

## ATTACHMENT 1 – WITHOUT PREJUDICE CONDITIONS

### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans with reference to the recommendations of the reports below:

#### Plans

Plan Name	Plan Number	Revision	Date	Prepared By
Site Plan	DA 12A1	2	21/10/21	Fjmt Studio
Basement 04 Plan	DA 20B4	2	21/10/21	Fjmt Studio
Basement 03 Plan	DA 20B3	2	21/10/21	Fjmt Studio
Basement 02 Plan	DA 20B2	2	21/10/21	Fjmt Studio
Basement 01 Plan	DA 20B1	2	21/10/21	Fjmt Studio
Lower Ground Plan (Scott St)	DA 20LG	2	21/10/21	Fjmt Studio
Upper Ground Plan (Terminus St)/Hotel L1	DA 20UG	2	21/10/21	Fjmt Studio
Typical Lowrise Plan/Hotel L2-4	DA 2001	2	21/10/21	Fjmt Studio
Typical Lowrise Plan/Hotel L5-7	DA 2005	2	21/10/21	Fjmt Studio
Typical Lowrise Plan/Hotel L8	DA 2006	2	21/10/21	Fjmt Studio
Level 07 Plan (Terrace)	DA 2007	2	21/10/21	Fjmt Studio
Level 08 Plan (Plant)	DA 2008	2	21/10/21	Fjmt Studio
Typical Highrise Plan	DA 2009	2	21/10/21	Fjmt Studio
Level 20 Plan	DA 2020	2	21/10/21	Fjmt Studio
Level 21 Plan (Plant)	DA 2021	2	21/10/21	Fjmt Studio
Roof Plan	DA 2022	2	21/10/21	Fjmt Studio
North Elevation (Scott Street Elevation)	DA 3001	2	21/10/21	Fjmt Studio
West Elevation	DA 3002	2	21/10/21	Fjmt Studio
South Elevation (Terminus Street Elevation)	DA 3003	2	21/10/21	Fjmt Studio
East Elevation	DA 3004	2	21/10/21	Fjmt Studio
North/South Section	DA 4001	2	21/10/21	Fjmt Studio
East/West Section	DA 4002	2	21/10/21	Fjmt Studio
Site Plan	DA-LA-8001	03	21/10/21	Fjmt Studio
Landscape Strategy and Analysis Diagrams	DA-LA-8002	03	21/10/21	Fjmt Studio
General Ground Plan	DA-LA-8010	03	21/10/21	Fjmt Studio
Level 06 and 07 Roof Terraces	DA-LA-8011	03	21/10/21	Fjmt Studio
Arrival Plaza and Central Lane	DA-LA-8012	03	21/10/21	Fjmt Studio
Terminus Pocket Park	DA-LA-8013	03	21/10/21	Fjmt Studio

Sections	DA-LA-8020	03	21/10/21	Fjmt Studio
Sections	DA-LA-8021	03	21/10/21	Fjmt Studio
Landscape Details	DA-LA-8030	03	21/10/21	Fjmt Studio
Palettes	DA-LA-8031	03	21/10/21	Fjmt Studio
Cover sheet	C-A-0101	2	25/09/20	Warren Smith and Partners
Specification notes	C-A-0102	2	11/12/20	Warren Smith and Partners
Existing survey	C-A-0103	2	11/12/20	Warren Smith and Partners
Sediment and erosion Control plan	C-A-0201	2	11/12/20	Warren Smith and Partners
Sediment and erosion control details	C-A-0202	2	11/12/20	Warren Smith and Partners
Siteworks plan	C-A-0401	2	11/12/20	Warren Smith and Partners
Siteworks details	C-A-0402	2	11/12/20	Warren Smith and Partners
Road Long Section	C-A-0501	2	11/12/20	Warren Smith and Partners
Stormwater layout plan	C-A-0601	2	11/12/20	Warren Smith and Partners
Stormwater pit schedule	C-A-0602	2	11/12/20	Warren Smith and Partners
Stormwater Catchment plan	C-A-0603	2	11/12/20	Warren Smith and Partners
Typical drainage details	C-A-0604	2	11/12/20	Warren Smith and Partners
WSUD Treatment Devices Typical Details	C-A-0605	2	November 2020	Warren Smith and Partners

### Reference Reports

Report Name	Reference	Date	Prepared By
Environmentally Sustainable Design Report	43144-2	9 December 2020	Stantec Australia Pty Ltd
Civil Engineering Services		11 December 2020	Warren Smith and Partners
Operational Waste Management Plan	SO835	11/12/2020	Elephants Foot Recycling Solutions
Pedestrian Wind Environment Study	WE999-05F02(Rev1)	10/12/2020	Windtech
Hotel Plan of Management		2 November 2021	Ethos Urban
Attachment D of Detailed Response to Architectus' request for additional information (RFI 12 April 2021)		7 July 2021	Fjmt Studio

except where modified by the undermentioned conditions and/or the plans/reports that have been submitted in satisfaction of Part 1 of this Development Consent.

## **Design Modifications**

2. Amended architectural and landscape design must be submitted to and approved by Council's Manager of Development Assessment prior to the issue of the first Construction Certificate. The design must:
  - a) Street trees shall be designed into the awnings proposed to the hotel building along the Scott Street frontage;
  - b) Include infrastructure to support off-road cycle routes within the public domain;
  - c) Provide sun-shading and façade treatments that are functional in reducing heat-gain from sun exposure.
  - d) Incorporate granite paving from the back of kerb to the property boundary (accounting for the future road widening) and minimise the quantity of proposed turf within the verge of Terminus Street (post road widening);
  - e) Incorporate a raised pedestrian threshold and/or other pedestrian priority measures at the vehicle entry point along Terminus Street, to ensure pedestrian priority is maintained within all of the City Centre's public domain;
  - f) Integrate multi-function poles within the public domain proposal, in accordance with Council Specification;
  - g) Incorporate a minimum four (4) trees within the garden space between the commercial building and Terminus Street, to provide added shade for pedestrians and cyclists within the public domain on Terminus Street as well as within the southern end of George Lane.
  - h) Provide additional integrated bench seating within all raised planters on Level 06 & 07 podiums, to take advantage of the city views (facing outward) and create greater usability within these outdoor areas;
  - i) Ensure all landscape works on podium levels fulfil the following requirements:
    - i. Each tree planted on the podium must be provided with a soil depth of at least 1000mm plus mulch of 100mm plus drainage material.
    - ii. Each tree planted on the podium must be provided with a soil volume of at least 15m<sup>3</sup>.
    - iii. Shrubs on the podium must have a soil depth of at least 600mm plus mulch of 100mm plus drainage material.
    - iv. Turf on the podium must have a soil depth of at least 300mm plus drainage.
  - j) Incorporate low barrier planting (at the back of Kerb) along the frontages of the proposed development, where vehicle stopping is not permitted and where traffic/noise pollution is a potential issue.
  - k) Include gateway features (as identified within the LCC PDMP 2020) within the frontage (public domain) of Terminus Street (e.g., Banners, Art, Seating, Planting etc); and

### **Public Art**

3. Prior to the issue of the first Construction Certificate, a comprehensive Public Art Strategy needs to be submitted to Council's Manager of Development Assessment for review and approval.

### **Heritage Interpretation Plan**

4. A heritage interpretation plan shall be prepared for the site. The plan shall be submitted for approval by Council's Heritage Officer prior to the issue of the first Construction Certificate.

### **Electrical and Lighting Strategy**

5. Prior to the first Construction Certificate being issued, a detailed Electrical and Lighting Plan for power and lighting in the public domain must be prepared by a suitably qualified and experienced consultant in accordance with Liverpool City Council Public Domain Master Plan and must be submitted to and approved by Council's Manager City Design and Public Domain Manager.

The plan must include certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158 and AS4282.

### **Wayfinding Strategy**

6. Prior to the issue of the first Construction Certificate, a detailed signage and wayfinding strategy must be submitted to and approved by Council's Manager City Design and Public Domain Manager. The Strategy shall include a suite of custom-designed signs for the public domain which are designed in accordance with any applicable wayfinding specifications.

### **Utility Services**

7. 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.
8. All the recommendations issued by Sydney Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the recommendations attached to this decision notice.
9. All the conditions issued by Transport for NSW, dated 31 March 2022, shall be complied with prior, during, and at the completion of construction, as required in accordance with the conditions detailed in their correspondence. A copy of the correspondence is attached to this decision notice.

### **Development in flight paths**

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

## **Landscape Plans**

11. Prior to the issue of a Construction Certificate, landscape plans giving details and specifications for all aspects of the landscape design works as proposed, are to be submitted to and approved by Council's Manager of Development Assessment.

## **Compliance with the Environmental Planning & Assessment Act 1979**

12. 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**

13. In accordance with Section 4.16(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).

## **Design Integrity Panel**

14. A Design Integrity Panel is to be convened at the expense of the applicant to undertake a design review of the proposed development:

- (a) A design review is to be convened at each of the following stages to ensure that the proposed development achieves the design intent of the DA approved plans in a manner consistent with the advice of the Design Excellence Panel and Public Domain Design Panel:

- i. Prior to the determination of any Section 4.55 which modifies the design intent,
- ii. Prior to the issue of any relevant Construction Certificate, and
- iii. Prior to the issue of any relevant Occupation Certificate.

The Panel Chair is to nominate the relevancy of each Construction Certificate and Occupation Certificate prior to any requirement for a design review.

- (b) As part of each design review, a Design Integrity Panel is to be convened, made up of at least three (3) members of Council's Design Excellence Panel. The Panel is to be chaired by the nominated chair of Council's Design Excellence Panel or his or her nominee.

- (c) At the conclusion of the review, the Design Integrity Panel is to record the outcome of its review and any recommendations within a report or minutes.
- (d) Any recommendations made by the Design Integrity Panel are to be incorporated by the applicant to the satisfaction of the Design Integrity Panel.
- (e) Written confirmation that the proposed development achieves the design intent of the DA approved plans in a manner consistent with the advice of the Design Excellence Panel and Public Domain Design Panel is to be obtained from Design Integrity Panel:
  - i. Prior to the issue of any relevant Construction Certificate for design documentation, and
  - ii. Prior to the issue of any relevant Occupation Certificate for the completed building works.

The Principal Certifying Authority (PCA) will not issue these certificates unless they have been provided with a copy of this written confirmation from the Design Integrity Panel.

### **Design Excellence and Design Quality**

15. In order to ensure the design quality excellence of the development is retained, the design architect, FJMT, is to ideally have direct involvement in the design documentation and construction stages of the project, but at the minimum is to sign off any required certifications at S4.55 applications, Construction Certificate and Occupation Certificate stages.

Evidence of the design architect's commission must be provided to the Design Integrity Panel for any construction stages nominated for a design review as per Condition 14 of this Development Consent and to council's Manager of Development Assessment in all other instances where a design review is not required.

The PCA must be satisfied that the above matters are complied with prior to the issue of any relevant Construction and Occupation Certificates.

### **Early Works**

16. All conditions of DA-906/2019 and any subsequent modification shall be complied with prior to the issue of the first Construction Certificate for the proposed development.

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

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

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

17. 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 **\$3,659,117.00** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)

Payment must be accompanied by the attached form. The payment must be made prior to the first Construction Certificate.

### **Provision of Services**

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

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

19. 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.
20. Prior to the issue of any 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:
- 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.

## **Fee Payments**

21. 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.

22. 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 prior to the first Construction Certificate 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.

## **Cladding**

23. For all Buildings of Type A and B construction having finishes or claddings that is not compliant with the DtS provisions of the NCC, a fire safety report prepared by an accredited certifier – Fire Safety (previously C10 accreditation), must be submitted to the Principal Certifying Authority prior to issue of any relevant Construction Certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

## **Banned Building Products**

24. 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**

25. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the development. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
- (f) Basement parking areas shall be a light colour;
  - (g) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building.
  - (h) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;



- (i) 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;
- (j) Corrugated ramps should be considered to prevent skate boarding activities;
- (k) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;
- (l) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

### **Recommendations of Acoustic Report**

26. The recommendations provided in the approved acoustic report titled Liverpool Civic Place Phase B & C Noise Impact Assessment Stage 2 Development Application (NIA) (Ref. 301350001, Revision 003) prepared by Stantec Australia Pty Ltd dated 09 September 2021 are to be implemented and incorporated into the design and construction of the development and be shown on plans accompanying any relevant Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application and mechanical plant/s and equipment shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report.

The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the PCA prior to the Construction Certificate being issued.

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.

### **Construction Noise and Vibration Management Plan (CNVMP)**

27. A site-specific Construction Noise, Vibration Assessment and Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the first Construction Certificate. The Construction Noise, Vibration Assessment and Management Plan must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not necessarily be limited to the following information:

- (a) Identification of nearby residences and other noise sensitive land uses;
- (b) Assessment of expected noise impacts;
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- (d) Strategies to promptly deal with and address noise complaints;
- (e) Details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- (f) Methods for receiving and responding to complaints about construction noise;

- (g) Procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- (h) Reference to relevant licence and consent conditions.

The CNVMP must also describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase and ongoing noise and vibration management, monitoring and reporting. The CNVMP should be revised at each stage/phase of construction.

The Construction Noise, Vibration Assessment and Management Plan must be made available for inspection when requested by the PCA or Liverpool City Council.

### **Local Traffic Area Management Plan**

28. A revised Local Area Traffic Management Plan (LATMP) prohibiting all right turn movements in to and from Scott Street in to the new driveway to the site (off Scott Street), as per the traffic report section 7.1 page 32 (28 September 2020), needs to be submitted to Council's Traffic and Transport Section and to the Liverpool Pedestrian Active Transport and Traffic Committee for endorsement.

The revised LATPM will also need to incorporate the proposed 'Shared Zone' on the access to the development site in detail, including pedestrian crossing across Scott Street to access the site and other treatments that may be required along the pedestrian path on both Scott Street and Terminus Street surrounding the site, provision for buses including bus stops and other amenity close to the site.

The revised LATPM needs to be submitted to Council's Traffic and Transport Section for review and endorsement by Liverpool Council Traffic Committee, prior to the issue of the first Construction Certificate.

### **Construction Environmental Management Plan (CEMP)**

29. Prior to issue of the first 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) Project Contact Information;
- (b) Site Security Details;
- (c) Timing and Sequencing Information;
- (d) Site Soil and Water Management Plan;
- (e) Dust Control Plan;
- (f) Air Monitoring;
- (g) Health and Safety Plan;
- (h) Waste Management Plan;
- (i) Incident management Contingency; and
- (j) Unexpected Finds Protocol.

The CEMP must also describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase and ongoing environmental management, monitoring and reporting. The CEMP should be revised at each stage/phase of construction.

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

### **Traffic Management**

30. Detailed design plans of the driveway, ramps, aisles, loading bays and parking spaces, footpath paving, street lighting, sign and line marking scheme, demonstrating that the design has been carried out in accordance with RMS Guidelines, DCP and AS: 2890. This is to be supported by swept path analysis.

Details to be provided on plans and approved by Council prior to the issue of any relevant Construction Certificate. The drawings must be certified by a qualified traffic engineer that the designs comply with the requirements of the DCP and Australian Standards.

31. A Construction Traffic Management Plan (CTMP) prepared by an accredited practitioner is to be submitted to Council electronically with the associated fees for endorsement. The CTMP is to outline the need or otherwise for a Road Occupancy Permit issued by Council. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.
32. The applicant is to demonstrate to Council's Traffic Branch there is adequate arrangement for service provision using buses and coaches, should such services be required to be provided. If required, the Hotel Plan of Management referred to in Condition 1 is to be upgraded to account for any changes to hotel service arrangements.

### **Sign posting and line marking**

33. Line markings and sign posting plan to be submitted to and approved by Council's Traffic Management Section via the Liverpool Local Traffic Committee.

### **Access**

34. Access must be provided to the development 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.

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

35. Prior to the issue of any 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 – Street Lighting Upgrade**

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

### **Liverpool CBD – Communication Conduits**

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

### **Liverpool CBD – Footpath Paving and Landscaping Works**

38. Periphery Type/ Core Type paving shall be installed along all street and lane frontages, 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.

Detailed plans are required to be submitted to and approved by Council prior to the issue of any relevant Construction Certificate, 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.

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

39. Prior to the issue of any relevant Construction Certificate for building or subdivision works, the Certifying Authority shall ensure that a Section 138 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 stormwater drainage works, footpath and roadworks in Scott Street, George Lane & Terminus Street.

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

Note:

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.

### **Stormwater Concept Plan**

40. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Warren Smith & Partners P/L, reference number 6734000-C-A-0, revision 2, dated 11/12/2020.
- (a) The proposed development must be designed so as not have an adverse impact on the stormwater runoff from upstream or adjoining properties.
  - (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
  - (c) Prior to the issue of the first Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the whole development has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

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

41. Prior to the issue of the first Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

### **Water Sensitive Urban Design**

42. Water Sensitive Urban Design (WSUD) principles shall be incorporated in the stormwater design as indicated in the Civil Engineering Services Report, Phase B/C main works for 52 Scott Street, Liverpool dated 11 December 2020 prepared by Warren Smith & Partners.

### **No loading on easements**

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

## **Water Quality**

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

The Construction Certificate must be supported by:

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

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

## **Retaining Walls on Boundary**

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

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

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

46. Prior to the issue of any relevant Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.
47. Prior to the issue of any relevant Construction Certificate 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

## **Gradients**

48. Gradients of proposed footpath crossings must be in accordance with Council specifications and standard drawings.

## **Dilapidation Report**

49. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Scott Street, George Lane and Terminus 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)**

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

### **Reflectivity**

51. The Principal Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of any relevant Construction Certificate.

### **Landscape Plans**

52. Prior to the issue of a Construction Certificate, final landscape plans giving details and specifications for all aspects of the landscape design works as proposed, are to be submitted to and approved by Council's Manager of Development Assessment.

## **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 Work**

53. 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.
54. Prior to the commencement of any building works, the following requirements must be complied with:
  - (a) 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 81A (4) of the Act.
  - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
  - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

### **Site Facilities**

55. 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**

56. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
  - (a) The name, address and telephone number of the principal certifying authority for the work; and
  - (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.

### **Notification of Service Providers**

57. 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 easements, 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.

### **Waste Classification**

58. 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 1997, POEO Waste Regulation 2014 and NSW EPA 'Waste Classification Guideline' (dated November 2014) 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**

59. 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**

60. 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**

61. 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:

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

### **Visible signage identifying key personnel**

62. Clearly visible signage with the Site or Construction Managers name and contact details are to be erected on the sites fencing in a prominent position along the perimeter of the building site so that any community concerns can be adequately addressed.

The signage will contain the following wording or similar: "For enquires, complaints or emergencies relating to this site at any time please contact .....".

The signs are to remain erected for the duration of construction works.

### **Ecologically Sustainable Development**

63. Prior to commencement of construction, details are to be provided to confirm that both buildings have been designed to achieve a minimum 5 Star Green Star Design and As Built outcome.

### **Relevant Approvals**

64. The developer shall obtain all relevant road occupancy, road opening permits, and works zone approvals from Council, as required, prior to undertaking any works within public road reserve. The application forms are available on Council's website or can be requested from the Council's Customer Services.

## **D. DURING CONSTRUCTION**

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

### **Inspections**

65. The building works must be inspected by the Principal Certifying Authority, in accordance with 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.
66. 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.

### **Identification Survey Report**

67. 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.

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 Works**

68. 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 persons 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 manufacturer's details or by a practising structural engineer.

## **Facilities**

69. 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*.

## **Major Filling/ Earthworks**

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

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

## **Contamination**

71. 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).

72. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:

- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW EPA Waste Classification Guidelines (dated November 2014), or
- (b) clearly indicate the legal property description of the fill material source site;
- (c) provide a classification of the fill material to be imported to the site in accordance with the NSW EPA Waste Classification Guidelines (dated November 2014).
- (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

73. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
- (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
- (c) The results of any chemical testing of fill material.

#### **Unidentified Contamination**

- 74. 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 separate application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

#### **Air Quality**

- 75. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- 76. 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.

#### **Erosion Control**

- 77. 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 mobilization.

#### **Water Quality**

- 78. 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.

#### **Pollution Control**

- 79. 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.
- 80. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

#### **Hoardings**

- 81. 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.

82. The following hoarding requirements must be complied with:
- (d) where feasible graphics must be provided illustrating Liverpool's history developed in consultation with Council's Public Art Officer;
  - (e) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (f) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.
83. 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.
84. 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.

#### **Hours of Construction Work and Deliveries**

85. 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 Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

#### **Security Fence**

86. 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.

#### **General Site Works**

87. 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.
88. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
89. 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.

90. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
91. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
92. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
93. All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of at a licensed waste facility to receive the waste in accordance with NSW EPA requirements.

#### **Waste Management Plan**

94. 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.

#### **External**

95. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
96. 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.
97. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

#### **Ventilation**

98. 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 Set - 2016.
99. 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.

#### **Construction Noise**

100. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.
101. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby

occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical 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 of Council to Council's satisfaction.

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

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

#### **Drainage Connection**

103. 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.

#### **Construction Noise and Vibration Management Plan and CEMP**

104. The approved site-specific Construction Noise and Vibration Management Plan and CEMP prepared and approved by the PCA shall be implemented, adhered to and maintained at all times during the construction period.

#### **Road works**

105. Implementation of the proposed road works including driveways, ramps, aisles, loading bays and parking spaces, footpath paving, street lighting, sign and line marking scheme, and traffic management measures.

#### **Works in Road Reserve**

106. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the TfNSW Traffic Control at Worksites Manual and the TfNSW Interim Guide to Signs and Markings.
107. If a works zone is required, an application must be made to Council's Traffic Management 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.
108. Notice must be given to Council's Traffic Management Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, at least 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
109. Applications must be made to Council's Traffic Management 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.



### **Construction Traffic Management Plan**

110. The site-specific CTMP approved by Council shall be implemented, adhered to and maintained at all times during the construction period.

### **Servicing**

111. A turntable is to be provided within the service vehicle parking area to assist heavy vehicles in entering and exiting the parking spaces in a safe and efficient manner and in a forward direction.
112. A Loading Dock Management Plan is to be prepared to effectively manage the ingress and egress movements of the heavy vehicles.

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

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

### **Land Consolidation/Registration**

113. 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 LPI Service. This is to be provided to Council prior to the release of any OC.

### **Design Guidance**

114. Prior to the release of any OC, the applicant shall prepare a detailed design guidance for the interior works for the Commercial Tower to ensure design integrity is maintained and design excellence maintained for the site.

### **Certificates**

115. The premises must not be utilised 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.
116. 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.
117. 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.
118. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
119. Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system in the relevant buildings the subject of the occupation certificate is consistent with the consent documentation, NCC and relevant Australian Standards.

### **Service Providers**

120. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
121. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
122. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:

- (a) The requirements of the Telecommunications Act 1997:
- (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- (c) 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

### **Cladding**

- 123. Prior to issuing any 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.

### **Landscaping**

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

### **Redundant Layback**

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

### **Recommendations of Acoustic Report**

- 126. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the PCA. The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled Liverpool Civic Place Phase B & C Noise Impact Assessment Stage 2 Development Application (NIA) (Ref. 301350001, Revision 003) prepared by Stantec Australia Pty Ltd dated 09 September 2021 and any subsequent acoustic assessments approved by the PCA detailing design requirements.

The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the relevant 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.

## **Public Art**

127. Prior to the issue of the relevant Occupation Certificate, all works proposed in the endorsed public art strategy required by Condition 3, shall be completed to the satisfaction of Council.

## **Heritage Interpretation Plan**

128. The heritage interpretation plan required by Condition 4 is to be implemented in full prior to issue of Occupation Certificate. Written advice from Council's Heritage Officer of completion of the heritage interpretation plan is required prior to issue of Occupation Certificate.

## **Electrical and Lighting**

129. The public domain lighting works are to be completed in accordance with the electrical and lighting strategy required by Condition 5, before any Occupation Certificate is issued in respect of the development.

## **Wayfinding**

130. Prior to the issue of any Occupation Certificate, all works proposed in the endorsed wayfinding strategy required by Condition 6, shall be completed to the satisfaction of Council.

## **Air Conditioners**

131. All air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and AS/NZS 3666:2011-Air Handling and water systems of building - Microbial Control:
- (a) All water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 2010 and Public Health Regulation 2012 before being commissioned.
  - (b) All cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 2010, Public Health Regulation 2012.
  - (c) A true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2012 that certifies the effectiveness of the process of disinfection used for the water cooling system, shall be submitted to Council prior to the period ending 30 June each year.
  - (d) The owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 2010 and Regulation thereunder. Registration forms are available from Council.

## **Mechanical Ventilation Certification**

132. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance.

The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -

- (a) Ventilation
- (b) Acoustics

#### **Notification of Regulated Water System/s**

133. The occupier of the premises is to notify Liverpool City Council in regards to the regulated system/s installed. The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with the relevant fee.

#### **Regulated Systems**

134. 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.

#### **Green Travel Plan**

135. Prior to the issue of the first Occupation Certificate, a Green Travel plan that contains specific measures to promote the use of more sustainable modes of travel including walking, cycling, public transport and car sharing are to be submitted to and approved by Council's Traffic and Transport Section.

#### **Servicing requirement**

136. Turn table is provided at the service vehicles parking area to assist heavy vehicles in entering and exiting the parking spaces in a safe and efficient manner.
137. Adequate arrangements have been made for service provision using buses and coaches in accordance with Condition 32.

#### **Loading Dock Management Plan**

138. Loading Dock Management Plan required by Condition 112 is to be implemented to effectively manage the ingress and egress movements of the heavy vehicles.

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

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

#### **Works as executed – General**

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

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the

issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

### **Stormwater Compliance**

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

- a) Stormwater pre-treatment system/s
- b) Basement Carpark pump-out system
  - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to 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.

### **Local Area Traffic Management Plan**

142. Prior to the issue of the first Occupation Certificate, the Applicant must complete the implementation of the Local Area Traffic Management Plan required by condition 28.

### **Shared zoned**

143. Prior to the issue of any Occupation Certificate, the Applicant is to implement the shared zone off Scott Street in accordance with the conditions of DA-836/2020.

Note:

- 1. The shared zone is required to provide vehicular access to the proposed development.

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

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

- a) Stormwater pre-treatment system/s
- b) 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**

145. Prior to the issue of an Occupation Certificate any damage caused by the development to Council infrastructure not identified in the dilapidation report shall be rectified at no cost to Liverpool City Council.

Any rectification works within Terminus Street, George Lane and Scott Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Dilapidation Report**

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

### **Maintenance Bond**

147. 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 6 months from the date of Council's acceptance of final works.

### **Waste Management**

148. 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.

## **F. CONDITIONS RELATING TO USE**

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

### **Separate Application for Use**

149. This consent does not approve the fit out and use of the retail premises. A separate consent is to be obtained for the fit out and use of the retail premises.

### **Waste Management**

150. All waste products associated with the use of the development are to be placed in containers and stored within the building.
151. 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.
152. 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.
153. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

154. 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.
155. Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate.

### **Car Parking/Loading**

156. Off street car parking spaces must be provided in accordance with the following;
  - (a) 150 private spaces inclusive of 4 disabled car spaces.
  - (b) 4 service bays within the basement for use as follows:
    - i. 2 service bay for a medium rigid vehicle (MRV); and
    - ii. 2 service bay for a small rigid vehicle (SRV).
  - (c) 12 motorcycle spaces.
  - (d) 147 secure bicycle parking spaces, including 148 secure lockers and 16 shower facilities.
157. All disabled spaces must be signposted/marked for the specific use of persons with a disability.
158. All parking areas shown on the approved plans must be used solely for this purpose.
159. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
160. 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.

### **Landscaping**

161. 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 the Premises**

162. The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.



163. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.
164. The use of the premises is not to interfere with the amenity of the residential area.
165. 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.
166. Management, staff and security are to advise all patrons when leaving the premises of their responsibility to leave the premises in a quiet manner.
167. Inaccessible green roofs must remain inaccessible for the lifetime of the property.

#### **Green Travel Plan**

168. The Green Travel Plan required by Condition 135 of this consent must be updated annually and implemented.

#### **Ecologically Sustainable Development**

169. Within six months of the final Occupation Certificate, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Council.

#### **Hotel Plan of Management**

170. The Hotel Plan of Management identified in Condition 1 of this Consent and if required to be modified pursuant to Condition 32, is to be implemented and adhered to at all times by customers. Site Managers are to ensure the plan is being complied with.

#### **NSW Police Conditions.**

171. Prior to issue of the Occupation Certificate, a Closed-Circuit Television plan shall be submitted to NSW Police and the CCTV cameras registered with the NSW Police CCTV register.
172. Prior to issue of the Occupation Certificate, supply the Crime Prevention Officer with 2x set keys into the building and to all public areas of the building for emergency police responses.

#### **Lighting**

173. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:2019 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

#### **Noise Impacts**

174. 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) The use of the premises including the use of the loading dock and the cumulative operation of any mechanical plant shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- (b) The operation of any mechanical plant, equipment and/or use of the loading dock on the premises shall not cause:
  - i. The emission of noise as measured over a 15 minute period ( $L_{Aeq\ (15\ minute)}$ ) that exceeds the  $L_{A90\ (15\ minute)}$  background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
  - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
  - iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
  - iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by a suitably qualified acoustic consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Council must be implemented.

## **G. 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"

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- k) The 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.
- l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or 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.

- m) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

**ATTACHMENT 2 – SECTION 7.12 PAYMENT FORM****CONTRIBUTIONS PURSUANT TO SECTION 7.12 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 current CPI Quarter 2022 and will be adjusted at the time of payment in accordance with the conditions of consent.**

**APPLICATION NO.:** DA-1080/2020

**APPLICANT:** Built Pty Ltd

**PROPERTY:** 40-46, 48 and 52 Scott Street, Liverpool NSW 2170

**PROPOSAL:** Detailed consent in accordance with approved Concept Proposal (DA0585/2019) for Stage 2 (Phase A) of the 'Liverpool Civic Place'.

<b><u>Facilities</u></b>	<b><u>Amount (\$)</u></b>	<b><u>Job No.</u></b>
<b>Liverpool Contributions Plan 2018 – Liverpool City Centre</b>		
Georges River Foreshore	\$683,035	GL.10000001869.10105
Pioneer Park	\$97,576	GL.10000001869.10105
Apex Reserve	\$48,788	GL.10000001869.10217
Georges River Pedestrian Crossing		
	\$121,971	GL.10000001869.10218
Discovery Park	\$121,971	GL.10000001869.10219
Community Facility Upgrade	\$292,729	GL.10000001870.10099
Car parking	\$975,764	GL.10000001868.10108
Access, bike facilities and bus priority	\$731,823	GL.10000001865.10220
Peripheral Streetscape works	\$487,882	GL.10000001865.10221
Footpath widening in City Centre	\$97,576	GL.10000001865.10222
<b><u>TOTAL</u></b>	<b><u>\$3,659,117</u></b>	

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

**RECORD OF PAYMENT**

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

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

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

## ATTACHMENT 3 - SYDNEY WATER REQUIREMENTS

26 February 2021

Our Ref: 181695 & 187384

**Boris Santana**  
Council Assessing Officer  
Liverpool City Council  
[Santanab@liverpool.nsw.gov.au](mailto:Santanab@liverpool.nsw.gov.au)

**RE: Development Application DA-1080/2020 at 40-46 Scott Street, Liverpool (Liverpool Civic Place – Phase B&C)**

Thank you for notifying Sydney Water of DA-1080/2020 at 40-46 Scott Street, Liverpool which proposes the detailed DA for phase B&C of the Liverpool Civic Place mixed-use development, including; stage 2-construction of and use of a 22 storey commercial office building, a 9 storey co-living building as well as related works such as a 4-level basement, landscaping and public domain works. Sydney Water has reviewed the application based on the information supplied and provides the following comments.

Sydney Water have no objection to this proposal, and we are currently liaising with Liverpool City Council and their consultants, to confirm the detailed operational timescales for each stage of the Liverpool Civic Place to inform our delivery timescales of new wastewater infrastructure required for this development and as specified within the Section 73 Certificate under CN 187384. Please note our servicing advice from the feasibility case previously lodged with Sydney Water under CN 181695 for this development still applies until Council receives an updated Notice of Requirements from a future application.

**Water Servicing**

- The developer will be required to amplify the existing reticulation system to meet the Sydney Water guideline based on development type and building height.

**Wastewater Servicing**

- The proposed development is in the catchment of a future sewer lead in main along Macquarie Street. Sydney Water had approved this lead in main, and the construction of this main is anticipated to commence circa June 2021 to be completed at the end of 2022. This timeframe is subject to change.
- Sydney Water will meet with Council (as the Developer) or their consultants to discuss finalised staging, employment and/or residential yields and ultimate timescales for this proposal and how this links to the timescales for the lead-in main.
- There are multiple reticulation sewer mains traversing the site which may require deviation or disuse.

## Stormwater

- Requirements for Sydney Water's stormwater assets (for certain types of development) may apply to this site. The proponent should ensure that satisfactory measures have been taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets.
- The proponent should consider taking measures to minimise or eliminate potential flooding, degradation of water quality, and avoid adverse impacts on any heritage items, and create pipeline easements where required.

Amplifications, extensions or deviations to the drinking water and wastewater network is required to comply with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

The developer will need to engage a Water Servicing Coordinator (WSC). The WSC will be the applicant's point of contact with Sydney Water. The WSC can answer most questions the applicant might have on Sydney Water's developer process and charges. For a list of authorised Coordinators, either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building & developing > Developing > Providers > Lists or call 13 20 92.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Further advice and requirements for this proposal are in the Attachments 1 & 2. If you require any further information, please contact the Growth Planning Team on [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kristine Leitch".

**Kristine Leitch**  
Growth Intelligence Manager  
City Growth and Development, Business Development Group  
Sydney Water, 1 Smith Street, Parramatta NSW 2150

## Attachment 1

### Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

### Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.*

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>



## Attachment 2

### Requirements for **Business Customers for Commercial and Industrial Property Developments.**

#### **Trade Wastewater Requirements**

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's [Business Customer Services](mailto:businesscustomers@sydneywater.com.au) at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

#### **Backflow Prevention Requirements**

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

#### **Water Efficiency Recommendations**

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

#### **Contingency Plan Recommendations**

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

## ATTACHMENT 4 – ENDEAVOUR ENERGY REQUIREMENTS



Chief Executive Officer  
Liverpool City Council

6 February 2021

**ATTENTION: Boris Santana**

Dear Sir or Madam

I refer to the referral of 20 January 2021 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-4567 for Liverpool City Council Development Application DA-1080/2020 at 40-46 48 & 52 SCOTT STREET LIVERPOOL 2170 (Lot 17 DP 81842, Lot 11 DP 522284, Lot 12 DP 657056, Lot 3 DP 229979, Lot 1 DP 507070) for 'Stage 2-Construction of and use of a 22 storey commercial office building, a 9 storey co-living building as well as related works such as a 4-level basement, landscaping and public domain works'. Submissions need to be made to Council by 10 February 2021.

Please refer to the attached copy of Endeavour Energy's submission made on 11 October 2019 to NSW Government concurrence and referral request CNR-1917 for Liverpool City Council's development application DA-585/2019 at 40-4 SCOTT STREET LIVERPOOL 2170 (Lot 1 DP 514817; Lots 1, 2 & 3 DP 229979; Lot 17 DP 81842; Lot 11 DP 522284; Lot 20 DP 1224084; Lot 100 DP 877435; Lot 12 DP 657056; Lot 1 DP 507070; Lots 22 & 23 DP 441010) for 'Concept development application pursuant to section 4.22 of the Environmental Planning & Assessment Act for a new mixed use precinct known as Liverpool Civic Place'. The recommendations and comments provided therein are essentially also applicable to this Development Application.

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

- Network Capacity / Connection

Endeavour Energy has noted the following in the Civil Engineering Services Utility Services Report addressing the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.

### **Proposed Low Voltage Distribution**

Based on the estimated maximum demand, it is envisaged that:

- Stage 1 will comprise of a standalone chamber substation (3MVA capacity)
- Stage 2 will comprise of a standalone chamber substation (to be kept to 3MVA capacity, but subject to future validation)

### **Level 3 ASP Design**

The Level 3 ASP Design will be undertaken by Altura Solutions for Stage 1, as well as the application to Endeavour Energy.



51 Huntingwood Drive, Huntingwood, NSW 2148  
PO Box 811, Seven Hills, NSW 1730  
T: 133 718

[endeavourenergy.com.au](http://endeavourenergy.com.au)

ABN 11 247 365 823

### Incoming Infrastructure Arrangement

Stage 1 substation is located along Terminus Street, and it would be the intention to bring the HV feeder into the new 3MVA chamber substation from Terminus Street. The final arrangement is subject to the Endeavour Energy Design Information Pack (DIP) and network study/assessment.

The proposed indoor / chamber substation is shown in the following extract of the Architectural Plans.



Upper Ground Floor Plan / Co-Living L1

From Endeavour Energy's perspective the fact that provision is being made for an indoor substation is a positive. Endeavour Energy's general requirements is for an indoor substation to be at ground level and have direct access from a public street.

As shown in the following Clause 5.3.5 'Indoor substations', from Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', indoor substations require the following:

#### 5.3.5 Indoor substations

The boundaries of an easement for indoor substation must be defined by the internal face of the walls, ceiling, floor, and cable trenches of the substation room.

An easement for the cables that enter and exit the substation room will also be required if they are not installed within public roads and/or existing Endeavour Energy easements.

A right of access may also be required to give Endeavour Energy employees, vehicles, and equipment unrestricted access to the indoor substation at all times.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

Endeavour Energy's Network Connections Branch are responsible for managing the conditions of supply with the proponent and their Accredited Service Provider (ASP). To complete the application for connection of load the applicant and their ASP should contact Endeavour Energy's Network Connections Branch via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm.



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 or in Endeavour Energy's previous submission 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](mailto:property.development@endeavourenergy.com.au) is preferred.

With the current COVID-19 health risk, as many as possible of Endeavour Energy staff are working from home. As a result there is only a small contingent located at the Huntingwood head office for essential operations. Although working from home, access to emails and other internal stakeholders is now somewhat limited and as a result it may take longer than usual to respond to enquiries. Thank you for your understanding during this time.

Yours faithfully

Cornelis Duba

Development Application Specialist  
Network Environment & Assessment

M: 0455 250 981

E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)

51 Huntingwood Drive, Huntingwood NSW 2148

[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



## ATTACHMENT 5 – TRANSPORT FOR NSW REQUIREMENTS



Transport  
for NSW

31 March 2022

Our Reference: SYD21/00079/05  
Council Ref: DA-1080/2020  
NSW Planning Portal Ref: CNR-35997

The General Manager  
Liverpool City Council  
Locked Bag 7064,  
LIVERPOOL BC NSW 1871

Attention: Kevin Kim

Dear Sir/Madam,

**LIVERPOOL CIVIC PLACE STAGE 2 DA PHASE B&C - CONSTRUCTION OF AND USE OF A 22 STOREY COMMERCIAL OFFICE BUILDING, A 9 STOREY HOTEL BUILDING - 40-46 SCOTT STREET, LIVERPOOL**

Reference is made to Council's correspondence dated 4 March 2022, regarding the abovementioned application which was referred to Transport for New South Wales (TfNSW) for comment in accordance with *State Environmental Planning Policy (Infrastructure and Transport) 2021*.

TfNSW notes no shared zone is proposed as part of DA-1080/2020. Therefore, approval is not granted for any proposed shared zone as part of this application.

TfNSW has reviewed the submitted application and provides the following conditions to be included in any consent issued by Council:

1. The access arrangement to the site should be in accordance with the approved Liverpool Civic Place Masterplan. TfNSW requirements in its correspondence dated 25 March 2021 for Masterplan (DA-585/2019) shall be adhered to.
2. No additional access will be allowed from Terminus Street. All redundant driveways along Terminus Street shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter shall be in accordance with TfNSW requirements.
3. The swept path of the longest vehicle (specified to be only 9.9m only as per previous concurrence dated 25 March 2021) (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

---

**Transport for NSW**

27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124  
P (02) 8849 2666 | W [transport.nsw.gov.au](https://transport.nsw.gov.au) | ABN 18 804 239 602

4. Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

6. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Terminus Street.
8. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

If you have any further inquiries in relation to this development application Zeliha Cansiz would be pleased to take your call on 0460427977 or e-mail: [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

Yours sincerely,



**Zhaleh Alamouti**  
Senior Land Use Planner