

# ATTACHMENT 1: RECOMMENDED CONDITIONS OF CONSENT

## CONDITIONS:

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

### A. THE DEVELOPMENT

#### Approved Plans

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

Plan Name	Plan Number	Rev	Date	Prepared By
Proposed Subdivision	SHT. 1 of 1	--	16/06/2016	Degotardi Smith & Partners
Context Plans Location Plan	A-100-101	L	31/03/2021	Turner
GA Plans Basement 1 Plan	A-110-007	L	31/03/2021	Turner
GA Plans Ground Level	A-110-008	M	13/04/2021	Turner
GA Plans Level 01-03	A-110-010	L	31/03/2021	Turner
GA Plans Level 04	A-110-040	L	31/03/2021	Turner
GA Plans Level 05	A-110-050	L	31/03/2021	Turner
GA Plans Roof	A-100-060	L	31/03/2021	Turner
GA Elevations West Elevation	A-250-010	M	01/04/2021	Turner
GA Elevations East Elevation	A-250-020	M	01/04/2021	Turner
GA Elevations South Elevation	A-250-030	M	01/04/2021	Turner
GA Elevations North Elevation	A-250-040	M	01/04/2021	Turner
GA Sections Section AA	A-350-010	M	01/04/2021	Turner
GA Sections Section BB	A-350-020	M	01/04/2021	Turner
Materials & Finishes Materials & Finishes External	A-830-010	K	31/07/2020	Turner

Planting Schedule	000	D	07/04/2021	Arcadia Landscape Architecture
Landscape Softworks Plan	100	D	07/04/2021	Arcadia Landscape Architecture
Landscape Details	601	D	07/04/2021	Arcadia Landscape Architecture
Landscape Specification	602	D	07/04/2021	Arcadia Landscape Architecture

Report Name	Date	Reference	Prepared By
Landscape Development Application Design Report	April 2021	Issue D	Arcadia Landscape Architecture
Operational Waste Management Plan	April 2021	----	Waste Audit
Demolition & Construction Waste Management Plan	August 2020	----	Waste Audit
Acoustic Report	17/08/2020	42745-1	Wood & Grieve Engineers
Arboricultural Impact Assessment	11/09/2020	4660a	Redgum Horticultural
BASIX Certificate	18/08/2020	1093106M_02	WSP Australia Pty Ltd
Access Assessment Report	11/08/2020	Aconex transmittal: Taylor – TRANSMIT-000019	Morris Goding Access Consulting
BCA Design Assessment Report	18/08/2020	P220_065-4 (BCA) LB	Design Confidence
Salinity Management Plan	21/04/2021	E25074.E99. Rev1	EIAustralia
Remediation Action Plan	21/04/2021	E25074.E06. Rev0	EIAustralia

#### **Works at no cost to Council**

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

#### **Comply with EP&A Act**

3. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

### Prescribed condition

4. In accordance with Section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the *National Construction Code*. Compliance with the Performance Requirements can only be achieved by:
  - a) Complying with the Deemed to Satisfy Provisions, or
  - b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

## B. PRIOR TO WORKS COMMENCING

The following conditions shall be complied with prior to works commencing:

### Section 7.11 Payment (Liverpool Contributions Plan 2018 Established Areas)

5. ~~As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2018 Established Areas as amended.~~

~~The total contribution is **\$325,495.00** and will be adjusted at the time of payment in accordance with the contributions plan. 50% of the total amount is **\$162,747.50** and is to be paid prior to construction (amount to be adjusted at the time of payment in accordance with the contribution plan).~~

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

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

~~Payment must be accompanied by the attached form.~~

~~*Note: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to occupation.*~~

### Design Changes

6. ~~The amendments on the approved GA Plans Ground Level Plan prepared by Turner, Drawing No: A-110-008, Revision M, Dated 13/04/2021 shall be incorporated into construction drawings, which incorporate the following:~~

- ~~• The bin kerbside presentation zone marked in red is to be landscaped area.~~

### Fee Payments – Land Development

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

#### **Access**

8. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of NSW Land and Housing Corporation.

#### **Substation**

9. The Pad-mount Electrical Substation location and any associated fire separation walls must comply with Endeavour Energy Substation Design Instruction Document No SDI 104 (Current Version).

#### **Notification**


10. The NSW Land and Housing Corporation must advise Liverpool City Council ~~must advise Council~~, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

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

#### **Fire Safety - Cladding**


11. The construction plans must demonstrate that all proposed attachments, cladding material and systems forming part of external walls comply with the National Construction Code and relevant Australian Standards. The NSW Land and Housing Corporation must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the NCC for all products/systems proposed.

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



12. Prior to the commencement of ~~works for building or subdivision~~ works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act)  for provision of the following within the site frontage:

- Demolish all existing driveways and laybacks, including reinstate kerb, gutter and footpath verge (site frontage)
- Minimum 1.5m wide concrete footpath paving (site frontage)
- Minimum 2.5m wide concrete footpath paving (Mannix Parade), with a pram ramp to suit.
- ~~Removal of existing and construction of concrete kerb and gutter (Mannix Parade).~~
- ~~Removal of existing and construction of a bus stop, including shelter.~~

~~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, best engineering practice.~~

 *Note: All works shall be undertaken at no cost to Liverpool City Council.*

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

13. Prior to the commencement of  works the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, **AS2890.2**, AS2890.6 and Liverpool City Council's Development Control Plan.
14. Prior to the commencement of works the Certifying Authority shall ensure that:
- (a) Off street access and parking complies with AS2890.1,
  - (b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1,
  - (c) All cars can enter and exit the site in a forward direction
15. Detailed design plan for the access driveway and car park including swept path analysis, gradient, line markings and sign posting  shall be submitted to Traffic and Transport Section prior to construction commencement ~~to ensure that the proposal is in accordance with the DCP and AS2890. This needs to include the provision of an appropriate traffic management system consisting of traffic signals, signage and waiting bays on the basement and ground levels to effectively manage the ingress/egress of vehicles, as proposed in the traffic report accompanying the DA due to the inability of the proposed ramp to accommodate two-way traffic flow.~~

### **Street Lighting**

16. Street lighting is to be provided to the site frontage. The developer shall submit a Public Lighting Design Brief to Council for ~~approval for~~ the provision of street lighting. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer. All works to be at no cost to Council.

### **Waste Management**

17. Prior to construction, a revised operational waste management plan (OWMP) must be submitted to Council, clearly demonstrating:
  - a) ~~That the bin presentation zone for the waste bins currently shown on the site itself, at the northern boundary, adjacent to the driveway, is to be deleted.~~
  - b) ~~That a new bin presentation area, of concrete construction, is to be built immediately behind the kerb of McGirr Street, of a size and configuration capable of taking 8 x 660 litre waste bins together.~~
  - c) That the ~~new~~ bin presentation area referred to above, will meet the requirements of the current *Australian Road Rules NSW* in regard to its proximity to the McGirr Parade bus stop. Also, that the bin loading activities of a 10 metre long, rear-loading waste truck, parked next to the bin presentation area, will create no conflict with either the access to the driveway of the building, or to the safe arrival and departure of buses from the bus stop. This is to be demonstrated to ~~the satisfaction of~~ Council's Traffic section.
  - d) That the 'No Parking' Zone to be established along the McGirr Parade street frontage will operate from 5am to 9am daily to facilitate waste collection and remove the likelihood of conflict with parked vehicles.
  - e) That the management of the building, assisted by their agents on site, are to be responsible for educating all residents about correct waste separation and disposal, for ongoing monitoring and provision of feedback to building residents on their waste disposal, for taking corrective actions if recycling bins are being contaminated, and ensuring that all information and administrative procedures are in place to direct residents to store their bulky household wastes in the dedicated area provided within the building.

### **Construction Traffic Management Plan**

18. Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council's Traffic and Transport Section ~~for approval~~ prior to construction. The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.
19. All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.

### **Recommendations of Acoustic Report**

20. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on the construction plans.

### **Retaining Walls on Boundary**

21. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines.

Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and submitted to NSW Land and Housing Corporation and Liverpool City Council prior to commencement of works on the retaining wall.

### On-site Detention

22. On-site Stormwater Detention (OSD) shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Webber Design, reference number 20023 as per the following:


Drawing No.	Title	Revision/Issue	Date
CIV-WEB-000	Cover Sheet	3	09.04.21
CIV-WEB-001	Civil Notes	3	09.04.21
CIV-070	Cut & Fill Plan	3	09.04.21
CIV-WEB- 090	Basement – Stormwater Drainage Plan	3	09.04.21
CIV-WEB-100	Ground Floor – Stormwater Drainage Plan	3	09.04.21
CIV-WEB-105	Ground Floor – On-site Detention Plan	3	09.04.21
CIV-106	Ground Floor – Proposed Stormwater Catchment Area	4	13.04.21
CIV-WEB-107	Ground Floor Civil Sections	3	09.04.21
CIV-WEB-150	Overland Flow Path Plan	4	13.04.21

The following shall also be addressed:

- i. The invert level at the proposed point of connection into the road kerb inlet pit shall be obtained and all stormwater design details shall be confirmed by the Engineer. This is to include any submergence of the OSD due to the connection point into the Council system.
- ii. The OSD system is to be designed utilising DRAINS. An electronic copy of the DRAINS model used to design the OSD system is to be provided to Council.
- iii. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development (including the proposed OSD) and adjoining properties.
- iv. The outlet pipe connecting into the Council system shall be minimum 375mm diameter RCP.
- v. A clear emergency spillway and overland flow path is to be provided from the OSD into the street footpath to allow for emergency flows during larger storm event or system failure. The flow path is also to ensure no stormwater will enter the basement when this occurs.

- vi. Grated access points shall be provided to the OSD tank for inspection and maintenance purposes. One shall also be located over the orifice outlet.
- vii. The outlet pipe at the orifice shall be sized to convey 2 times the PSD of the orifice outlet, and the orifice plate shall be centrally located over the outlet pipe.
- viii. A sump area is required in the DCP adjoining the orifice.
- ix. Engineering plans and supporting calculations for the OSD system are to be prepared by a suitably qualified person and shall accompany the Construction Plans.
- x. Prior to Construction the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's OSD policy and Technical Specification.

### **Stormwater Discharge – Basement Car parks**

- 23. Prior to the ~~issue of a construction~~  the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.
- 24. Two (2) submersible type pump units shall be designed to operate on an alternate basis.
- 25. A float shall be provided to ensure that the minimum required water level is maintained within the sump area of the below ground tank. In this regard this float will function as an off switch for the pumps at the minimum water level. The same float shall be set to turn one of the pumps on upon the water level in the tank rising to approximately 300mm above the minimum water level. The pump shall operate until the tank is drained to the minimum water level. A second float shall be provided at a high level. This float shall start the other pump that is not operating and activate an alarm.
- 26. An alarm system shall be provided with a flashing strobe light and a pump failure warning sign which are to be located at the driveway entrance to the basement level. The alarm system shall be provided with a battery back-up in case of power failure.
- 27. A confined space danger sign shall be provided at all access points to the pump out storage tank.
- 28. Residential storage areas, lift entry points and services rooms in the basement shall be set a minimum of 100mm above the surface level of the tank.

### **S68 Local Government Act – Stormwater drainage works**

- 29. ~~Prior to Construction, the Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for connection to the Kerb Inlet Pit.~~



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

#### **No Loading on Easements**

30. Prior to Construction NSW Land and Housing Corporation shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

#### **Design Verification Statement**

31. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to NSW Land and Housing Corporation. NSW Land and Housing Corporation shall ensure that the statement prepared by the qualified designer provides the following:
  - a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - b) That the qualified designer has designed or directed the design of the subject development; and
  - c) That the Construction Plans and Specifications achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

#### **Water Quality**

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

Prior to construction stormwater plans must be supported by:

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

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

#### **Dilapidation report**

33. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in McGirr Parade, Mannix Parade, and Hinkler Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

### **Dilapidation Report Private Property**

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

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

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

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

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

### **Provision of Services**

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

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

36. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the NSW Land and Housing Corporation.
37. Prior to construction, the Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997:

- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

38. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

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

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

### **Construction Plans**

40. Any Construction Plans associated with this development consent must ensure that any certified plans and designs are consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

### **Site Development Work**

41. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless NSW Land and Housing Corporation has given the Liverpool City Council written notice of name and licence number of the principal contractor; ~~and the name of the insurer by which the work is insured under Part 6 of that Act.~~

### **Traffic Control Plan**

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

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

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

### **Prior to Works Commencing**

43. Prior to any works commencing, the domestic waste bins of all the existing residences to be demolished, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170, to advise that the bins are empty and ready to be removed, and so their removal can be noted on the rates system.

### **Notification of Service Providers**

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

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

### **Sediment & Erosion Control**

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

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

### **Waste Classification**

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

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

All waste must be transported by a contractor licenced to transport the specific

waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

## **C. DURING CONSTRUCTION**

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

### **Building Inspections**

47. The Building Contractor must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out by NSW Land and Housing Corporation, prior to proceeding to the subsequent stages of construction or finalisation of the works.

### **Identification Survey Report**

48. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as NSW Land and Housing Corporation 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 NSW Land and Housing Corporation has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.
49. On placement of the concrete, works again shall not continue until NSW Land and Housing Corporation has issued authorisation stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

### **Site Works**

50. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
  - (a) The name, address and telephone number of NSW Land and Housing Corporation Development Manager responsible for the work;
  - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Unauthorised entry to the premises is prohibited.

### **Excavation**

51. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure

or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation,
- b) where necessary, underpin the adjoining premises to prevent any such damage, and
- c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- d) retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

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

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

#### **Toilet Facilities**

53. 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*.

#### **Site Remediation Works**

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

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

#### **Craning and Hoardings**

55. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with ~~work cover~~ authority requirements.

56. 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.

### **Waste Management**

57. All demolition, excavation and construction wastes must be sorted and separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
58. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.
59. If any asbestos materials are discovered during the excavation process, they must be handled and wrapped in accordance with the legislation, regulations and safe work practices established by WorkCover NSW and the NSW EPA, and must be disposed of only at a landfill that is licensed to take such waste.

### **Site Facilities**

60. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

### **Security Fence**

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

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

### **Hours of Construction Work**

62. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Construction Traffic Management Plan**

63. The endorsed Construction Traffic Management Plan is to be implemented during the construction.

### **General Site Works**

64. 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.

65. 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.
66. 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 NSW Land and Housing Corporation may direct that such work is not to proceed.
67. 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.
68. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
69. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

#### **Erosion and sediment control**

70. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
71. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
72. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
73. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

#### **Construction Noise and Vibration**

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

#### **Complaints**



75. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and is to include the following:
- a) the date and time, where relevant, of the complaint;
  - b) the means by which the complaint was made (telephone, mail or email);
  - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant;
  - f) if no action was taken in relation to the complaint, the reason(s) why no action was taken; and
  - g) allocate an individual "complaint number" to each complaint received.

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

### **Car Parking Areas**

76. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. ~~All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only.~~ The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

### **Traffic Management**

77. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
78. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
79. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Contamination**

80. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

### **Fill**

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

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

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

### **Unidentified Contamination**

82. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. ~~A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.~~

### **Air Quality**

83. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- ~~84. 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 NSW Land and Housing Corporation may direct that such work is not to proceed.~~
- ~~85. 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.~~

### **Ventilation**

86. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

### **Water Quality**

87. ~~All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.~~

### **Environment**

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

### **Drainage Connection**

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

### **Major Filling/Earthworks**

90. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Certifying Authority.

### **Waste Management Plan**

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

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

### **Construction Waste**

92. 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.
93. All excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips.
94. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in

strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

95. Access arrangements for the various bin storage spaces must ensure that only residents can gain access to the residential waste bins and that only the staff and agents of the commercial shops can gain access to the commercial waste bins.
96. The waste bin storage area must be fitted with a fine grade drain cover to the sewer-connected drainage point, to prevent the entry of gross pollutants into the drainage system.

## **D. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:**

### **Demolition of Existing Structures**

97. Prior to the issue of a Subdivision Certificate, all existing structures must be demolished. Documentation stipulating demolition of all existing structures must be submitted to the satisfaction of the NSW Land and Housing Corporation.

### **Completion of Subdivision Works**

98. Prior to the issue of a Subdivision Certificate, the NSW Land and Housing Corporation shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

### **Rectification of Damage**

99. Prior to the issue of a Subdivision 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 McGirr and Mannix Parade and Hinkler Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Subdivision Compliance**

100. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Certifying Authority:
  - (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in

PDF format and a DXF format to Council along with two hard copies of the WAE plans;

- (b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding);
- (c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges;
- (d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council;
- (e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries;
- (f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification;
- (g) Structural Engineer's construction certification of all structures; and
- (h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
  - i. Compaction reports for road pavement construction,
  - ii. Compaction reports for bulk earthworks and lot regrading,
  - iii. Soil classification for all residential lots, and
  - iv. Statement of Compliance.

#### **Linen Plans and 88B Instruments**

- 101. The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

#### **Linen Plans and 88B Instruments**

- 102. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).

#### **Linen Plans and 88B Instruments**

- 103. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.


### **Linen Plans and 88B Instruments**

104. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in Council's Design Specification for Subdivisions (as amended).

### **Linen Plans and 88B Instruments**

105. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

### **Service Providers**

106. The following documentation is to be provided prior to the release of the subdivision certificate: 

- a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the NSW Land and Housing Corporation prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.


- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
- i. The requirements of the Telecommunications Act 1997;
  - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

### **Dilapidation Report**

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


### **Concrete Path**

108. Construction of minimum 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving to the site frontage ~~on both sides of all residential access roads and both sides of all collector and distributor roads.~~   
~~Note: A 2.5m wide is required to Mannix Parade and a S138 Roads Act application, including the payment of application and inspection fees is required.~~

#### **Restriction as to User**

109. Documents shall be submitted to Council giving effect to the creation of a Restriction as to User for the provision of an on-site stormwater detention (OSD) system and stormwater pre-treatment system. The restriction shall require proposed lots ~~272 and~~ 273 to provide an OSD system and stormwater pre-treatment system with the construction of any structure on the site. Wording of the restriction shall be in accordance with Council's standards and specifications for stormwater drainage and is to be registered in conjunction with the Subdivision Plan.

#### **Subdivision Plan Amendments**

110. ~~A 6m x 6m splay corner at the intersection of McGirr Parade with Hinkler Avenue and Mannix Parade. This is to be dedicated as road to Liverpool City Council.~~ 

#### **Site Contamination Validation Report**

111. After completion of the remedial works, a copy of the Validation Report shall be submitted to the NSW Land and Housing Corporation. This Report shall be prepared in compliance with the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020), and must:
- a) describe and document all works performed,
  - b) include results of validation testing and monitoring,
  - c) include validation results of any fill imported on to the site,
  - d) outline how all agreed clean-up criteria and relevant regulations have been complied with, and
  - e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

#### **Occupational Hygienist Report for Asbestos removal**

112. On completion of the asbestos removal works an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Certifying Authority.

#### **Remediation Work - Notice of Completion**

113. Within thirty (30) days of completion of remediation work, a notice of completion as required to be provided to Council under Clause 17 of State Environmental Planning Policy No 55 – Remediation of Land to confirm that the remediation has been carried out in accordance with the Remedial Action Plan, requirement(s) of this consent, and SEPP 55.

The notice of completion of remediation work shall be in writing and prepared in accordance with Clause 18 of State Environmental Planning Policy No 55 – Remediation of Land.



*Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.*

## **E. PRIOR TO OCCUPATION**

**The following conditions shall be complied with prior to occupation:**

### **Building/Compliance**

114. Occupation of the development shall not occur until evidence has been provided to NSW Land and Housing Corporation by the Building Contractor and copied provide to Liverpool City Council demonstrating that all conditions of consent have been complied with.
115. 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~~ prior to occupation.

### **Section 7.11 Payment**

116. Prior to any occupation, all outstanding section 7.11 contributions must be paid as required by Condition 5 of this consent. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

### **Fire Safety – Cladding**

117. Prior to Occupation NSW Land and Housing Corporation shall be provided with suitable evidence demonstrating that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

### **Landscaping**

118. Upon completion of the approved landscape works associated with the development and prior to occupation, an Implementation Report is to be submitted to NSW Land and Housing Corporation attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

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

119. Prior to Occupation the following Crime Prevention Through Environmental Design principles are to be incorporated into the building:
  - (a) ~~Back to base alarm systems shall be installed;~~
  - (b) Basement parking areas shall be painted a light colour;
  - (c) ~~CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;~~
  - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;



- (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
- (f) Access to the parking levels of the building shall be controlled via a security controlled device.

### **Traffic Lights**

120. Traffic lights are to be provided on the top of the access driveway/ramp and on the basement ramps to manage two-way movements, as recommended in the traffic report accompanying the Development Application.

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

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

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

122. Prior to Occupation, works-as-executed drawings and compliance documentation shall be submitted to NSW Land and Housing Corporation in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### **Stormwater Compliance**

123. Prior to Occupation the Certifying Authority shall ensure that the:

- a) On-site detention system/s;
  - b) Stormwater pre-treatment system/s;
  - c) Overland flowpath works; and
  - d) Basement Carpark pump-out system.
- Have been satisfactorily completed in accordance with the approved Construction Plans and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design; and
  - Any remedial works required to be undertaken have been satisfactorily completed.

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

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

124. Prior to Occupation a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s;
- b) Stormwater pre-treatment system/s; and
- c) Overland flowpath works
- d) Basement Carpark pump-out system

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

#### **Rectification of Damage**

- ~~125. Prior to occupation 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 McGirr Parade, Mannix Parade, and Hinkler Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.~~

#### **Access and car parking**

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

#### **Design Verification Statement**

127. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the Land & Housing Corporation and Liverpool City Council assessing the development, upon completion of all works subject of this consent. The Land and Housing Corporation shall ensure that the statement prepared by the qualified designer provides the following:

- a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- b) That the completed development achieves the design quality of the development as shown in the plans, having regard to the design principles set out in Part 2 of SEPP 65.

#### **Splay**

- ~~128. Prior to occupation a 6m x 6m splay corner at the intersection of McGirr Parade with Hinkler Avenue and Mannix Parade is to be dedicated as road to Liverpool City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council.~~

#### **Dilapidation Report**

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

#### **Waste Management**

130. All required waste equipment (excluding waste bins) and waste signage needed, is to be installed prior to occupation.

### **BASIX**

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

### **Lot Consolidation**

- ~~132. All separate lots shall be consolidated. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior occupation.~~

## **F. GENERAL CONDITIONS**

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

### **Car Parking/Loading**

133. A total of **20** off street car parking spaces must be provided onsite. A minimum of **5** spaces must be designed and signposted/marked for the specific use of persons with a disability.
134. A minimum of 26 bicycle storage spaces should be provided on the site, and 4 of these shall be made available for visitors.
135. All parking areas shown on the approved plans must be used solely for this purpose.
- ~~136. 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.~~

### **Graffiti**

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

### **Waste Management**

138. Once the occupation of the building has occurred, but not less than one week prior to residents moving in, Council is to be contacted to arrange delivery of the 660 litre waste bins to for the property. Any other sized bins are that may be used within the property are the responsibility of the developer to provide. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins.
139. The 660 litre waste bins and recycling bins are to be presented to the hardstand bin collection zone by agents of the building, no earlier than midday the day

before bin emptying is due to take place. Once emptied, waste bins must be removed back into the bin storage room as quickly as possible, and not more than 24 hours after emptying.

140. Waste bins must not be allowed to overflow or drop litter, must not obstruct the exit of any building, and must not permit waste to escape onto neighbouring public or private properties.
141. Paths of travel of all waste bins to the bin presentation area at the kerbside of McGirr Avenue must be and remain smooth, unobstructed and free of steps, kerbs or any other sudden changes in level.
142. All bulky household wastes from residents must be placed within the dedicated storage area within the building set aside for this purpose. Building management are responsible for making pre-booked waste collections with Council, for a specific date. Bulky household wastes may be placed at the kerbside for collection the afternoon before the date of the booked pick-up at the earliest. The amounts and types of materials that are acceptable for collection will be as per the conditions of Council at the time.
143. No green (garden) wastes from the common area gardens are to be disposed of in any bins at the property; all garden wastes must be taken off site as they are generated, and lawfully disposed of by the contractor undertaking the grounds/gardens maintenance.

### **Landscaping**

144. 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.

### **Noise and Environmental Emissions**

145. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
146. Any alarm installed on the site is to be "silent back to base" type.

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

147. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
  - a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
    - i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
    - ii. before 7:00am or after 10:00pm on any other day; or

- b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
- c) emit a sound pressure level as measured over a 15 minute period ( $L_{Aeq}$  (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ( $L_{A90}$  (15 minute)) by more than 5 dB(A).

### **Recommendations of Acoustic Report**

148. Upon completion of works and prior to occupation, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the NSW Land and Housing Corporation. The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

*Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.*

### **Lighting**

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

### **Washing on Balconies**

- ~~150. The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony shall not be visible from any street.~~

### **Roof Terrace**

151. The roof terrace indicated on GA Plans Level 04, Drawing Number A-110-040, Revision L, Dated 31/03/2021, prepared by Turner, must only be utilised for services and maintenance access.

## **G. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.

- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- e) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- f) "DIAL BEFORE YOU DIG" DIAL 1100

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

- g) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- h) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage

occurring to any construction of any type affected by soil and or ground water Salinity.

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

## ATTACHMENT 2: SECTION 7.11 PAYMENT FORM

### CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 Liverpool Contribution Plan 2018 Established Areas

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

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

**APPLICATION NO:** DA-790/2020

**PROPOSAL:** Consolidation of 5 lots into 2, construction of a 6-storey affordable housing residential flat building with 43 apartments and 1 level of basement parking, associated tree removal and landscaping to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan 2018 Established Areas</b>		
Community Facilities - works		
Central	\$27,916	GL.10000001870.10099
District Sporting Fields - works		
Central	\$93,884	GL.10000001869.10211
District Passive Open Space - works		
Central	\$58,678	GL.10000001869.10093
Local Passive Open Space - works		
Warwick Farm	\$82,149	GL.10000001869.10102
Transport - Bikeways - works		
Central	\$11,092	GL.10000001865.10207
Transport - Traffic management - works		
Central	\$31,605	GL.10000001865.10213
Drainage - works		
Central	\$15,361	GL.10000001866.10209
Administration	\$4,810	GL.10000001872.10104
<b>TOTAL</b>	<b>\$325,495</b>	

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

**RECORD OF PAYMENT**



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

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

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