

# Attachment 1: Recommended Conditions of Consent

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-1408/2021, except where modified by the undermentioned conditions or marked in red by Council:

#### (a) Architectural

Drawing No.	Description	Revision No.	Date	Prepared by
DA-010-010	Context Plan	S1	20/09/19	Turner
DA-010-011	Site Works: Site Plan	S4	08/07/22	Turner
DA-010-012	Site Works: Current Site Condition	S1	01/07/20	Turner
DA-010-013	Site Works: Site Analysis	S1	20/10/21	Turner
DA-110-001	GA Plans: Basement 06	S3	08/07/22	Turner
DA-110-002	GA Plans: Basement 04-05	S3	08/07/22	Turner
DA-110-003	GA Plans: Basement 03	S3	08/07/22	Turner
DA-110-004	GA Plans:Basement 02	S3	08/07/22	Turner
DA-110-005	GA Plans:Basement 01	S3	08/07/22	Turner
DA-110-009	GA Plans:Ground Level	S4	08/07/22	Turner
DA-110-010	GA Plans:Mezzanine	S4	08/07/22	Turner
DA-110-011	GA Plans:Level 01	S3	08/07/22	Turner
DA-110-012	GA Plans:Level 02	S3	08/07/22	Turner
DA-110-013	GA Plans:Level 03	S3	08/07/22	Turner
DA-110-014	GA Plans:Level 04	S3	08/07/22	Turner
DA-110-015	GA Plans:Level 05	S4	08/07/22	Turner
DA-110-016	GA Plans:Typical Level A Lowrise (Level 6/10)	S3	08/07/22	Turner
DA-110-017	Typical Level B Lowrise (Level	S3	08/07/22	Turner



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	7/11)			
DA-110-018	GA Plans:Typical Level C Lowrise (Level 8/12)	S3	08/07/22	Turner
DA-110-019	GA Plans:Typical Level D Lowrise (Level 9/13)	S3	08/07/22	Turner
DA-110-120	GA Plans:Typical Level A Highrise (Level 14/18/22/26/30)	S3	08/07/22	Turner
DA-110-121	GA Plans:Typical Level B Highrise (Level 15/19/23/27/31)	S3	08/07/22	Turner
DA-110-122	GA Plans:Typical Level C Highrise (Level 16/20/24/28/32)	S3	08/07/22	Turner
DA-110-123	GA Plans:Typical Level D Highrise (Level 17/21/25/29)	S3	08/07/22	Turner
DA-110-330	GA Plans:Level 33	S3	08/07/22	Turner
DA-110-340	GA Plans:Roof Level	S3	08/07/22	Turner
DA-210-101	GA Plans:North Elevation - Elizabeth Street	S3	08/07/22	Turner
DA-210-201	GA Plans:East Elevation - Through Site Link	S2	17/05/22	Turner
DA-210-301	GA South Elevation - Service Laneway	S2	17/05/22	Turner
DA-210-401	GA West Elevation - George Street	S2	17/05/22	Turner
DA-310-101	GA Section AA	S2	17/05/22	Turner
DA-310-102	GA Section BB	S2	17/05/22	Turner
DA-310-201	GA Carpark Entry & Loading Dock Section	S3	08/07/22	Turner
DA-310-202	GA Pool & Level 5 Section	S2	17/05/22	Turner
DA-310-203	GA Basement Ramp Section	S3	08/07/22	Turner
DA-730-001	Building Amenity: Communal Open Space	S3	08/07/22	Turner
DA-730-002	Building Amenity: Communal Open Space Solar	S3	08/07/22	Turner
DA-730-201	Building Amenity:Landscape Area	S3	08/07/22	Turner
DA-730-301	Building Amenity:Through Site Link	S3	08/07/22	Turner
DA-740-001	Storage Compliance - Typical Levels	S3	08/07/22	Turner
DA-740-002	Storage Compliance - Typical Levels	S1	20/10/21	Turner

DA-750-001	Apartment Amenity: Apartment Depth - Typical Levels	S3	08/07/22	Turner
DA-750-002	Apartment Amenity: Apartment Depth - Typical Levels	S1	20/10/21	Turner
DA-770-001	GFA Diagrams: GFA Ground Level - Level 5	S3	08/07/22	Turner
DA-770-002	GFA Diagrams: GFA Typical Level A Lowrise - Typical Level B Highrise	S3	08/07/22	Turner
DA-770-003	GFA Diagrams: GFA Typical Level C Highrise - Level 33	S3	08/07/22	Turner
DA-810-001	Adaptable Plan Layouts (DA Stage): Adaptable & Livable Apartments	S1	20/10/21	Turner
DA-820-001	Waste Strategy: Waste Strategy Diagrams	S3	08/07/22	Turner
DA-830-001	Elizabeth Street Retail: Elizabeth Street Retail Diagram	S2	08/07/22	Turner
DA-890-001	Materials and Finishes: External Material Finishes	S1	10/10/21	Turner
DA-910-101	3D Views: Perspective - Elizabeth Street - Site Through Link	S3	17/05/22	Turner
DA-910-102	3D Views: Perspective - Corner of Elizabeth Street and Rear Lane	S1	20/10/21	Turner
DA-910-103	3D Views: Perspective - Aerial View Along Elizabeth Street	S1	20/10/21	Turner
DA-910-104	3D Views: Perspective - Corner of Elizabeth Street and George Street	S1	20/10/21	Turner
DA-910-105	3D Views: Perspective - Elizabeth Street Retail Shopfront	S1	20/10/21	Turner

(b) **Landscape**

Drawing No.	Description	Revision No.	Date	Prepared by
004	Ground Floor Plan	C	08/07/22	Site Image
005	Through Site Link	C	08/07/22	Site Image
006	Through Site Link	C	11/07/22	Site Image
007	Elizabeth Street	C	17/05/22	Site Image
008	Elizabeth Street	C	11/05/22	Site Image



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009	George Street Public Domain	C	08/07/22	Site Image
010	Service Laneway	C	11/07/22	Site Image
011	Public Domain Paving – Typical Interfaces	C	11/07/22	Site Image
012	Elizabeth Street Seating Arrangement	C	11/07/22	Site Image
013	Level 4 Commercial Terrace	C	17.05.22	Site Image
014	Level 5 Residential Podium	C	17.05.22	Site Image
015	Planting	C	17.05.22	Site Image

(c) **Engineering Plans**

Drawing No.	Description	Revision No.	Date	Prepared by
301350263 C1-000-01	Cover Sheet	B	26-07-2021	Stantec
C1-007-01	General Notes	B	26-07-2021	Stantec
C1-070-01	Erosion & Sediment Control Plan	B	26-07-2021	Stantec
C1-076-01	Erosion & Sediment Control Details	B	26-07-2021	Stantec
C1-400-01	Road Concept Plan	B	26-07-2021	Stantec
C1-402-01	Rear Lane Section	B	26-07-2021	Stantec
C1-520-01	Stormwater Management Plan	B	26-07-2021	Stantec
C1-526-01	Stormwater Drainage Details Sheet 1	B	26-07-2021	Stantec
C1-526-02	Stormwater Drainage Details Sheet 2	B	26-07-2021	Stantec

(d) **Reports**

Description	Reference No./Revision	Date	Prepared by
Historical Archaeological Assessment	P0035073	28.10.21	Urbis
Aboriginal Objects Due Diligence Report	P0035073	26.10.21	Urbis



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Acoustic Assessment for Development Application	TL868-01F02	29.10.21	RENZO-TONIN & Associates
Access Assessment Report	113165-Access-r3	3.11.21	BCA Access
Acid sulfate soils Report	E24175.E14_Rev0	27.10.21	eiaustralia
Aeronautical Impact Assessment		3.11.21 V1 Final	AVLAW
Construction Noise & Vibration Management Plan	TL868-02F02	01.11.21 R1	RENZO-TONIN & Associates
CPTED Design Review			Urbis
Detailed Site Investigation	E24175.E02_Rev0	8.12.20	eiaustralia
ESD Report	SY210131-SER01	26.10.21 Rev. 4	NORTHROP
Fire Engineering Brief	113165-FEB-r2	29.10.21	SGA
Geotechnical Report /Additional Geotechnical Report	E24175.G04	26.10.21	eiaustralia
Heritage impact statement	P0035073	25.10.21	Urbis
Public Art Strategy		10.26.21	Turner
Remediation Action Plan	E24175.E06_Rev0	27.10.21	eiaustralia
Services Design Report	301350243	27.10.21	Stantec
Services Management Plan			
Social impact assessment	P0036314	25.10.21	Urbis
Transport Impact Assessment Report		03.11.21	ptc
Waste Management plan			
Operational Waste Management Plan	Report No. SO1053 Revision E	18/05/2022	Elephants FOOT
Vertical Transport	301350263	27.10.21	Stantec
Pedestrian Wind Environment Study Report	WF972-01F03 (REV1)	13.8.21	Windtec

(e) Basix Certificate No.1224442M\_03 Dated 28.10.19 prepared by Stantec

### Requirements of Sydney Water



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2. The comments provided by Sydney Water shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 1 March 2022 and found in this decision notice as Attachment 3.

### Requirements of Endeavour Energy

3. The comments provided by Endeavour Energy shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 8 March 2022 and found in this decision notice as Attachment 4.

### Transport for NSW

4. The comments provided by Transport for NSW shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 18 July 2022 and found in this decision notice as Attachment 5.

### Requirements of the Department of Infrastructure, Transport, Cities and Regional Development

5. The comments provided by the Department of Infrastructure, Transport, Cities and Regional Development in regards to the construction of the building and crane operation, shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated **xx xx 2022**. A copy of the correspondence is found as Attachment 6 in this decision notice.

### Works at no cost to Council

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

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

7. 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.

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

8. 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 Liverpool Contributions Plan 2018 Liverpool City Centre.

The total contribution is **\$4,158,979.00** and will be adjusted at the time of payment in accordance with the contributions plan.



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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 (Attachment 2).

### Comply with EP&A Act

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

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

### Comply with NCC

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

### Works at no Cost to Council

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

## B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to the issue of a Construction Certificate by the Principal Certifying Authority.

### Stormwater

12. Requirements for Sydney Water's stormwater assets (for certain types of development) may apply to this site. The proponent should ensure that satisfactory steps/measures been taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets.



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13. 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.

### **Waste**

14. Prior to the issue of a Construction Certificate a waste matrices/tables shall be prepared detailing the different types and volumes/weights of materials that will arise from the excavation and construction phases of the development. These are to include whether these materials will be re-used, recycled or disposed of and the facilities to which those materials will be taken. The waste matrices/table shall be submitted to Council's Waste Project Officer for review and endorsement.

### **Amended Landscape Plan**

15. Prior to the issue of a Construction Certificate, an amended Landscape Plan is required to be submitted to Council for review and endorsement by a Senior Development Assessment Planner in the Development Assessment Team. The following are to be incorporated and integrated into in the amended Landscaped Plan:
  - (a) On-street car parking and kerb extension along George Street to provide a minimum footpath width of the 2.75m from the lot boundary as per the adopted Liverpool City Centre Public Domain Master Plan
  - (b) Identify and indicate relocation of any underground services and provide a minimum 1m clear width (from back of kerb) to accommodate the tree pits. Provide dimensions for all tree pits including dimensions and extents of strata cells. All street trees must have a minimum soil volume of 9m<sup>3</sup> and use structural soil with 'Stratavault' (or approved similar) under the paving zones.
  - (c) Specify proposed laneway paving material / treatment
  - (d) Indicate location quantity and specifications of street furniture & fixtures including but not limited to bins and seating along George St and Elizabeth Street frontages in line with the Public Domain Master Plan.
  - (e) Indicate the location of existing street light poles at the intersection (on either side of Elizabeth Street) and existing timber light pole on the opposite side of the road along All Saints Catholic Church footpath. Powder coat (in black colour) the existing street light poles (at the corner of subject site and at the corner of All Saints Catholic Church) and replace the existing timber street light pole with a new multi-function pole (opposite the site along All Saints Catholic Church footpath).

### **Pedestrian Wind Environment Study**

16. Prior to the issue of a Construction Certificate, the recommendations of the submitted Pedestrian Wind Environment Study prepared by Windtech dated 13 August 2021 are to be incorporated into the amended Landscape Plan prior to review and endorsement by a Senior Urban Designer in the City Design & Public Domain team. The amendments will include but not limited to a 1.5m high operator-controlled screens



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around the perimeter of the eastern Ground Level café, a 1.5-2m high, densely foliating, evergreen shrubs/hedges along the perimeter of the terrace on Level 4, a 1.5-2m high, densely foliating, evergreen shrubs/hedges and trees along the perimeter of the pool/BBQ area and open lawn areas on Level 5.

## Public Art

17. Prior to the issue of the Construction Certificate, the Public Art Strategy and relevant Architectural plans are to be updated to include detailed artwork design (location, extent, type) to the screens located around the outdoor Communal Space on Level 5, Laneway entry, boundary walls and the Event Ready Laneway Link and Art Journey. The documents are to be and approved by Council's Public Arts Officer.

Evidence is to be provided to Council's Public Art Officer that coordination with owners of adjoining Lots 2 & 3 DP1261270 has occurred to design and document a coherent Public Art Strategy for the precinct. It should include engagement of a lead public artist or experienced curator to manage the overall public art delivery and development. In addition, ensure local artists are mentored and remunerated, in the development and delivery of the artworks. The proposed shortlist of artists/ curators is to be approved by Council's Public Arts Officer.

## Traffic Investigation

18. Prior to the issue of a Construction Certificate the PCA must provide Council the results and recommendations of a Traffic Investigate Report to identify improvement measures that can mitigate the forecast poor performance of the intersection of Bigge Street and Elizabeth Street. The assessment, solution and possible design layout is to be presented to Council and TfNSW for review.

## Carparking design drawings

19. Detailed design drawings of the proposed car parking and access arrangements including a signs and line marking scheme prepared by a traffic engineer or designer is to be submitted through Council's Transport Management Section, to the Liverpool Traffic Committee for assessment and Council's approval. It should be supported by swept path diagrams.

The design is to address the ramp width and clearance height issues raised in the Traffic Impact Assessment report as well as the concern raised by Council and Design Excellence Panel regarding the proposed location of the end of trip bicycle facilities and relocating the end of trip bicycle facilities where they are likely to be used effectively (near shower facilities etc).

The design is to be certified by a qualified professional that it complies with the requirements of Council's DCP and Australian Standards.

Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved.

## Access, Car Parking and Manoeuvring



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20. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

### Street lighting

21. The developer shall engage an accredited service provider to assess adequacy of the existing street lights in front of the development site, and if upgrade is required, submit a Public Lighting Design Brief to Council's Traffic Management Section, to specify design requirements for the provision of street lighting on all new public roads dedicated to Council.

A street lighting design plan prepared by an accredited service provider is to be submitted to Council for review and to the electricity service provider (currently Endeavor Endeavour) for approval, prior to construction.

The street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

### Construction Traffic Management Plan (CTMP)

22. A construction traffic management plan (CTMP) prepared by a traffic engineer/project manager is to be lodged with Council for endorsement. The CTMP is to be lodged online via Council's portal. A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection at any time by an authorised Council officer.

Construction shall not commence until the construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

### Fee Payments

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

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- (c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in



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accordance with Section 6.8 of the Environmental Planning & Assessment Act 1979.

These fees are reviewed annually and will be calculated accordingly.

24. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.
25. A fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of construction certificate, demonstrating that all proposed external wall cladding materials used 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.
26. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.  
  
The schedule must distinguish between the measures that are currently implemented in the building premises; and
  - (a) The measures that are to be proposed to be implemented in the building premises; and
  - (b) The minimum standard of performance for each measure.
27. 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.

### Provision of Services

28. The developer should lodge a feasibility application with Sydney Water via a Water Servicing Coordinator (WSC) detailing concept water and wastewater servicing options.
29. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](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.



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30. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
31. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
  - (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
  - (c) installation; and
  - (d) 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.

### Design Verification Statement

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

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

### Recommendations of Acoustic Report

33. The recommendations provided in the approved acoustic report titled Illoura Place – 28 Elizabeth Street, Liverpool Acoustic Assessment for Development Application Altis Bulky Retail Pty Ltd as trustee for Altis ARET Sub Trust 20 (Doc reference: TL868-01F02 Acoustic Report for DA (r6) prepared by Renzo Tonin & Associates dated 2nd August 2022 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.



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The construction methodology and plans accompanying the Construction Certificate application 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 Principal Certifying Authority (PCA) prior to issue of the Construction Certificate

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)

34. A Construction Noise and Vibration Management Plan is to be prepared by a suitably qualified acoustic consultant in accordance with relevant planning policies, guidelines and standards (whether that be Australian, British or German) and is to include, but not be limited to, the following:
- (a) Site description
  - (b) Nature of the development
  - (c) Staging of construction
  - (d) Hours of construction
  - (e) A quantitative assessment of the airborne and ground-borne noise generated by the work for the proposed development and its impact on nearby receivers
  - (f) A quantitative vibration assessment and the impact to surrounding structures and on nearby receivers
  - (g) Proposed methods to mitigate the noise and vibration impact during the construction works
  - (h) Complaints handling and community liaison procedures. This is to include but not be limited to a complaints register with complainant details, date and time of complaint, nature of complaint and how the complaint was resolved or handled.

Once the noise and vibration impact on the surrounding community and structures is adequately assessed, all necessary action is to be taken to eliminate such impacts as recommended and suggested by the suitably qualified acoustic consultant.

### Construction Environmental Management Plan (CEMP)

35. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:
- a) Asbestos Management Plan;
  - b) Project Contact Information;
  - c) Site Security Details;
  - d) Timing and Sequencing Information;
  - e) Site Soil and Water Management Plan;



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- f) Noise and Vibration Control Plan;
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency; and
- m) Unexpected Finds Protocol.

The recommendations provided in the approved report titled 28 Elizabeth Street, Liverpool Construction Noise & Vibration Management Plan Altis Bulky Retail Pty Ltd as trustee for Altis ARET Sub Trust 20 (Doc reference: TL868-02F02 Construction Noise Assessment (r1)) prepared by Renzo Tonin & Associates dated 1<sup>st</sup> November 2021 shall be incorporated into the Noise and Vibration Control Plan.

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

### **Mechanical Plant and Equipment**

36. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report titled Illoura Place – 28 Elizabeth Street, Liverpool Acoustic Assessment for Development Application Altis Bulky Retail Pty Ltd as trustee for Altis ARET Sub Trust 20 (Doc reference: TL868-01F02 Acoustic Report for DA (r6)) prepared by Renzo Tonin & Associates dated 2<sup>nd</sup> August 2022.

Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

### **Liverpool CBD – Street Lighting Upgrade**

37. 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 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 Land Development Engineer for review and approval prior to any public domain construction works.

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

38. 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



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Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170.

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

39. Periphery Type/ Core Type paving shall be installed along the entire Elizabeth Street and George Street 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 as amended in *Implementation Note 12/2015 – Liverpool CBD Paving*

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

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

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

### **Retaining Walls on Boundary**

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

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

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

41. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Road and Drainage Works in Elizabeth Street and George Street

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

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

### **Road design criteria table**



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42. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Rear Serviceway	7.0m	5.5m	1.2m & 0.3m	N/A	3x10 <sup>5</sup>

### On-Site Detention

43. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Stantec, reference number 301350263 C1, revision B, dated 26.07.2021. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

### Stormwater Plan

44. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### Stormwater Discharge – Basement Car parks

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

### No Loading on Easements



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

### Water Quality

47. Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.
48. The Construction Certificate must be supported by:
- a) Specification & installation details of the stormwater pre-treatment system
  - b) 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.

### Peer Review of Geotechnical Report

49. An independent peer review of the geotechnical report and future structural design of the development will be required at no cost to Council. The peer review shall be submitted to the Principal Certifying Authority for approval. This is to ensure that there are no impacts to the existing embankment at the rear of the property.

### Traffic

50. Detailed design drawings of the laneway, driveways, speed hump, ramps, aisles, loading bays, parking spaces, and boom gate demonstrating that the design has been carried out in accordance with RMS Guidelines, DCP and AS: 2890 is to be submitted to Council for review and endorsement prior to Construction Certificate. The design needs to be accompanied by a certification from a qualified independent traffic engineer that the design drawings comply with the requirements of Liverpool Council DCP and Australian Standard. It needs to include the following:
- (a) The proposed rear laneway, driveways, ramps, aisles, loading bay and parking spaces,
  - (b) Swept path analysis
  - (c) Footpath paving on all streets fronting the development in accordance with Council requirements
  - (d) Sign and line marking scheme
51. An Endeavour Energy accredited ASP Level 3 service provider is to be engaged to prepare electrical design for upgrading of the existing street including undergrounding of existing aerial power lines (where required) and communication cables for entire development site frontages including side streets, in accordance with Council's and Endeavour Energy specifications.



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The upgrade is to include replacement of the existing street columns with Council approved multi-function poles (MFP) including all necessary accessories. Specification and accessories details of the MFPs are to be obtained from Council's Infrastructure and Environment Section.

### **Traffic Management Plans**

52. A traffic management plan is to be submitted to Liverpool City Council's Traffic & Transport Section for approval by Council's Traffic Committee. Works within the road reserve shall not commence until the traffic management plan has been approved.

The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

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

53. Prior to the issue of a 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 and
  - (c) All cars can enter and exit the site in a forward direction.

### **Dilapidation Report**

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

### **Dilapidation Report Private Property (Excavations)**

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

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

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



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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

### Heritage

56. A Section 140 Excavation Permit is to be prepared and submitted to Heritage NSW prior to commencement of any works which disturbed the ground. A copy of the archaeological assessment and research design is to be provided to Council with the Section 140 Excavation Permit prior to issue of Construction Certificate.
57. A Heritage Interpretation Strategy is to be submitted to Council for approval of Council's Heritage Officer prior to Issue of Construction Certificate. The interpretation strategy is to incorporate the findings of any archaeological investigations and the research undertaken as a part of the Statement of Heritage Impact and Archaeological assessment.

### Waste Management

58. On site collection of waste and recycling must be provided and integrated with the design of high density residential development. This must comply with the specifications detailed in the *Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing*.
59. Any bin bays must be:
  - (a) Provided with mechanical ventilation,
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewer drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,
  - (c) Provided with sufficient light to permit usage at night,
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
  - (e) Bin bay signs are available from Council,
  - (f) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council, and
  - (g) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
    - i. Garbage is to be placed wholly within the garbage bins provided,



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- ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
  - iii. The area it to be kept tidy,
  - iv. A phone number for arranging disposal of bulky items, and
  - v. Graphic illustrative content to be 50%.
60. All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:
  - (a) Sufficient space for access, storage and easy manoeuvring of bins;
  - (b) The areas are to be fully enclosed and include a solid roof and concrete or cement rendered walls covered to the floor;
  - (c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
  - (d) Adequate ventilation to the external air by natural or mechanical means;
  - (e) The door to the rooms must be tight fitting and self-closing;
  - (f) A hose cock adjacent to the garbage storage areas to facilitate cleaning of bins and the storage areas. If the hose cock is located inside the waste storage areas, it shall not protrude into the space indicated for the placement of bins;
  - (g) Sufficient lighting to permit usage at night; and
  - (h) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

Any modifications to the construction of the waste storage area require Council's prior written Approval

61. Prior to issue of a Construction Certificate, confirmation must be provided in the building plans/WMP, that there is a clear head-height of no less than 3700mm, free of all services and signage, for the entire swept path of the waste truck. This must also confirm that no smoke/fire detectors are to be mounted within the area of the swept path of the waste truck's travel, to ensure that fire alarms are not accidentally triggered.
62. Prior to issue of a Construction Certificate, confirmation must be provided in the building plans/WMP, that all the building's structure and services (including overhangs due to access/egress ways), will not reduce the unobstructed head-height in the bin loading dock to less than 3700mm at any point.
63. Prior to the issue of a Construction Certificate, confirmation is to be provided in a revised WMP that appropriate signage covering the operation of the waste chute, the maximum size of objects that can be placed in the waste chute, and what materials can and cannot go into waste chute/recycling bins, is to be placed prominently in the waste chute areas and in the recycling bin rooms on every level.
64. Prior to the issue of a Construction Certificate, the WMP will be revised to detail that each residential unit will be provided, as part of their kitchen fit-out, with two clearly marked and differentiated waste containers, one for general waste and one for

recycling, which will provide a combined volume sufficient to take at least one day's worth of waste.

65. Prior to the issue of a Construction Certificate, the WMP will be revised to note that the provision of a bin tug by the developer for the transport of waste bins from the commercial bin room is definitely required.
66. Prior to the issue of a construction certificate, the WMP will detail that the access/security arrangements for the residential and commercial bin storage areas will ensure that there is no access to the residential bin room by agents/cleaners of the commercial parts of the building and vice versa.

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

**The following conditions shall be complied with prior to works commencing on the subject site:**

67. 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. 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.
  - (b) 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.
  - (c) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
  - (d) 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.

### **Residential Building Work**

68. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act

### **Notification of Service Providers**

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



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

### Complaints Register

70. Prior to the commencement of construction, the Applicant must ensure that the following is available for the life of the Development:
- a postal address to which written complaints may be sent;
  - an email address to which electronic complaints may be transmitted; and
  - a telephone contact line to enable complaints associated with the Development to be registered by the community.

The Complaints Register must be made available for inspection on request by Liverpool City Council.

### Sediment and Erosion Control Measures

71. 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.

### Visible signage identifying key personnel

72. 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

### Road Occupancy Permit

73. Applications must be made to Council under Section 138 of the NSW Roads Act, for required Road Occupancy permit and Road Opening approval for any road occupancy within public road reserve.

The Road Occupancy permit and Road Opening approval application, is to include Traffic Control Plans including details for pedestrian management, 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.



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The road occupancy permit and road opening approval with approved traffic control measures shall be implemented during construction. A copy of the road occupancy permit and road opening approval shall be available on site at all times. Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

### **Traffic Control Plan**

74. Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 “Traffic Control Devices for Works on Roads” and the Roads and Traffic Authority’s publication “Traffic Control at Worksites” and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller. Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

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

### **Demolition Works**

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

### **Waste Management**

76. Prior to any works commencing, including demolition, any residential waste bins that may be on any part of the sites at 28 Elizabeth Street must be returned to Liverpool City Council. Ring 1300 36 2170 to notify Council if there are waste bins that require collection and so that their removal can be noted.

### **Waste Classification and Disposal of Contaminated Soil and Material**

77. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with



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the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*, prior to off-site disposal.

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

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

## Environmental Management

78. 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:
- Siltation fencing;
  - Protection of the public stormwater system; and
  - Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

## D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

### Identification Survey Report

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

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

### Site Facilities

80. 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:



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- (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.
81. 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

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

### Excavation Works

83. 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 manufacturers details or by a practising structural engineer.

### Hoardings

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

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act



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approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

85. 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.

### **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.

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

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

### **General Site Works - Sediment**

88. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### **Removal of dangerous and/or hazardous waste**

89. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

### **Waste Management Plan**

90. 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.

### **Contamination**



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91. The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act, 1997*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and *Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998)*.

### Imported Fill Material

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

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

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

### Record Keeping of Imported Fill

93. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:
- 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,
  - Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
  - the results of any chemical testing undertaken on fill material.

### Site Remediation Works

94. The site must be remediated in accordance with;
- Remediation Action Plan 28 Elizabeth Street, Liverpool NSW Altis Bulky Retail Pty Ltd as Trustee for Altis Aret Sub Trust 20 (“Altis”) (Report No.: E24175.E06\_Rev0) prepared by EI Australia Pty Ltd dated 27<sup>th</sup> October 2021;
  - State Environmental Planning Policy (Resilience and Hazards) 2021*;
  - National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
  - The guidelines in force under the *Contaminated Land Management Act 1997*.

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



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

### Unidentified Contamination

95. 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 immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### Air Quality

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

During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.

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 – Stabilisation

97. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

### Erosion Control – Measures

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

### Erosion Control

99. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

### Water Quality



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100. During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.

#### **Pollution Control - Site Operations**

101. During construction the consent holder is to ensure 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.

#### **Pollution Control - Truck Movements**

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

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

#### **Ventilation**

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

#### **Construction Noise, Vibration Assessment and Management Plan**

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

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

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

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

#### **Removal/ Decommissioning of Underground Petroleum Storage System**



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106. Decommissioning of the unused underground storage tanks shall be undertaken in accordance with the following:

- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
- AS 4976-2008 (R2016) - The removal and disposal of underground petroleum storage tanks; and
- UPSS Technical note: Decommissioning, Abandonment and removal of UPSS by NSW Department of Planning, Industry and Environment

A Validation Assessment of the soils upon removal of the UPSS must be prepared or reviewed and approved by a suitably qualified and certified contamination consultant and a report submitted to Liverpool City Council to confirm that the site is suitable for the proposed use.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

### Complaints Handling Register

107. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and include the following:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- (g) allocate an individual "complaint number" to each complaint received.

### Car Parking Areas

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

109. The applicant is to provide a sign posting and line marking plan for the Elizabeth Street & George Street property frontages.

110. All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All resident/visitor parking areas are to be clearly signposted



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limiting car parking for resident/visitor only. The applicant is to cover the costs of installation and maintenance of the signage.

111. The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.
112. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

### **Traffic Management**

113. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and to be in accordance with the RMS Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RMS Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.

Applications must be made to Council for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council’s satisfaction.

Any approved works at the intersection of Bigge Street and Elizabeth Street is to be approved by Council and TfNSW and implemented by the development at no cost to Council.

The laneway at the back between George Street and Bigge Street is to be constructed to Council’s satisfaction.

### **External**

114. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
115. 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.
116. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

### **Drainage Connection**

117. 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.



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### Archaeological discovery during excavation

118. Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
119. Should any archaeological remains be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate. If the discovery is on Council's land, Council must be informed.

### Major Filling/ Earthworks

120. 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.

### Heritage

121. If Aboriginal object/s are identified during works, then all works in the immediate area must cease and the area secured. The Office of Environment and Heritage must be notified by ringing the Enviroline 131 555. No works are to commence until authorisation has been received from the Office of Environment and Heritage and the appropriate permits have been obtained.
122. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works recommencing must be developed in consultation with relevant Aboriginal stakeholders.
123. Copies of all Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.
124. Any artefacts of moderate to high significance recovered from the site are to be deposited at the Liverpool Regional Museum for inclusion in the Liverpool City Heritage Collection or retained and interpreted on site.

### Paving

125. Land in the set-back zone is to match the paving in the public street so that it provides a seamless and level ground plane.

### Crime prevention



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126. Crime prevention measures shall be employed during construction so as to prevent the following:
- (a) Theft of the construction equipment & hot water systems during construction stages;
  - (b) Trespassers into construction areas after hours.

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

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

### **Certificates**

127. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
128. The premises must not be utilised until an Occupation Certificate is issued by the principal certifier.
129. 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.
130. 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.

### **Cladding**

131. 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 is consistent with the consent documentation, NCC and relevant Australian Standards

### **Landscaping**

132. 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.

### **Design Verification Statement**

133. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this



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regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

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

### **Road Works and Road Reserve Works**

134. All traffic related works including intersection improvements works, line-marking and signposting are to be completed to the satisfaction of Council.
135. Street lighting on Elizabeth Street & George Street shall be completed to Council's and Endeavour Energy's satisfaction.

### **Recommendation of Acoustic Report**

136. 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 Principal Certifying Authority (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 Illoura Place – 28 Elizabeth Street, Liverpool Acoustic Assessment for Development Application Altis Bulky Retail Pty Ltd as trustee for Altis ARET Sub Trust 20 (Doc reference: TL868-01F02 Acoustic Report for DA (r6) prepared by Renzo Tonin & Associates dated 2nd August 2022. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

### **Regulated Systems**

137. Regulated systems installed, such as air-handling systems, heated water systems and cooling water systems, must comply with the Public Health Act 2010 and Public Health Regulation 2012, including AS3666.1:2011 & AS1668.

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

### **Validation Report**

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



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- a) *NSW Contaminated Land Planning Guidelines (1998)*;
- b) Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and
- c) *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)*.

The Validation Report must be prepared or reviewed and approved by a suitably qualified and experienced contaminated land consultant.

The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

### **Mechanical Ventilation Certification**

139. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

### **Service Providers**

140. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
141. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
142. 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.



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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.

## **BASIX**

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

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

144. 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**

145. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation for the subject stage, 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.

## **Compliance Documentation**

146. Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
  - (b) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

## **Heritage**



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147. Prior to Issue of Occupation Certificate the heritage interpretation plan is to be implemented in full and the completed works are to be signed off by Council's Heritage Officer.
148. Where substantial intact archaeological remains are identified, including cellars or foundation structures, the incorporation of these elements is to be assessed and a report is to be provided for the review and approval of Council's Heritage Officer prior to issue of construction certificate. This report should detail what was identified, at least three options for the management of the remains an assessment of each option as to feasibility and final recommendations. The report will need to consider the structural engineering and architectural implications of potential incorporation.

### **Waste Management**

149. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project, have been disposed of at the waste facilities nominated in the approved waste management plan.
150. Prior to issue of an Occupation Certificate, all permanent waste signage, and all permanent waste equipment, including chutes and all chute doors and equipment, is to be installed and commissioned.
151. Prior to issue of an Occupation Certificate, the building by-laws will be drafted in a manner that places the requirement to correctly separate and dispose of waste upon all residents. The by-laws must ensure that any additional costs incurred by the building as a result of a failure to correctly separate and dispose of waste, or from misuse of, or damage to waste equipment (e.g. chutes and chute hatches), can be recovered from the parties responsible.
152. All waste management facilities, equipment (including the bin lifter and hoist, but excluding the waste bins), features and permanent fixed signage is to be installed and operational prior to the issue of an Occupation Certificate.
153. Prior to the issue of an Occupation Certificate, the cleaning and waste removal processes/practices for all parts of the building must be documented. This is to be provided to Council as part of the submitted documentation. This must state that recyclable materials are to be kept separate from general waste at all times and must remain loose and unbagged throughout the waste collection and aggregation process, to ensure that they remain recyclable. This plan must also clearly state that domestic and commercial waste will be kept separate at all times.

### **Restrictions on Title**

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

*The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and*



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*operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.*

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

155. Prior to the issue of an OC, the following restriction as to user must be registered on the title of the property:

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

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

### **Rectification of Damage**

156. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Elizabeth Street and George 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**

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

### **Stormwater Compliance**

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

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

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

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



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

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.

### **Crime prevention**

160. Crime prevention measures shall be employed during construction so as to prevent the following:
- (a) Theft of mail from mailboxes;
  - (b) Theft from motor vehicles/underground carparks;
161. Lighting shall be installed so as to deter anti-social behaviour at public areas/walkways.
162. Unauthorised access shared be restricted via lifts to different floors (if buildings and floors can only be accessible by swipe cards, supply Liverpool Police with a master card for access into the building and lifts so that police are able to respond to emergency calls.)
163. Register the CCTV cameras with the free NSW Police CCTV register at <http://polices.nsw.gov.au/services/register my business CCTV details>.

## **F. GENERAL CONDITIONS**

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

### **Council's Infrastructure**

164. Council's on-street assets should be protected at all times. Any damages should be rectified to Council's satisfaction.

### **Parking Requirements**

165. A total of 542 off street car parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:
- a) 411 residential parking spaces (including 32 visitor spaces);
  - b) 100 commercial car spaces (including 20 visitor car spaces); and
  - c) 31 retail car spaces (including 20 visitor car spaces);

It is also to provide 60 end-of-trip bicycle parking spaces (retail / commercial), 312 residential storage cages; and 29 motorcycle spaces.

All parking areas shown on the approved plans must be used solely for this purpose.



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166. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
167. All vehicles enter and exit the site in forward direction at all times.
168. 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.
169. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

## Noise

170. 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 (LAeq (15 minute)) that exceeds the LA90 (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.

## Noise and Environmental Emissions



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171. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
172. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
173. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
174. All waters discharged from the onsite water detention basins are not to cause water pollution.

### **Waste Management**

175. All waste products associated with the use of the development are to be placed in containers and stored within the building.
176. Waste collection services and deliveries are restricted to between the hours of 7 am and 10 pm Monday to Saturday and 8am and 10pm Sunday.
177. 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.
178. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
179. A separate storage area must be allocated for the holding of bulk waste prior to collection.
180. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate. Maximum compaction ratio is 2:1.

Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate.

181. Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:
  - (a) Garbage is to be placed wholly within the garbage bins provided,
  - (b) Only recyclable materials accepted by Council are to be placed within the recycling bins,



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- (c) The area it to be kept tidy,
  - (d) A phone number for arranging disposal of bulky items, and
  - (e) Graphic illustrative content to be 50%.
182. The powered bin mover provided by the developer, is to be used on all occasions that bins are required to be moved from waste chute rooms to the collection room. This piece of equipment must be maintained according to the manufacturer's instructions, and be available in an operable condition when needed. If this equipment breaks down, it must either be repaired promptly, or replaced as needed. The powered bin mover must be operated only by persons who are trained and insured to use it.
183. The waste chutes and associated equipment, including all chute inlet points, must be maintained according to the manufacturer's instructions, and be available in an operable condition when needed. If this equipment breaks down, it must either be repaired promptly, or replaced as needed.
184. Building management is responsible for providing education, monitoring and feedback to residents on correct waste performance and use of building waste equipment, and instituting corrective actions to address non-conformance where necessary.
185. Once the Occupation Certificate has been issued for the new residences, but at least 7 days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic waste bins. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins. These waste and recycling bins are to be kept at all times with the residential waste storage rooms, except immediately before and after the collection day.
186. All bulky household wastes must be kept within their residence of origin. Residents will be responsible for making their own pre-booked waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside for collection the afternoon before the booked date of the collection. The amounts and types of materials that are acceptable for collection, will be as per the conditions of Council at the time.
187. Under current collection arrangements, the property will be issued by Council with 17 x 1100L general waste bins and 17 x 1100L recycling bins these are to be collected twice weekly. These arrangements re bin sizes and types may be subject to change in future, as FOGO waste services are adopted. All other bins, including any 240 litre recycling transfer bins, and the waste separation bins in the kitchens of the units, are to be supplied by the developer.
188. No green waste bins or services will be supplied by Council. All green waste from any onsite gardens is to be taken off-site for legal disposal by the garden maintenance contractor
189. After the issue of an Occupation Certificate but prior to the commencement of the commercial operations relating to the office and food and beverage areas within the building, all general waste and recycling bins within those areas must be in place and ready for use.

190. It is a requirement of this development consent that the supplied waste infrastructure be used as intended. The strata body or residents are not entitled to circumvent or not use the waste chutes for their intended purpose.
191. Bins are to be presented to the designated waste collection point by agents of the building management, where they will be emptied by Council's waste contractors and the bins will be replaced promptly in the waste storage area.
192. Permanent signage for the Residential Bulky Waste Storage Room(s) must indicate:
- a) That the room is for the storage of bulky household waste only, not materials from any other part or function of the building;
  - b) That residents should contact building management to store unwanted items in the room prior to disposal.
- The building/strata manager is to ring Council on 1300 36 2170 to book in bulky household waste collections when needed.
193. Building management and the strata manager must work cooperatively to ensure that residents are provided with feedback, guidance and oversight of their waste disposal activities, to ensure that waste is being disposed of correctly. Building management and the strata manager must jointly undertake the responsibility of instituting corrective actions and directing residents, if incorrect waste practices are being followed.
194. The waste collections for the commercial parts of the building must be carried out as often as is necessary to ensure that the capacity of the waste bins provided is not exceeded.

### Landscaping

195. 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.

### Graffiti

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

### Lighting

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

### Use of the Premises - General



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198. The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
199. The use of the premises shall not give rise to “offensive noise” as defined under the *Protection of the Environment Operations Act 1997*.
200. The use of the premises is not to interfere with the amenity of the residential area.
201. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record shall be made available to the Consent Authority and Liverpool City Council’s Officers, upon request.
202. Waste and recyclable material generated from the operations of the development 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.

#### **Separate Application for Fitout and Use**

203. This application does not approve the use or fit-out of the commercial premises or food and drink premises. A separate application is to be submitted and approved for the commercial premises and food and drink premises.

#### **Goods in Building**

204. All materials and goods associated with the use shall be contained within the building at all times.

#### **Unreasonable Noise and Vibration**

205. The proposed use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.

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 Council for review. Any noise attenuation recommendations approved by Council must be implemented.

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

#### **Deliveries**

206. Vehicles servicing the site shall comply with the following requirements:
  - a) All vehicular entries and exits shall be made in a forward direction.



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- b) All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

### Delivery hours and vehicles

207. Deliveries, service vehicles and waste collection for the development are limited to:

Monday to Saturday: 7.00am to 10.00pm

Sunday: 8.00am to 10.00pm

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

### Lighting

208. Illumination of the site is to be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

### Noise – Spruiking

209. No persons, such as those commonly known as 'spruikers' shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.

### Noise - Silent Alarm System

210. Any alarm installed on the site is to be "silent back to base" type.

### Noise - General

211. 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 cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment 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, public address system or other amplified sound equipment installed on the premises shall not cause:
  - i. The emission of noise as measured over a 15 minute period ( $L_{Aeq(15\text{ minute})}$ ) that exceeds the  $L_{A90(15\text{ minute})}$  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



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- 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.

### Acoustic Report

212. An acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to Council for its assessment and approval within three (3) months of occupation/completion of the development. The report shall include but not be limited to the following information:
- a) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled Illoura Place – 28 Elizabeth Street, Liverpool Acoustic Assessment for Development Application Altis Bulky Retail Pty Ltd as trustee for Altis ARET Sub Trust 20 (Doc reference: TL868-01F02 Acoustic Report for DA (r6) prepared by Renzo Tonin & Associates dated 2<sup>nd</sup> August 2022;
  - b) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
  - c) All complaints received from local residents in relation to the operation of the premises/development; and
  - d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Liverpool City Council, recommendations provided under point d) above shall be implemented fully.

Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

### Environment

213. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

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

214. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:



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- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
  - ii. before 7:00am or after 10:00pm on any other day; or
- b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
- c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

### Use of pump/s on residential premises

215. Any pump/s used on the residential premises including but not limited to swimming pool pumps, spa pumps, solar water pumps, rainwater tank pumps and associated equipment must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - i. before 8:00am or after 8:00pm on any Saturday, Sunday or public holiday; or
  - ii. before 7:00am or after 8:00pm on any other day; or
- b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
- c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

### Use of heat pump water heater/s on residential premises

216. Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday;  
or
  - ii. before 7:00am or after 10.00pm on any other day; or
- b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
- c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than



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those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

### Garbage/Waste Storage Area

217. The garbage/waste storage areas shall be clearly identified on the site plans and be located within the proposed buildings. The designated garbage/waste storage areas shall comply with the following requirements:
- a) The rooms shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
  - b) Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
  - c) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
  - d) The room must include a tight-fitting, self-closing door and mechanical ventilation.

## G. ADVISORY

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).
- c) An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.
- d) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- e) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designed development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.



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- f) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- h) “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.

i) 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.

- j) 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 has been made by Council. 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.
- k) 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.



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- l) 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 letter box positioning and dimensions.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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Should you have any queries please contact Emmanuel Torres on the phone number shown at the top of this page.

DRAFT



## ATTACHMENT 2 – SECTION 7.12 PAYMENT FORM

### CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

#### Liverpool Contribution Plan 2018 (Liverpool City Centre)

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

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

**APPLICATION NO:** DA-1408/2018

**APPLICANT:** ALTIS BULKY RETAIL PTY LTD and THE TRUST COMPANY (AUSTRALIA) LIMITED

**PROPERTY:** 28 ELIZABETH STREET, LIVERPOOL NSW 2170 LOT 1 DP 1261270  
**PROPOSAL:** Demolition Of Existing Structures And Construction Of A Thirty-Four (34) Storey Mixed Use Development Comprising Of: Six Levels Of Basement Car Parking Providing A Total Of 542 Car And 29 Motorcycle Parking Spaces; Ground Floor Level Retail Tenancies, Commercial And Residential Lobby Entries, Loading Dock, Basement Entry, Waste And Storage Collection Zones, Associated Civil, Stormwater, And Services Infrastructure, Site Improvements Including Establishment Of A Through-Site Link Along The Eastern Boundary From The Elizabeth Street Frontage To The Rear Service Lane Incorporating Public Domain Improvements, Landscaping, Public Art, Street Trees And Paving; Mezzanine Level For End-Of-Trip Facilities (Including Locker Storage And Unisex Bathrooms); Level 1 To 4 Commercial Office Spaces With Bathroom And Amenities, And Outdoor Terrace. Communal Open Space, Including Seating Areas, Open Lawn Areas, Multi-Purpose Decking, Swimming Pool, Outdoor Gymnasium, Outdoor Kitchen / Barbecue Area, Breakout Space, And Lounge Area And Level 5 To 33 Providing 312 Residential Apartments (136 X One-Bedroom Units, 128 X Two-Bedroom Units, And 48 X Three-Bedroom Units). Sydney Western City Planning Panel Has The Function Of Determining The Application

Facilities	Amount (\$)	Job No.
Georges River Foreshore	\$776,343	GL.10000001869.10105
Pioneer Park	\$110,906	GL.10000001869.10105
Apex Reserve	\$55,453	GL.10000001869.10217
Georges River Pedestrian Crossing	\$138,633	GL.10000001869.10218
Discovery Park	\$138,633	GL.10000001869.10219
Community Facility Upgrade	\$332,718	GL.10000001870.10099
Car parking	\$1,109,061	GL.10000001868.10108
Access, bike facilities and bus priority	\$831,796	GL.10000001865.10220
Peripheral Streetscape works	\$554,531	GL.10000001865.10221
Footpath widening in City Centre	\$110,906	GL.10000001865.10222



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170

**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871

**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

**TOTAL** **\$4,158,979**

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

**RECORD OF PAYMENT**

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

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

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

DRAFT



## ATTACHMENT 3 – GENERAL TERMS OF APPROVAL ISSUED BY SYDNEY WATER

DRAFT



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**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471



1 March 2022

Our Ref: 192175

**Emmanuel Torres**  
Acting Team Leader  
Development Assessment Team 1  
Liverpool City Council  
33 Moore Street, Liverpool NSW 2170  
torrese@liverpool.nsw.gov.au

**RE: Development Application DA-1408/2021 at 28 Elizabeth Street, Liverpool**

Thank you for notifying Sydney Water of DA-1408/2021 at 28 Elizabeth Street, Liverpool, which proposes a 34 storey 115 metre mixed use development comprising 6 storeys of basement with 542 car parking spaces and 29 motorcycle parking spaces, 5 storeys of retail and commercial podium with 9,044m<sup>2</sup> of GFA, and 29 storeys of residential flat building with 312 units, for a total GFA of 35,974m<sup>2</sup>. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

**Water Servicing**

- The proposed development is located within a high residential growth precinct with building heights greater than 8 storeys. The minimum pipe size required to service the site is a 200mm main.
- The developer will be required to amplify approximately 155m of existing 150mm water main up to a 200mm water main. This will be from the existing 200mm water main located west of the site in Elizabeth Street.
- The proposed development will be supplied from the new 200mm water main amplified under this case.

**Wastewater Servicing**

- The site is serviced by an existing 300mm sewer main which discharges (via a section of 450mm) into a 1800mm trunk sewer main located 170m downstream of the site in Elizabeth Street.
- The proposed concept servicing plan indicates that the existing 300mm sewer main will be deviated closer to the southern boundary of the subject site and adjacent lots to facilitate future development.
- The developer will be required to prepare a catchment plan and flow schedule analysis on the sewer main between the site and 1800mm trunk main in Elizabeth Street. This will ensure that the deviation is adequately sized, and also identify any potential amplification of mains up to the trunk main.
- If analysis identifies an ultimate deficiency within the downstream 300/450mm sewer, the downstream amplification will be considered for inclusion within the developer works. This would mitigate any avoidable impact on the development within the overall catchment and immediate adjacent future development to the 300mm sewer in Bigge Street.

Sydney Water Corporation ABN 49 776 225 038  
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au  
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This advice is not 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 can be found in Attachments 1 & 2. If you require any further information, please contact Thomas Mudgway, Senior Development Consultant in the Growth Planning team, via [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", written over a horizontal line.

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





## Attachment 1

### Section 73 Compliance Certificate

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 [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>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.







### Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
  - Wastewater pipes larger than 300mm in size
  - Pressure wastewater pipes
  - Drinking water or recycled water pipes
  - Our property boundary
  - An easement in our favour
  - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
  - Construction of a retaining wall over, or within the zone of influence of our assets
  - Excavation of a basement or building over, or adjacent to, one of our assets
  - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

### Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and [Diagram 5 – Planting Trees](#) within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.





## 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 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 889 009.

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

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>





#### 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 <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- 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: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

Sydney Water Corporation ABN 49 776 225 038  
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | [www.sydneywater.com.au](http://www.sydneywater.com.au)  
Delivering essential and sustainable water services for the benefit of the community

## ATTACHMENT 4 – ENDEAVOUR ENERGY



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**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

Development Application and Planning Proposal Review  
NSW Planning Portal Concurrence and Referral



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-1408/2021	CNR-35015	Emmanuel Torres	4/02/2022	25/02/2022	8/03/2022

Address	Land Title
148 GEORGE STREET LIVERPOOL 2170	Lot 1 DP 1261270

Scope of Development Application or Planning Proposal

Demolition of existing structures and construction of a thirty-four (34) storey mixed use development.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

There are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables to the George Street road verge / roadway.
- Low voltage underground cables for a streetlight to the corner of the Elizabeth Street road verge / roadway.



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

endeavourenergy.com.au

ABN 11 247 365 823



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Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input type="checkbox"/>	5	Bushfire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	6	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995 (NSW)</i> .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers need to be provided to avoid the creation of climb point appropriate to the electricity infrastructure being protected.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and result in the interruption of supply.

Condition	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy	
Completed by:	Decision
Cornelis Duba	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)	
<ul style="list-style-type: none"> <li>The Hydraulics &amp; Electrical Services Infrastructure Report DA submission includes the following. <ul style="list-style-type: none"> <li>1.2 Proposed Supply Infrastructure <ul style="list-style-type: none"> <li>1.2.1 Substations <p>A preliminary maximum demand calculation for the new development has been calculated at around 6300A (~4400kVA). In order to service the expected max demand 3 off 1500kVA transformers are required and located within chamber substations around the site. In order to cater for future flexibility in supply and overcome any potential power restrictions on the site, we understand that the preference is to allow space for 4 transformer substations.</p> <p>Refer to Appendix A for Endeavour Energy drawing showing the chamber substations. The final design/requirements of the substation shall be advised by the Level 3 ASP designer.</p> </li> </ul> </li> <li>The Architectural Plans shows the provision of an indoor substation to the south western corner of the George Street road frontage. The substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.</li> <li>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 or Subdivision Certificate / commencement of works.</li> <li>Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.</li> <li>Endeavour Energy's Asset Planning &amp; Performance Branch has provided the following advice. <p><i>Endeavour Energy's Customer Applications Management System (CAMS) shows an application for connection of load (Endeavour Energy reference UML10138) has already been processed. Based on the Level 3 ASP's maximum demand calculations, the application requires a new dedicated 11 kV feeder from Homepride Zone Substation (located at 8 Homepride Avenue Warwick Farm) to supply 3 x 1500 kVA transformers in an indoor substation which will also require the provision of adequate space for a switching station.</i></p> </li> <li>The applicant should complete the application for connection of load process with Endeavour Energy's Customer Network Solutions Branch who are responsible for managing the conditions of supply with the applicant and their ASP.</li> </ul> </li> </ul>	

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

Yours faithfully

Cornelis Duba

Development Application Specialist

Sustainability & Environment

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)



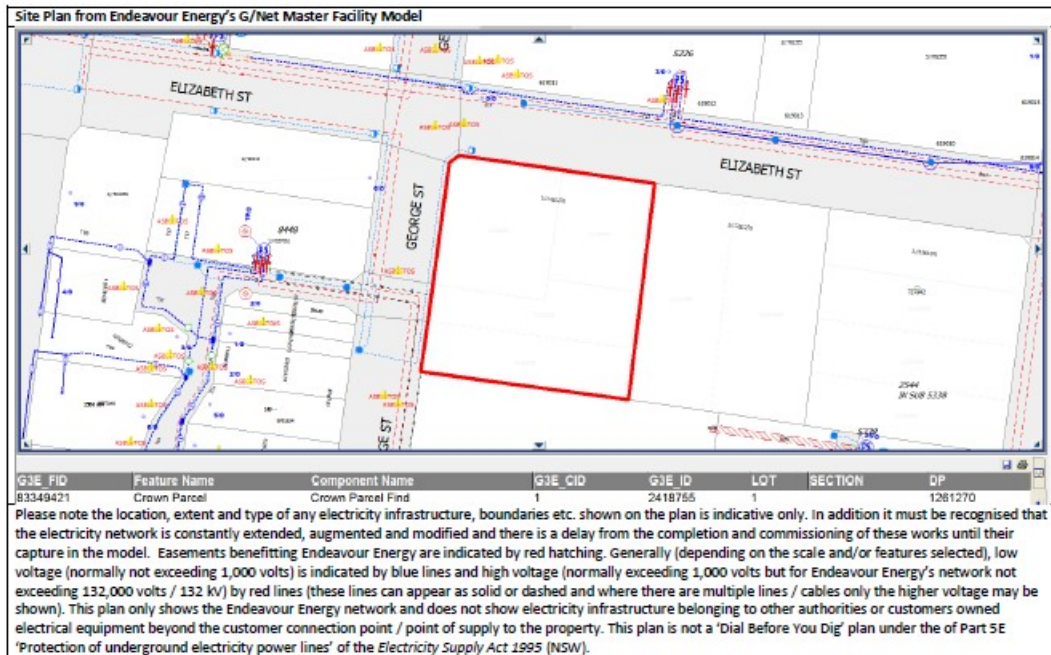
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LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site



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## ATTACHMENT 5 – TRANSPORT FOR NSW



18 July 2022

Our Reference: SYD22/00127/02  
Council Ref: DA-1408/2021  
NSW Planning Portal Ref: CNR- 35015

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

Attention: Emmanuel Torres

Dear Mr Torres,

### AMENDED PLANS FOR CONSTRUCTION OF A MIXED-USE DEVELOPMENT AT 148 GEORGE STREET, LIVERPOOL.

Reference is made to Council's correspondence dated 15 June 2022, regarding the abovementioned application which was referred to Transport for New South Wales (TfNSW) for comment in accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed applicants response to TfNSW issues and provides the following comments:

TfNSW notes the responsibility of the increased queue lengths and LOS falls to the local road authority. Despite this, TfNSW raises concerns of the increased queue lengths on the western approach at the Elizabeth Street/ Bigge Street intersection, which can potentially impact the signals at the Elizabeth Street/ George Street and Macquarie street/ George Street signals.

The applicant is requested to consider mitigation measures to address the queuing impacts as a result of the proposed development.

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,

Laura Van Putten  
A/Senior Land Use Assessment Coordinator

---

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



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