# Attachment 3 - Recommended Conditions of Consent

1. **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-639/2019, except where modified by the undermentioned conditions or marked in red by Council:
   1. Architectural and Landscape Plans

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Drawing No.** | **Description** | **Revision No.** | **Date** | **Prepared by** |
| DA-100-102 | Context Plans/Site Analysis | C | 20/09/19 | Turner |
| DA-100-200 | Demolition Plan | C | 20/09/19 | Turner |
| DA-110-007 | Basement Plan | C | 20/09/19 | Turner |
| DA-110-008 | Ground Level Plan | C | 20/09/19 | Turner |
| DA-110-010 | Level 01 Plan | C | 20/09/19 | Turner |
| DA-110-020 | Level 02 Plan | C | 20/09/19 | Turner |
| DA-110-030 | Level 03 Plan | C | 20/09/19 | Turner |
| DA-110-040 | Level 04 Plan | C | 20/09/19 | Turner |
| DA-110-050 | Level 05 Plan | C | 20/09/19 | Turner |
| DA-110-060 | Level 06 Plan | C | 20/09/19 | Turner |
| DA-110-070 | Level 07 Plan | C | 20/09/19 | Turner |
| DA-110-080 | Level 08 Plan | C | 20/09/19 | Turner |
| DA-110-090 | Level 09 Plan | C | 20/09/19 | Turner |
| DA-110-110 | Level 10 Plan | C | 20/09/19 | Turner |
| DA-110-120 | Roof Plan | C | 20/09/19 | Turner |
| DA-250-010 | West Elevation | C | 20/09/19 | Turner |
| DA-250-020 | North Elevation | C | 20/09/19 | Turner |
| DA-250-030 | East Elevation | C | 20/09/19 | Turner |
| DA-250-040 | South Elevation | C | 20/09/19 | Turner |
| DA-350-010 | Section AA | C | 20/09/19 | Turner |
| DA-350-020 | Section BB | C | 20/09/19 | Turner |
| DA-830-010 | Materials & Finishes Selection | C | 20/09/19 | Turner |
| LA-01 | Proposed Landscape Program | D | 27/03/19 | Sydney Design Collective |
| LA-02 | Landscape Base: Plan- Ground Floor | D | 27/03/19 | Sydney Design Collective |
| LA-03 | Landscape Base: Site Section | D | 27/03/19 | Sydney Design Collective |
| LA-04 | Landscape Base: Site Section | D | 27/03/19 | Sydney Design Collective |
| LA-05 | Planting: Deep Soil Zones | D | 27/03/19 | Sydney Design Collective |
| LA-06 | Planting: Shrubs and understorey- Northern and Western Courtyard | D | 27/03/19 | Sydney Design Collective |
| LA-06 | Planting | Shrubs and understorey- Southern and Eastern Courtyard | D | 27/03/19 | Sydney Design Collective |
|  | Plan of Consolidation Lots 22&23 DP35110 | : 9834/4 | 24.10.19 | Dennis Smith Surveys |

* 1. Basix Certificate No.1006073M\_03 Dated 3.09.19 prepared by Wood and Grieve Engineers.
  2. Stormwater Concept Management Plan

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Description | Project No. | Revision No. | Date | Prepared by |
| Roadworks and drainage layout plan | 21677 | E | 27/03/2020 | ADG |
| Roadworks and drainage notes and details | 21677 | C | 27/03/2020 | ADG |
| Basement drainage layout plan | 21677 | A | 22/09/2019 | ADG |

* 1. Reports

|  |  |  |  |
| --- | --- | --- | --- |
| Description | Reference No./Revision | Date | Prepared by |
| Acoustic Assessment | 20190423.1 - 01 | 14/05/2019 | Acoustic Logic |
| Access Review - Final | - | 20/05/19 | Morris Goding Access Consulting |
| Arboricultural Impact Assessment & Tree Management Plan | 3788.1 | 4 /July/19 | Redgum |
| BCA Report & BCA Compliance Review | 190056 | 26 July 2019 | City Plan |
| Contamination Report | 22475/1899D-E | May 2019 | STS -  GeoEnvironme ntal |
| Geotechnical Investigation | 10530/2308A | July 2009 | SMEC |
| Operational Waste Management Plan | F | 1/04/2020 | Elephants Foot |
| Traffic and Parking Assessment Report | 19073 | 20/05/19 | Varga Traffic Planning |
| Design Statement: SEPP 65 & ADG | R2 | 17.7.19 | Turner |

## Amendments in red

1. The following amendments (as marked in **red** by Council on the approved plans) shall be incorporated in the Construction Plans, prior to the relevant stage of construction:
   1. The architectural plans shall be amended to incorporate horizontal blades for sun shading to the west elevation (as per DA-890-210\_Passive Design Features\_B);
   2. The architectural plans shall be amended to incorporate extension of corridors on Levels 1, 2 & 3 (as per DA-890-310\_Amenity – Level 01 Plan\_B, DA-890-320\_Amenity – Level 02 Plan\_B and DA-890-330\_Amenity – Level 03 Plan\_B);
   3. The architectural plans shall be amended so that the place where bins are stored and collected is on one level (as per DA-890-408\_Traffic and Waste – Ground Level Plan\_B).

## Comply with NCC

1. 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:
   1. Complying with the Deemed to Satisfy Provisions; or
   2. Formulating an Alternative Solution, which complies with the Performance Requirements; or
   3. Is shown to be at least equivalent to the Deemed to Satisfy Provision; or
   4. A combination of (a) and (b).

## Works at no Cost to Council

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

# PRIOR TO WORKS COMMENCING

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

## Fee Payments

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

The following fees are applicable and payable:

* 1. 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.
  2. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
  3. Long Service Levy – based on 0.35% of the cost of building work where the costing would be $25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

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

**Section 7.11 Payment (Liverpool Contributions Plan 2018 – Established Areas)**

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

The total contribution is **$447,070** and will be adjusted at the time of payment in accordance with the contributions plan.

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

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

Payment must be accompanied by the attached form.

**In response to Covid-19, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. These provide for a deferral of 50% of the contribution amount to the occupation certificate stage. Please contact Council to discuss these options**.

## Construction Plans

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

## Site Development Work

1. Site development work in the form of excavation, underpinning or shoring works must take place when the construction plans have been finalised and approved by NSW Land and Housing Corporation.

## Fire Safety - Cladding

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

## Fire Safety Measures

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

## Notification

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

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

## Accessibility

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

## Noise Control

1. The recommendations provided in the Acoustic Assessment (Report Ref. 20190423.1/1405A/R1/EC) prepared by Acoustic Logic dated 14 May 2019are to be implemented and incorporated into the design and construction of the development and shall be shown on the Construction Plans. The recommendations in Section 5.4 are to be complied with.

## Contamination

1. Any new information which comes to light at any stage of the, demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Liverpool City Council and NSW Land and Housing Corporation immediately after discovery.

## Retaining Walls on Boundary

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

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

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

1. Prior to construction commencement a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
2. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
3. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
4. Road occupancy or road closures.

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council’s specifications.

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

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

1. Prior to the commencement of works for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of CBD footpath paving and drainage work in Bigge 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.

**Liverpool CBD – Street Lighting Upgrade**

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

## Liverpool CBD – Communication Conduits

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

## Liverpool CBD – Footpath Paving and Landscaping Works

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

Periphery Type/Core Type paving shall be installed along the entire **Bigge Street** frontage/s, 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 to be developed in consultation with Liverpool City 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.

## On-Site Detention

1. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by ADG, reference number 21677, revision E, dated 27/03/2020.

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 be reflected in Construction Plans.

The Construction Plans, for the relevant construction stage, shall demonstrate 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 Discharge – Basement Car parks

1. The Construction Plans, for the relevant construction stage, shall demonstrate that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council’s Stormwater Drainage Design Specifications for pump out systems for basement carparks.

## Access, Car Parking and Manoeuvring – General

1. Prior to the commencement of construction, for the relevant construction stage, NSW Land and Housing Corporation shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool Council’s Development Control Plan.
2. Detailed design plan for the access driveway and car park including swept path analysis, gradient, line markings and sign posting in accordance with the DCP and AS2890 shall be submitted to Traffic and Transport Section prior to construction commencement, for the relevant construction stage.
3. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council’s Traffic and Transport Section for approval prior to construction commencement, for the relevant construction stage.
4. The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.
5. Works within the road reserve shall not commence until the construction traffic management plan has been submitted to NSW Land and Housing Corporation.
6. Public lighting design brief in accordance with Council’s and Endeavour Energy specifications along all the roads fronting the development site is to be submitted to Council Traffic and Transport Section for review

## Dilapidation report

1. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in **Bigge Street** is to be submitted to Liverpool City Council and NSW Land and Housing Corporation. 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)

1. 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 NSW Land and Housing Corporation for approval and a copy submitted to Council prior to the commencement of works. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to 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.

## Workplace Health and Safety Plan and Hazardous Materials Surveys

1. A Workplace Health and Safety Plan (WHSP) to document the procedures to be followed to manage the risks posed to the health of the workforce shall be prepared, as well as a Hazardous Materials Survey to identify suspected hazardous waste within the buildings. The survey and plan are to be submitted for approval by NSW Land and Housing Corporation and implemented accordingly.

## Provision of Services

1. An application to obtain a Section 3.21 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au/), or telephone 13 20 92.

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

1. 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 NSW Land and Housing Corporation.
2. Prior commencement of construction, for the relevant construction stage, NSW Land and Housing Corporation shall ensure that telecommunications infrastructure can be installed to service the premises which complies with the following:

* The requirements of the Telecommunications Act 1997:
* For a fibre ready facility, the NBN Co’s standard specifications current at the time of

installation; and

o For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

## Design Verification Statement

1. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to NSW Land and Housing Corporation. NSW Land and Housing Corporation shall ensure that the statement prepared by the qualified designer provides the following:
   1. A valid and current chartered architect’s certificate number (as issued by the Board

of Architects of NSW);

* 1. That the qualified designer has designed or directed the design of the subject development; and
  2. That the Construction Plans and Specifications achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

## Garbage Services

1. Collection of waste and recycling must be provided and integrated with the design of high density residential development (RFBs and MUDs). This must comply with the specifications detailed in the Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing.

## Waste Storage Area

1. Any bin bays must be:
2. Provided with mechanical ventilation,
3. 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,
4. Provided with sufficient light to permit usage at night,
5. 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,
6. Bin bay signs are available from Council, and
7. Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
   1. Garbage is to be placed wholly within the garbage bins provided,
   2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
   3. The area is to be kept tidy,
   4. A phone number to be displayed for arranging disposal of bulky items; and
   5. 50% of all messages are to be displayed using graphic illustrative content.

## Waste Management Plan

1. Prior to the works commencing, the Waste Management Plan is to be amended and approved by Liverpool Council to note that whichever housing provider appointed to manage the completed development, the responsibility will be upon that housing provider to ensure that the residents of every residential unit are provided with clearly identified and differentiated waste and recycling containers, to be placed in the kitchen of that unit. The housing provider managing the development must ensure that the residents use these bins in accordance with correct waste practice, and that the recycling containers provided are used only for loose, unbagged recyclable items.

## Substation

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

## CPTED

1. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:
2. CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building,
3. Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting,
4. Glazed tiling, patterned, porous and non solid surfaces to reduce the reward for graffiti offenders,
5. Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details, and
6. Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to NSW Land and Housing Corporation.

**Sediment & Erosion Control**

1. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Plans, for the relevant construction stage, and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom’s publication “Managing Urban Stormwater – Soils and Construction (2004)” – also known as “The Blue Book”.

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

## Traffic Control Plan

1. 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.

## Residential Building Work

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

## Hoarding

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

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

## Craning

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

## Site Facilities

1. 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:
   1. be a standard flushing toilet connected to a public sewer, or
   2. have an on-site effluent disposal system approved under the Local Government Act 1993, or
   3. be a temporary chemical closet approved under the Local Government Act 1993.

## Refuse Disposal

1. 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

1. 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:
   1. The name, address and telephone number of NSW Land and Housing Corporation Development Manager responsible for the work;
   2. 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
   3. Unauthorised entry to the premises is prohibited.

**Construction Requirements**

1. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

## Waste Classification and Disposal of Contaminated Soil and Material

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

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to NSW Land and Housing Corporation 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.

## Notification of Service Providers

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

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

## Sediment and Erosion Control Measures

1. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Plans, for the relevant construction stage, and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom’s publication “Managing Urban Stormwater – Soils and Construction (2004)” – also known as “The Blue Book”.

## Environmental Management

1. 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:

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

## Waste bins

1. Prior to any work, including demolition or site clearing, all domestic waste bins that have been issued by Liverpool Council to 4 and 6 Bigge Street, Warwick Farm, and which are located at any of those premises, must be returned to Liverpool Council. Call Council on 1300 36 2170 to arrange for the removal of the waste bins and so their removal can be noted

## Dial before you dig

1. 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.

# DURING CONSTRUCTION

## The following conditions shall be complied with prior to commencement of the relevant stage of construction:

## Building Inspections

1. The Building Contractor must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out by NSW Land and Housing Corporation, prior to proceeding to the subsequent stages of construction or finalisation of the works.
2. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as NSW Land and Housing Corporation has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until NSW Land and Housing Corporation has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are in accordance with the approved Construction Plans.
3. A copy of the survey shall be provided to Council within three (3) working days.
4. On placement of the concrete, works again shall not continue until NSW Land and Housing Corporation has issued authorisation stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

## Erosion Control - Measures

1. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
2. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

## Major Filling/ Earthworks

1. 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 NSW Land and Housing Corporation.

**Waste Management Plan**

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

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

## Notifications

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

## Security Fence

1. A temporary security fence to SafeWork NSW requirements is to be provided to the property during the course of construction. Note. Fencing is not to be located on Liverpool City Council’s reserve area.

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

## Construction Waste

1. All construction waste must be separated as it is generated and kept separate bays, builder’s

site bins and/or skips.

1. All demolition, excavation and construction wastes must be separated as they are generated

and kept separate bays, builder’s site bins and/or skips.

1. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways, or onto neighbouring properties or public land in wet weather.

## Hours of Construction Work

1. 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 5:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Liverpool City Council

## Construction Noise

1. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009;

## Car Parking Areas

1. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. Clear demarcation between pedestrian and vehicular circulation within the car park is to be marked by distinctive surface treatment and signage. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with the LDCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
2. All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All resident/staff/accessible parking spaces are to be clearly signposted. The applicant is to cover the costs of installation and maintenance of the signage.
3. The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

## Traffic Management

1. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA’s Traffic Control at Worksites Manual and the RTA’s Interim Guide to Signs and Markings.
2. If a works zone is required, an application must be made to Council’s Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
3. Notice must be given to Liverpool City Council’s Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

## General Site Works

1. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Liverpool City Council’s stormwater drainage system.
2. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
3. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
4. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.
5. 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.
6. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free

of excavated “spoil” material.

1. 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. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

**Aboriginal Cultural Heritage – Unexpected Finds**

1. 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. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

**Skeletal Remains**

1. 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 re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

## External

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

## Contamination

1. The development, including all civil works, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
2. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
   1. a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW ‘Waste Classification Guidelines’ April 2008; or
   2. clearly indicate the legal property description of the fill material source site;
   3. provide a classification of the fill material to be imported to the site in accordance with the

‘NSW DECCW ‘Waste Classification Guidelines’ April 2008.

* 1. a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  2. must provide Liverpool City Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

1. Records of the following must be submitted to NSW Land and Housing Corporation monthly and at the completion of earth works:
   1. 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;
   2. The results of a preliminary contamination assessment carried out on any fill material used in the development.
   3. The results of any chemical testing of fill material.

**Unidentified Contamination**

1. 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.

# PRIOR TO OCCUPATION

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

**Lot Consolidation**

1. Lot 22 of DP 35110 and Lot 23 of DP 35110 shall be consolidated into one lot prior to occupation.

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

1. Prior to Occupation, the Building Contractor 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.

## Building/Compliance

1. Occupation of the development shall not occur until evidence has been provided to NSW Land and Housing Corporation by the Building Contractor and copied provide to Liverpool City Council demonstrating that all conditions of consent have been complied with.
2. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Liverpool City Council.

**Validation Report**

1. Prior to Occupation a detailed Validation report must be submitted to Council and NSW Land and Housing Corporation. The Report must be prepared in accordance with:
   1. NSW Contaminated Land Planning Guidelines (1998);
   2. Relevant EPA guidelines, noting in particular the NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites; and
   3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include details of the consultant’s certification.

The Validation report must verify that the land is suitable for the purposed use(s), and that the validation of the site has been undertaken in accordance with the Preliminary Site Investigation Report prepared by STS Geo-Environmental dated May 2019.

## Stormwater Compliance

1. Prior to Occupation, NSW Land and Housing Corporation shall ensure that the:
   1. On-site detention system/s,
   2. Basement Carpark pump-out system
      1. Have been completed in accordance with the Construction Plans and the requirements of this consent,
      2. Have met the design intent with regard to any construction variations to the approved design, and
      3. Any remedial works required to been undertaken have been completed.

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

## Rectification of Damage

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

Any rectification works within **Bigge 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

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

## Restriction as to User and Positive Covenant

1. Prior to Occupation a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
   1. On-site detention system/s,
   2. 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.

## Works as executed - General

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

## Cladding

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

## Display of Street Number

1. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

## Compliance with Acoustic Assessment Report

1. Upon completion of works and prior to Occupation, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by NSW Land and Housing Corporation. The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved Acoustic Assessment (Report Ref. 20190423.1/1405A/R1/EC) prepared by Acoustic Logic dated 14 May 2019. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

**Design Verification Statement**

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

(a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);

(b) That the completed development achieves the design quality of the development as shown in the plans, having regard to the design principles set out in Part 2 of SEPP 65.

## Traffic

1. Signage must be placed at the driveway entrance advising that parking is for ‘resident vehicles only’.
2. The approach to the accessible car bay should not have vertical clearance of less than 2.2m and height clearance of 2.5m at adaptable unit car bays compliant with AS2890.6.

**BASIX**

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

## Redundant Laybacks

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

## Footpaths

1. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving for the full site frontage shall be constructed.

## Landscaping

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

## Waste Management

1. A ‘restriction as to user’ is to be placed on the title of the property at the applicant’s expense, which may not be altered or removed without Council’s consent, stating:

‘The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.’

1. Drainage points within the waste storage areas must be fitted with fine grade gratings or drain covers to prevent the entry of gross pollutants into the drainage pipework.

## Service Providers

1. The following documentation is to be provided prior to Occupation
2. Written evidence of a Section 3.21 Compliance Certificate under the Sydney Water Act 1994 is to be submitted to NSW Land and Housing Corporation.
3. Notification of arrangement for the development from Endeavour Energy shall be submitted to Liverpool City Council.
4. Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997;
   * For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
   * For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

## Occupational Hygienist Report for Asbestos Removal

1. On completion of any asbestos removal works an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to NSW Land and Housing Corporation.

# GENERAL CONDITIONS

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

## Parking and Loading Requirements

1. Parking spaces shall be allocated as follows:
2. 24 car parking spaces for residents (including 6 accessible spaces) are to be provided.
3. All parking areas shown on the approved plans must be used solely for this purpose.
4. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward 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.
5. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Liverpool City Council.

## Landscaping

1. Landscaping shall be maintained in accordance with the Implementation Plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

## Noise and Environmental Emissions

1. 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.
2. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

## Waste Management

1. Prior to Occupation the developer must contact Liverpool City Council to deliver the required waste bins for the properties. Please call 1300 36 2170 to arrange the bin delivery.
2. The onsite manager of the property is to maintain oversight of the use of the bins by the residents and provide help and guidance to the residents to ensure that correct waste separation and disposal is being carried out.
3. The waste, recycling and green (garden waste) bins are to be kept at all times within the relevant storage rooms, except during the period when the bins are presented for collection.
4. All bulky household waste generated by residents is to be kept in the relevant storage rooms within the development. Wastes of this type may only be placed at the kerbside the evening before the date of a pre-booked bulky household waste collection made with Liverpool City Council

**Complaints Register**

1. The Building Manager during occupation shall keep a legible record of all complaints received in an up-to-date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
2. The date and time, where relevant, of the complaint;
3. The means by which the complaint was made (telephone, mail or email);
4. Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
5. The nature of the complaint;
6. Any action(s) taken by the operator in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken;
7. Allocate an individual “complaint number” to each complaint received.

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

## Graffiti

1. Any graffiti carried out on the property shall be removed, within five (5) working days, at full cost to the owner/occupier of the site.

# ADVISORY

1. Section 8.2, 8.3, 8.4 & 8.5 allows Liverpool City Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
2. Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
3. In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
4. To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
5. To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
6. In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
7. The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
8. The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building
9. “DIAL BEFORE YOU DIG” DIAL 1100

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

1. 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.

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

**ATTACHMENT 2: SECTION 7.11 PAYMENT FORM**

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL**

**PLANNING & ASSESSMENT ACT, 1979**

**Liverpool Contribution Plan 2018**

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

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

**APPLICATION NO.: DA-639/2019**

|  |  |  |
| --- | --- | --- |
| **Facilities** | **Amount ($)** | **Job No.** |
| Georges River Foreshore | $113,800 | GL.10000001869.10105 |
| Pioneer Park | $16,257 | GL.10000001869.10105 |
| Apex Reserve | $8,129 | GL.10000001869.10217 |
| Georges River Pedestrian Crossing | $20,321 | GL.10000001869.10218 |
| Discovery Park | $20,321 | GL.10000001869.10219 |
| Community Facility Upgrade | $48,771 | GL.10000001870.10099 |
| Car parking | $0 | GL.10000001868.10108 |
| Access, bike facilities and bus priority | $121,928 | GL.10000001865.10220 |
| Peripheral Streetscape works | $81,285 | GL.10000001865.10221 |
| Footpath widening in City Centre | $16,257 | GL.10000001865.10222 |
| Georges River Foreshore | $113,800 | GL.10000001869.10105 |
| Pioneer Park | $16,257 | GL.10000001869.10105 |
| **TOTAL** | **$447,070** |  |

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

**RECORD OF PAYMENT**

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

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

**Receipt No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Cashier:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**