst Street.
 - (f) Periphery Type/Core Type paving shall be installed along the Elizabeth Street/Drive frontage from adjoining property Western Sydney University up to the entrance to Level 1 Retail (marked in red on the approved plans).
105. A cash bond (\$TBA) shall be lodged with Council for future implementation of a central median on George Street fronting the two car park exit lanes to restrict the driveway access to left in/left only, if required after 12 months of operation. The bond will be held by Council for a minimum period of 12 months from the date of Council's acceptance of final works.

Public Art

106. Prior to the issue of the relevant Occupation Certificate, all works proposed in the endorsed public artwork plan shall be completed to the satisfaction of Council.

Signage

107. Prior to the issue of the relevant Occupation Certificate, the applicant/developer is to install 8 signs and related wayfinding infrastructure in the Liverpool CBD, identifying key pedestrian routes and destinations within the area. The proposed signs shall be designed in accordance with any applicable wayfinding specifications and require approval by Council's Manager City Design and Public Domain Manager prior to installation.

Surveillance

108. Prior to the issue of the relevant occupation certificate, the following safety and security measures shall be incorporated in the development:
- (a) CCTV cameras covering the main entrance of the building, mail box areas and underground car parking shall be installed at the premises in accordance with the following:
 - i. Display signs warning of CCTV cameras being used at the location at the main entrance, mail box areas and entry to underground car park
 - ii. Register the CCTV cameras with the NSW Police CCT register.
 - (b) Install an emergency help button inside elevators with clearly labelled sign of the building's address near the help button.
 - (c) Strata buildings with windows above ground level to be fitted with devices to be locked at 12.5cm when it is engaged to prevent children from falling from windows.
 - (d) If building and floors is only accessible swipe card, consider supplying Liverpool Police with a master key for access into the building.

- (e) All building installations to comply with Australian Standards.

Works as Executed

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

An original set of works-as-executed drawings and electronic copies on a USB 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.

Landscaping

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

Recommendations of Acoustic Report

111. A Compliance Certificate or other documentation deemed demonstrating compliance with the following is to be submitted to the Principal Certifying Authority:

- (a) All recommendations within the approved Acoustic report have been adopted.

Regulated Systems

112. Regulated systems installed, such as air-handling systems, heated water systems and cooling water systems, must comply with the Public Health Act and Public Health (Microbial Control) Regulation thereunder, including AS3666.1:2011 & AS1668.

The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

Food Premises

113. The food business/s is required to notify Council of the food business details. The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee.
114. Trading shall not commence until the relevant Occupation Certificate has been issued by the PCA.
115. Certification that the mechanical ventilation system has been installed and is operating in accordance with the relevant standards associated with ventilation and Acoustics shall be provided to the Principal Certifying Authority.

Lot Consolidation

116. All separate lots must 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 and Property Information. This shall be provided to Council prior to the release of the relevant occupation certificate.

Rectification of Damage

117. Prior to the issue of the relevant 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 Elizabeth Drive 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

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

Bonds

119. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council's acceptance of final works.

Waste Management

120. All the necessary equipment, facilities and signage to direct and guide the occupants of the development towards correct waste disposal are to be in place and operable prior to the issue of an Occupation Certificate.

Venue and Patron Management Plan

121. A Venue and Patron Management Plan shall be submitted to and approved by Council's Manager of Development Assessment prior to the issue of the relevant Occupation Certificate for the dining, entertainment and leisure precinct. The Venue and Patron Management Plan should detail management of the precinct, including but not limited to patron management plan, patron code of conduct, security manual, RSA manual, emergency management plan, noise and amenity action plan and incident report form.

Timing of Work

122. Prior to the issue of an Occupation Certificate for Stage 2, the addition of a new level of parking in Stage 5 is required to be completed.

G. GENERAL CONDITIONS

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

Parking Requirements

123. A total of 3,438 off street car parking spaces must be provided in accordance with Council's relevant development control plan.
124. All parking areas shown on the approved plans must be used solely for this purpose.
125. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery and waste vehicles only.
126. 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.

Vehicular Access Arrangement

127. Vehicular access from George Street to be restricted to left in/left out, should it be required after 12 months operation of the new development.
128. The existing two vehicular accesses off Bathurst Street are to be monitored for 12 months after occupation of the proposed development, and an assessment report presented to Council's Traffic and Transport Section for review. If required, in consultation with the Roads and Maritime Services, required changes are to be implemented at cost to the applicant.

Separate Application for Use

129. Each separate commercial tenancy shall be subject to submission and approval of a separate application for its fit-out and use.

Use of Licensed Premises

130. Any licensed premises including restaurants or taverns/bars are to incorporate the following measures:
 - (a) The licensee/approved manager shall not permit any patron to enter or remain on licensed premises who is wearing any form of clothing, jewellery or other accessory that displays or infers by form or word, colours, logo, symbol or otherwise that they are a member of a prescribed group. Prescribed Groups are Bandidos, Black Uhlands, Brothers 4 Life, Coffin Cheaters, Commanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Hells Angels, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix Rebels, Scorpions, Notorious and any similar group.
 - (b) The licensee/approved manager, or person nominated by the licensee, must attend all general meetings of the Liverpool City Liquor Accord and remain present for the duration

of the said meetings, provided however that the accord coordinator has properly advised the licensee in advance and the meeting is properly scheduled.

- (c) Immediately the person in charge of the licensed premises at any given time becomes aware of an incident involving violence to a person either inside the premises or directly outside the premises that person must;
 - i. Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by NSW Police Force; and
 - ii. Make direct and personal contact with the Police Area Commander or his/her delegate, and advise the Commander or delegate of the incident; and
 - iii. Comply with the directions given by the commander or delegate to preserve or keep intact the area where the violence has occurred.
- (d) The Licensee/approved manager must maintain a closed-circuit television system on the premises in accordance with the following:
 - i. The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times).
 - ii. Recordings must be in digital format and at a minimum of 10 frames per second.
 - iii. Any recorded image must specify the time and date of the recorded image,
 - iv. The system cameras must cover the following areas:
 - a) All the exit and entry points of the premises,
 - b) The footpath immediately adjacent to the premises,
 - c) All publicly accessible areas (other than toilets) on the premises. The licensee must also:
 - i. Keep all recordings made by the CCTV system for at least 30 days, and
 - ii. Ensure that at least one member of staff is on premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
- (e) All external cameras must be registered with the NSW Police.

Landscaping

131. 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.

Use of Premises

132. All materials and goods associated with the use shall be contained within the building at all times.
133. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.
134. Management, staff and security are to advise all patrons when leaving the premises of their responsibility to leave the premises in a quiet manner.
135. Any outdoor smoke area shall be adequately controlled by staff and security to ensure there is no disturbance to the amenity of adjoining occupants.
136. The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
137. The use of the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.
138. The use of the premises is not to interfere with the amenity of the residential area.

Entertainment and Leisure Precinct

139. The dining, entertainment and leisure precinct is to operate in accordance with the following requirements:
 - (a) Warning signs shall be installed near the entrance and exit of the premises to clearly inform patrons and the public that the premises is under 24 hour video surveillance.
 - (b) High quality vandal resistant security lighting must be installed inside and outside the entry/exit area of the premises to provide an even distribution of lighting in accordance with Australian Standard 1158. Details of any external lighting must be submitted and approved by Council, prior to installation.
 - (c) Security guards are to conduct regular random patrols of the toilet facilities and throughout the premises.
 - (d) The applicant must notify Council in writing at least seven (7) days prior to the commencement of usage. This notification must be accompanied by written confirmation or a copy of the Liquor License issued by the Licensing Court (NSW) to confirm approval is granted by the Licensing Court (NSW) for the usage and hours of operation approved by this Development Consent.
 - (e) All conditions, including but not limited to the installation of lighting, barriers, signage, cameras and alarm, must be complied with prior to commencement of usage.
 - (f) Management are to engage licensed security operatives to the satisfaction of the NSW Police Force. Security personnel are to be licenced and accredited.

- (g) Management is to retain within the office a register of complaints. Management is to respond to any complaints within 24 hours. This register is to be available to Council staff or other authorities on request.
- (h) Doors opening into the outdoor area at the licensed premises shall be fitted with a self-closing mechanism to minimise noise emissions.
- (i) Regular patrols of the outdoor area and car park shall be undertaken by staff or security guards of the licensed premises to ensure that patrons are not generating noise or disturbance that are likely to adversely affect nearby residents and/or the surrounding locality.
- (j) The operation of the dining, entertainment and leisure precinct shall comply with the endorsed Venue and Patron Management Plan.

Use of Tenancy

140. Proposed tenancy S3.00 shall operate as a *recreation facility (indoor)* with a maximum area of 200sqm allocated to amusement machines. Prior to the issue of an Occupation Certificate for the proposed tenancy, a restriction to this effect shall be registered on the title of the property.

Hours of Operation

141. The hours of operation of the premises shall be in accordance with the conditions of previous Development Consents issued for and applicable to the operation of the site and its uses.
142. The hours of operation of the dining, entertainment and leisure precinct are limited to:

Monday to Sunday: 7am – 12am.

The premises may operate on Public Holidays between the hours specified for Sundays.

Unreasonable Noise and Vibration

143. The proposed use of the premises, including but not limited to the operation of vehicles, mechanical plant and equipment 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 areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustic consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements to Liverpool City Council's satisfaction.

Noise

144. The use of the premises including music and other activities shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies,
- (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises, and
- (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Noise - Mechanical Plant

145. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670;
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies; and
- (c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Noise – Entertainment Premises

146. Noise The L_{A10} noise level emitted while entertainment is being provided (as determined in accordance with Australian Standard AS 1055.1—1997, acoustics—Description and measurement of environmental noise, Part 1: General procedures) must not exceed the ambient background noise level (L_{A90}) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB:

- (a) at the boundary of the lot on which any residential accommodation is located,
- (b) if the existing building is on the same lot as (but not in) a building containing any residential accommodation—on the outside wall of the building containing that accommodation, and

- (c) if the existing building contains any residential accommodation—within the residential premises concerned.

Subclause (a) does not apply in relation to any boundary of the lot on which the existing building is located unless that boundary is shared with another lot on which residential accommodation is located.

Noise Impact Assessment

147. The recommendations provided in the approved Noise Impact Assessment report prepared by Acoustic Logic (Document Reference: 20180813.3/0607A/R1/VF, revision date: 6/7/2019)) shall be implemented and incorporated into operation of the premises. The recommendations are as follows:
- (a) All other music except live music played within the external area should not exceed 70Db(A) at 3m from any speaker;
 - (b) The operation of any live entertainment or noise producing activity (other than normal patron activity and background music) shall be governed by a *Plan of Management* that stipulates the times of operation, location of events and the corresponding maximum permissible noise levels so as to prevent any adverse noise impacts at the residential and commercial receivers;
 - (c) In the event that any tenancies seek to generate higher internal noise levels than is assumed in this assessment a noise impact assessment prepared by a suitably qualified and experienced acoustic consultant be submitted with the development application indicating the predicted noise emissions and any further additional recommendations needed to prevent adverse noise impacts; and
 - (d) Music during a live performance should not exceed 88dB (A) at 3m from any speaker.

Waste

148. All waste products associated with the use of the development are to be placed in containers and stored within the building.
149. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
150. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
151. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
152. 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%.

153. The management plan for the expanded facilities must clearly state that the practice of cleaners, tenants or maintenance staff mixing general waste with recyclables is not permitted. Recyclable materials are to be maintained in a loose, unbagged condition to ensure its recyclability and limit contamination.

Operational Parking Management Plan

154. The endorsed Operational Parking Management Plan (OPMP) is to be implemented during the operation of the premises at all times

Lighting

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

H. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective

from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building
- i) "DIAL BEFORE YOU DIG" DIAL 1100

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

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- k) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- l) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current

and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

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

ATTACHMENT 2: SECTION 7.11 PAYMENT FORM

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

Liverpool Contributions 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 September Quarter 2019 and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-926/2018

APPLICANT: Scentre Group Design & Construction Pty Ltd

PROPERTY: Westfield Shopping Centre, 25 George Street, Bathurst Street, Northumberland Street, 17 Secant Street, Lot 12 – 14 Northumberland Street, Lot 20 Secant Street, Lot 100 Bathurst Street, 57 Elizabeth Drive, Part Lot 1 Secant Street, Liverpool NSW 2170

PROPOSAL: Construction of an 8 storey commercial office tower and a dining, entertainment and leisure precinct on the rooftop carpark. The 8 storey commercial tower will provide for approximately 9,827m² of office floor space above the existing shopping centre. The ELP will provide for 7,978m² of commercial floor area that provides mainly for food and drink premises, entertainment facilities and indoor recreation facilities.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2018 – Liverpool City Centre		
Georges River Foreshore	\$531,485	GL.10000001869.10105
Pioneer Park	\$75,926	GL.10000001869.10105
Apex Reserve	\$37,963	GL.10000001869.10217
Georges River Pedestrian Crossing	\$94,908	GL.10000001869.10218
Discovery Park	\$94,908	GL.10000001869.10219
Community Facility Upgrade	\$227,779	GL.10000001870.10099
Car parking	\$759,264	GL.10000001868.10108
Access, bike facilities and bus priority	\$569,448	GL.10000001865.10220
Peripheral Streetscape works	\$379,632	GL.10000001865.10221
Footpath widening in City Centre	\$75,926	GL.10000001865.10222
<u>TOTAL</u>	<u>\$2,847,241</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

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

ATTACHMENT 3: ENDEAVOUR ENERGY

The General Manager
Liverpool City Council

ATTENTION: Boris Santana, Senior Development Assessment Planner DEVELOPMENT ASSESSMENT

Dear Sir or Madam

I refer to Council's letter of 23 January 2019 regarding Development Application DA-926/2018 at WESTFIELDS SHOPPING CENTRE, 25 GEORGE STREET, LIVERPOOL NSW 2170 (LOT 1 DP 554550, LOTS 21 & 22 DP 613438, LOT 433 DP 822256, LOT 435 DP 822222) for 'Construction of a commercial tower and a new entertainment and leisure precinct (ELP) at the existing Westfield Shopping Centre. Proposal involves; Demolition of a portion of existing shopping centre and southern façade fronting Elizabeth Drive; Construction of an 8 storey commercial tower; Provision of approximately 5,992sqm of retail GFA over four retail levels inclusive of the following tenancies: Commercial Premises, Retail Premises, Food and drink premises including restaurants and tavern, Entertainment Facilities, Recreation facilities (indoor) – including ancillary uses; Landscaping works including a new entrance to the shopping centre at street level and a new landscaped public domain on levels 3 and 4'. Submissions need to be made to Council by 13 February 2019.

As shown in the below site plan from Endeavour Energy's G/Net master facility model in regards to the 'Proposed Development' there are:

- No easement over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables to the road verge / roadway.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the Electricity Supply Act 1995 (NSW).

Endeavour Energy has noted that the documents in the link provided in the Council's email do not appear to address the suitability of the site for the development in regards to whether the available electricity services are adequate for the development.

Endeavour Energy's Asset Strategy & Planning Branch has undertaken a high level review of the available documents and carried out a desk top assessment of the infrastructure impact to Endeavour Energy's electricity network and provided the following advice:

The preliminary desktop assessment ahead of receiving a load application for this development via Network Connections Branch indicates that a new indoor substation is likely to be needed with either 2 x 1000 kilovolt amperes (kVA) transformers or 2 x 1500 kVA transformers depending upon the actual load application.

Liverpool Westfields is currently supplied by 3 x 11 kV feeders from our Homepride Zone Substation located at 8 Homepride Avenue, Warwick Farm (Lot 105 DP 606707) of which two have spare capacity to supply the proposed development (based on my load estimate). A proper load assessment by the customer's Level 3 Accredited Services Provider (ASP) or Consultant Engineer and Endeavour Energy's Capacity Planner will be needed to determine the best method of connection and any reconfigurations and upgrades. The third feeder is currently at FULL capacity due to its older type cable and is NOT recommended to use for any additional load.

The customer is urged to engage with an Electrical Consultant prior to submitting plans to Liverpool City Council in order to assess and incorporate the indoor substation and an additional room for a HUB Switching Station to maintain reliability of supply in accordance with Endeavour Energy Standards & Policy into the building design. The HUB Switching Station will allow for both planned or unplanned switching events eg. to provide to back-up feeders in case of failure. In this instance it would be utilised in conjunction with a new fourth "HUB" feeder to be used as a dedicated back-up for any single feeder outage to Liverpool Westfields.

Depending upon the actual load determined for the site, there may be a requirement to reconfigure the existing three supplies, upgrade some of the older cable and develop a new "HUB" feeder in order to provide the required capacity and maintain acceptable back-up capability to the expanded shopping complex and new commercial tower.

Subject to the foregoing and the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

In due course the applicant for the future proposed development of the sites within the Precinct will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements

which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service>.

- Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development. Even with less sensitive non-residential development, Endeavour Energy believes that a policy of prudent avoidance should be considered.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via their website at <http://www.ena.asn.au/>.

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Asbestos

Endeavour Energy's G/Net master facility model indicates that the site is in an area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- Q customer meter boards;
- Q conduits in ground;
- Q padmount substation culvert end panels; and
- Q joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Safety & Environmental Services Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with

the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

T: 9853 7896

E: cornelis.duba@endeavourenergy.com.au

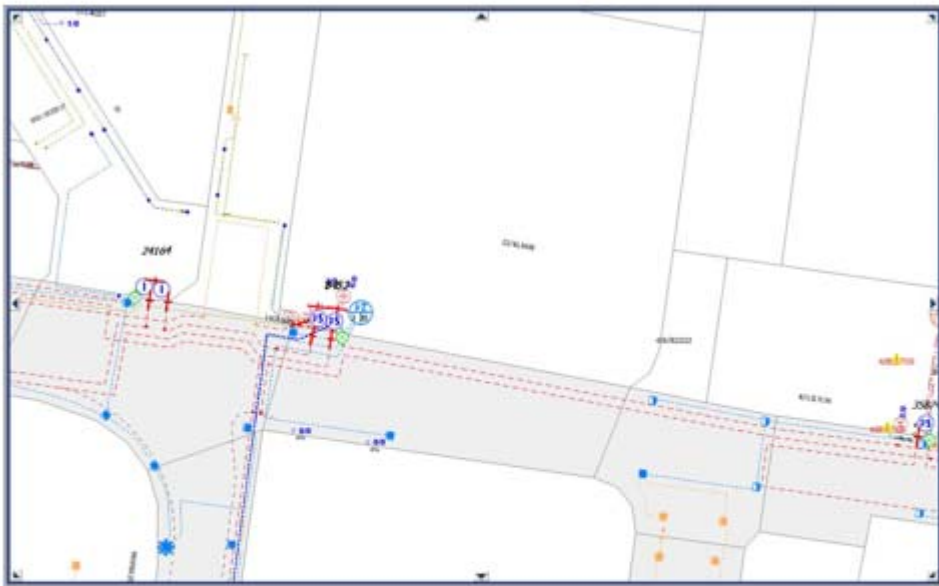
51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au



|





ATTACHMENT 4: SOUTH WESTERN SYDNEY LOCAL HEALTH DISTRICT



SWD20/5276

Mr Boris Santana
Principal Planner
Liverpool City Council

Email: SantanaB@liverpool.nsw.gov.au

Dear Mr Santana

Thank you for the opportunity to provide comment on the draft Liverpool City Council Development Application DA-926/2018.

Please find attached a report in response to the above application highlighting the impact the DA has on the Helicopter Landing Sites (HLS).

For further information or questions please contact Mr David Ryan, Director Capital Works and Infrastructure on 8738 6380 or SWSLHD-CapitalWorksInfrastructure@health.nsw.gov.au

Regards

A handwritten signature in black ink that reads 'S Marshall'.

Sonia Marshall
Acting Chief Executive

Date: 16/1/2020

South Western Sydney Local Health District acknowledges the traditional owners of the land.

General Correspondence
Email: SWSLHD-ESU@health.nsw.gov.au
Website: www.swsld.health.nsw.gov.au

South Western Sydney Local Health District
ABN 46 738 965 845
Liverpool Hospital Eastern Campus
Locked Bag 7279 Liverpool BC 1871
Tel 612 8738 6000 Fax 612 8738 6001

AviPro

a division of Resolution Response Pty Ltd
ABN: 94 154 052 883

122 Queen Street
Beaconsfield NSW 2015

12 January 2020

Mr David Ryan
Director, Capital Works and Infrastructure
South Western Sydney Local Health District
Locked Bag 7103, LIVERPOOL BC 1871

DA 9262018 – ELIZABETH DRIVE LIVERPOOL FLIGHT PATH SAFETY ASSESSMENT

References:

- A. Liverpool City Council DA/926/2018 and Imagery
- B. Department of Infrastructure, Regional Development and Cities, National Airports Safeguarding Framework Guideline H: Protecting Strategically Important Helicopter Landing Sites dated May 2018¹
- C. NSW Health document GL2018_010 Guidelines for Hospital HLS in New South Wales

Background

The Liverpool Hospital Precinct hosts two active helicopter landing sites (HLS). One is utilised 24/7 and the other, after reinforcement, will be an alternative site when multiple helicopters arrive at the hospital. These HLS are destinations for critically ill persons who are transported into the precinct by NSW Ambulance helicopters and strategically, one of the busiest HLS in Western Sydney.

The precinct is under pressure from surrounding construction and associated cranes that present considerable obstructions to flight paths and therefore elevate risk for an activity that is life saving.

The Main HLS at Liverpool has a predominantly east/west approach/departure path axis. Recent developments to the west of the hospital had threatened to compromise the flight paths and as a consequence, adjustments to the western flight path were necessary.

Planned Westfield Development

The Westfield development is to the west of the Liverpool HLS and directly in the western approach path. Image 1 illustrates the western flight path direction and the proposed Westfield development.



Image 1: Liverpool Hospital western flight path direction and the Westfield development.

¹ https://infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx

HLS Remarking and Lights

The Main HLS western approach/departure arrow will need to be remarked. In addition, prior to the HLS refurbishment, interim flight path direction lights (Image 3) will need to be installed.



Image 3: Interim lighting

The lights and new marking will need to reflect the realigned western flight path and this will meet the HLS compliance requirements.

Crane Illumination

Crane illumination near hospital HLS has been a significant issue for a period of time. Typically crane operators only want to install the lights recommended in the Civil Aviation Safety Authority (CASA) MOS Part 139. For some time now, we have been recommending (and where necessary insisting) that, in addition to the MOS 139 requirements, the crane jib and tower is fitted with white light (LED fluro) that illuminates the jib structure and provides exact positional awareness to a pilot conducting an aided or unaided approach/departure to a HLS.

The illumination of the jib structure (and the tower itself where necessary) has proved a necessary and successful safety mitigation in a number of locations including Westmead, Gosford, Lismore, RPA Camperdown, St George and now in Shoalhaven. The lighting requirements that the developer or the crane companies need to install are:

As a minimum for all tower cranes:

- Top of crane A frame or cabin: medium intensity red obstruction light (night) and white by day if applicable
- Both ends of Jib: medium intensity red obstruction light (night) and white by day if applicable
- Along Jib: line of white LED fluro on a PE cell along the full length of the jib
- Tower section: stairway lights or spot lights attached to the top of the tower pointing down and onto the tower (not up into pilot eyes)

As a minimum for all luffing cranes:

- Top of crane A frame or cabin: medium intensity red obstruction light (night) and white by day if applicable
- End of Jib: medium intensity red obstruction light (night) and white by day if applicable
- Along Jib: line of white LED fluro on a PE cell along the full length of the jib



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- Tower section: stairway lights or spot lights attached to the top of the tower pointing down and onto the tower (not up into pilot eyes)

The LED jib Fluro details are:

- Lights used: LED WEATHER PROOF EMERGENCY FLUROS (minimum 90 min battery back-up)
- Lights are controlled via a PE Cell

Please note, LED 'strip' lighting does NOT work and is not suitable as it cannot be seen through NVG. Some examples of illuminated tower and luffing cranes are at Appendix A.

Obstruction Lights – Completed Building

The finished buildings will be covered by a red medium intensity obstruction lights visible from all directions. This will provide obstacle awareness (for the buildings) along this approach/departure path in most weather and lighting conditions.

Conclusion and Recommendations

The proposed development at Westfield impacts the current western flight path. A slight realignment of the western flight path further north is feasible and has been considered together with the NSW Ambulance helicopter contractor. This will provide a compliant flight path assuming no other developments are approved that compromise his realigned western flight path.

Cranes associated with the construction however, will provide a clear obstruction and will need to be appropriately painted (day visibility) and illuminated (night visibility).

It is therefore recommended:

- a. The western flight path is realigned to the 300 degrees direction,
- b. The HLS be remarked to the 300 degrees direction.
- c. That interim approach path lighting be installed in the 300 degrees direction.
- d. That SWSLHD seek from City of Liverpool Council the following caveats to the DA approval that the Developer consult with Liverpool Hospital on:
 - i. The positioning of the cranes,
 - ii. The illumination of the cranes at night, and
 - iii. The colour of the cranes (day visibility).

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APPENDIX A: EXAMPLES OF ILLUMINATED CRANES



Above: Tower crane at Shoalhaven Hospital.



Above: Luffing crane at Westmead Hospital

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Offsite cranes at a development adjacent to Westmead southern and southwestern flight paths.