

Attachment 3 – 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-18/2020, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans

Drawing No.	Description	Revision No.	Date	Prepared by
1846 DA 06	Proposed site plan	C	20/05/2020	Kennedy Associates
1846 DA 07	Proposed level - 02	B	08/01/2020	Kennedy Associates
1846 DA 08	Proposed level - 01	C	20/05/2020	Kennedy Associates
1846 DA 09	Proposed level 00	C	20/05/2020	Kennedy Associates
1846 DA 10	Proposed level 01	C	20/05/2020	Kennedy Associates
1846 DA 11	Proposed level 02	C	20/05/2020	Kennedy Associates
1846 DA 12	Proposed level 03	C	20/05/2020	Kennedy Associates
1846 DA 13	Proposed level 04	C	20/05/2020	Kennedy Associates
1846 DA 14	proposed roof level	C	20/05/2020	Kennedy Associates
1846 DA 15	anderson avenue elevation	C	20/05/2020	Kennedy Associates
1846 DA 16	alamein avenue elevation	C	20/05/2020	Kennedy Associates
1846 DA 17	hillier street elevation	C	20/05/2020	Kennedy Associates
1846 DA 18	north elevation	C	20/05/2020	Kennedy Associates
1846 DA 19	long section a	C	20/05/2020	Kennedy Associates
1846 DA 20	cross section b	C	20/05/2020	Kennedy Associates
1846 DA 21	cross section c	C	08/01/2020	Kennedy Associates
1846 DA 22	cross section d	C	20/05/2020	Kennedy Associates
1846 DA 23	Building massing	C	20/05/2020	Kennedy Associates
1846 DA 24	building height plane	C	20/05/2020	Kennedy Associates
1846 DA 32	ADG solar - views from the sun June 21st	B	20/05/2020	Kennedy Associates
1846 DA 34	shadow analysis plans - winter solstice	B	20/05/2020	Kennedy Associates
D329_LP_01	Landscape Plan – Ground Floor	A	07/11/2019	CPS
D329_LP_02	Landscape Plan –	A	07/11/2019	CPS

Drawing No.	Description	Revision No.	Date	Prepared by
	Level 3			
D329_LP_03	Planting Schedule & Palette	A	07/11/2019	CPS
D329_LP_04	Details & Specification	A	07/11/2019	CPS
Ground Level	Plan Showing Proposed Subdivision of Land at Nos. 1-7 Anderson Road & No. 12 El Alamein Ave, Liverpool, With Architectural Underlay	10216/C Sheet 1 of 6	10/12/19	YSCO Geomatics
Basement Level Level One & Lower Basement Level	Plan Showing Proposed Subdivision of Land at Nos. 1-7 Anderson Road & No. 12 El Alamein Ave, Liverpool, With Architectural Underlay.	10216/C Sheet 2 of 6	10/12/19	YSCO Geomatics
Level Two Level Three	Plan Showing Proposed Subdivision of Land at Nos. 1-7 Anderson Road & No. 12 El Alamein Ave, Liverpool, With Architectural Underlay.	10216/C Sheet 3 of 6	10/12/19	YSCO Geomatics
Level Four	Plan Showing Proposed Subdivision of Land at Nos. 1-7 Anderson Road & No. 12 El Alamein Ave, Liverpool, With Architectural Underlay	10216/C Sheet 4 of 6	10/12/19	YSCO Geomatics
Section U-U Section X-X Section V-V	Plan Showing Proposed Subdivision of Land at Nos. 1-7 Anderson Road & No. 12 El Alamein	10216/C Sheet 5 of 6	10/12/19	YSCO Geomatics

Drawing No.	Description	Revision No.	Date	Prepared by
	Ave, Liverpool, With Architectural Underlay			
Section Y-Y Section Z-Z Section W-W	Plan Showing Proposed Subdivision of Land at Nos. 1-7 Anderson Road & No. 12 El Alamein Ave, Liverpool, With Architectural Underlay	10216/C Sheet 6 of 6	10/12/19	YSCO Geomatics

(b) Reports

Reference	Description	Revision No.	Date	Prepared by
SYD19282	Stormwater Management Report	P	28/08/20	erbas
SO291CW101	Operation Waste Management Plan	F	8/05/2020	Elephants foot
838R2019091 7pd	Acoustical Report	V2	07/11/2019	Koikas Acoustics
-	Arboricultural Impact Assessment	-	07/11/2019	The Ents Tree Consultancy
PROJECT 9762	BCA Compliance Assessment Report	REV 2.0(R)	07/11/2019	AED Group
190442.02FA	Traffic and Parking Impact Assessment		Dec 2019	McLaren
GR1036-1J	GeoTechnical Investigation Report	02	11 November 2019	JC Geotechnics

(c) BASIX certificate number 1057987M_02 dated 13 No. 2019 prepared by Gradwell Consulting

Amendments to Architectural Plans

2. Prior to the issue of a Construction Certificate, amended plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment. Required amendments as follows:

(a) Install a permeable roof and a 1.3m high louvre on the north face of the balcony on apartment U54.

Sustainability

3. Prior to issue of any Construction Certificate, a strategy to achieve a higher level of sustainability for the development including but not limited to the installation of solar panels, shall be submitted to the Liverpool Council's Manager of Development Assessment for approval.

Substations

4. The electrical substation shown to be located outside the building envelope, walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

NSW TfNSW

5. All conditions issued by the Transport for NSW (TfNSW) shall be complied with prior, during, and at the completion of construction, as required in accordance with their correspondence dated 14 June 2018. A copy of the correspondence is attached to this decision notice.

Comply with EP&A Act

6. 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.

Comply with NCC

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

Works at no Cost to Council

8. 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 shall be complied with prior to issue of a CC by the PCA:

Fee Payments

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

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

Section 7.11 Payment

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

The total contribution is **\$544,034** and will be adjusted at the time of payment in accordance with the contributions plan. 50% of the total amount is **\$272,017** and is to be paid prior to the release of any CC (amount to be adjusted at the time of payment in accordance with the contribution plan).

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

Note 1: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to any Occupation Certificate.

Construction Certificates

- 12. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Notification

- 13. The certifying authority must advise Council, in writing of:
 - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

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

Cladding

14. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the Principal Certifying Authority (PCA) prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

Products banned under the Building Products (Safety) Act 2017

15. 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.

Fire Safety Measures

16. A schedule specifying all of the essential fire safety services, 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.

Accessibility

17. 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.

S138 Roads Act – Minor Works in the public road

18. Prior to the issue of a Construction Certificate, 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:
 1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 2. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 3. 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

19. 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 Stormwater Drainage works, within Hillier Road and Moore 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. Existing services that cross the path of the works will also need to be identified and detailed.

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.

Existing services that cross the path of the works will also need to be identified and detailed.

20. 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 the following within the site frontage:
- (a) Demolish all existing driveway laybacks and reinstate kerb and gutter
 - (b) Removal of existing and construction of concrete kerb and gutter
 - (c) 1.5m wide concrete footpath paving
 - (d) Half road pavement construction (El Alamein Avenue and Hillier Road)

Recommendations of the Acoustic Report

21. The recommendations provided in the approved Acoustical Report, prepared by Koikas Acoustics dated 7 Nov. 2019 V2 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

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 acoustical 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 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.

Retaining Walls on Boundary

22. 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.

On-site Detention

23. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Erbas as per the following:

Job No./Drawing No.	Title	Revision/ Issue	Date
SYD19282-CW000	Civil Drainage Works Cover Sheet, Legend & Drawing Schedule	P4	28.08.20
SYD19282-CW101	Civil Drainage Works Soil and Water Management Plan	P3	22.04.20
SYD19282-CW102	Basement Level-02 Plan	P4	22.04.20
SYD19282-CW103	West Basement Level-01 Plan	P4	22.04.20
SYD19282-CW104	East Basement Level-01 Plan	P5	08.09.20
SYD19282-CW105	West Ground Floor Level-00 Plan	P4	28.08.20
SYD19282-CW106	East Ground Floor Level-00 Plan	P5	08.09.20
SYD19282-CW107	Stormwater Connection Plan 1	P5	08.09.20
SYD19282-CW108	Stormwater Connection Plan 2	P2	08.09.20
SYD19282-CW109	Stormwater Connection Plan 3	P2	08.09.20
SYD19282-CW201	Detail Sheet 1	P5	08.09.20
SYD19282-CW202	Detail Sheet 2	P5	08.09.20

Minimum height clearance below the OSD tank is to be achieved and comply with AS2890.1 and 6.

Any drainage within the bin collection area is not to be connected to the stormwater system.

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 Discharge – Basement Car parks

24. 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

25. 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

26. Prior to the issue of a CC the PCA 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 with the LDCP 2008. The CC must be supported by:
- Specification & installation details of the stormwater pre-treatment system
 - The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream. On-site water quality treatment devices shall be in accordance with the Stormwater Management Report prepared by Erbas, dated 28/08/2020, drawings and MUSIC link model.

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

Access and Manoeuvring

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

Detailed design plan for the access driveway including gradient swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.

Dilapidation report

28. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Anderson and El Alamein Avenues and Hillier Road 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 20m either side of the development.

Dilapidation Report Private Property (Excavations)

29. 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.

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

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

Provision of Services

30. An application to obtain a Section 3.21 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92.

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

31. 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.
32. 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:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

33. 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

34. 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 chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the 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.

Construction Traffic Management Plan

35. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for review. Works within the road reserve shall not commence until the traffic management plan has been approved.
36. 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.

Waste Management

37. Prior to the issue of a Construction Certificate, confirm in a revised WMP that appropriate signage with a high graphic content, covering the operation of the waste eDiverter system and what can and cannot go into general waste/recycling streams, is to be prominently displayed at each chute door. Signage in these same locations must also be provided to tell residents what must be done with items that are larger than the chutes can accommodate.
38. Prior to the issue of a Construction Certificate, a revised WMP must confirm that a bin tug is to be supplied by the developer, of a capacity suitable for moving fully loaded 660 litre waste bins up and down a driveway ramp of the maximum gradient used in this development.
39. Prior to the issue of a construction certificate, a revised WMP will note that the waste bins must be presented to the kerbside of Hillier Road ready for emptying by agents of the building strata. The waste management operatives of Council's contractor will not enter private land to retrieve waste bins.

CPTED

40. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:
- (a) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building,
 - (b) 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,
 - (c) Glazed tiling, patterned, porous and non solid surfaces to reduce the reward for graffiti offenders,
 - (d) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details, and
 - (e) 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 PCA.

Construction Environmental Management Plan

41. 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;
 - (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 CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Commencement of building works

42. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 6.1 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction Certificates

43. Prior to the commencement of any building works, the following requirements must be complied with:
- a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - d) a Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Residential Building Work

44. 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 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.

Craning and Hoardings

45. 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 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 Council road reserve area.

46. 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.

Toilet Facilities

47. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

Refuse Disposal

48. 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

49. 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) A statement stating that 'unauthorised entry to the work site is prohibited'.

Notification of Service Providers

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

Please refer to the website www.sydneywater.com.au for more information.

Waste Classification

51. 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.

Sediment and Erosion Control Measures

52. 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".

Environmental Management

53. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Traffic Management Plan

54. 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.
55. 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.
56. Notice must be given to 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.
57. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Traffic Control Plan

58. 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.

Waste

59. Prior to any works commencing any residential waste bins that have been issued to the dwellings at 1, 3, 5, 7 & 9 Anderson Avenue Liverpool must be returned to Liverpool City Council. Ring 1300 36 2170 to notify Council that the waste bins are ready for collection and so that their removal can be noted.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Identification Survey Report

60. 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.

61. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Excavation

62. In the In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
 - (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Security Fence

63. 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

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

Construction Noise

65. 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;
66. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

Car Parking Areas

67. 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 the LDCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
68. All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.
69. 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

70. 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.

71. 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.
72. Notice must be given to 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 prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
73. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

General Site Works

74. 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.
75. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
76. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
77. 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.
78. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
79. 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.
80. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
81. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Major Filling/ Earthworks

82. 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.

External

83. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
84. 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

85. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
86. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
87. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
 - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Site Remediation Works

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

Waste Management Plan

89. 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.

Street Lighting

90. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

Drainage Connection

91. 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.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Building/Compliance

92. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
93. 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*.
94. 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.

Outstanding Development Contribution

95. Prior to the issue of any occupation certificate all outstanding section 7.11 contributions must be paid as required by Condition 11. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

Cladding

96. 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.

Affordable Rental Housing

97. A restriction shall be registered, before the date of issue of the Occupation Certificate (Interim or Final), against the title of the property on which the development is to be carried out, pursuant to Section 88E of the Conveyancing Act 1919, in the following terms:

Terms of the Restriction on Use

The restriction applies for ten (10) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. 18/2020 issued by Liverpool City Council.

The restrictions are:

(a) A minimum of 34 apartments (50% of the gross floor area of the development), in this case being apartments U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U11, U12, U13, U14, U15, U16, U17, U18, U19, U20, U21, U22, U28, U29, U30, U31, U32, U33, U34, U35, U44, U45, U46, U57 will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;

Note: The allocation of units may be varied if required by the social housing provider subject to a minimum of 50% of the gross floor area of the development being used for the purpose of affordable housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

(b) All accommodation that is used for affordable housing will be managed by a registered community housing provider;

(c) Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and

(d) Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.

Roads Act/ Local Government Act

98. Prior to the issue of an OC, the PCA shall ensure that all works associated with the Section 138 Roads Act and/or S68 Local Government Act approval have been inspected and signed off by Council.

Works as Executed

99. Prior to the issue of an OC, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with 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 Council with notification of the issue of the OC where Council is not the PCA.

Section 73 Sydney Water

100. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation Certificate.

Stormwater Compliance

101. Prior to the issue of an OC the PCA shall ensure that the on-site detention system, stormwater pre-treatment systems, and basement carpark pump-out system:
- a. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
 - b. Have met the design intent with regard to any construction variations to the approved design; and
 - c. Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system including operation and maintenance manuals for devices installed shall be provided as part of the works-as-executed drawings.

Restrictions on Title

102. Prior to the issue of an OC, a restriction as to user and positive covenant relating to the on-site detention system, stormwater pre-treatment systems and basement carpark pump-out system shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Council's standard wording as detailed in Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Compliance with the Recommendations of the Acoustic Report

103. 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 Acoustical Report, prepared by Koikas Acoustics dated 7 Nov. 2019 V2. 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

104. 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 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 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 and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

Traffic

- 105. Signage must be placed at the driveway entrance advising that parking is for 'resident vehicles only'.
- 106. Adaptable unit car bay shared zones should remain as common strata and are kept clear at all times and are associated with the adaptable unit car bays at all times.
- 107. 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

- 108. 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

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

Rectification of Damage

- 110. Prior to the issue of an OC 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 Anderson and El Alamein Avenues, and Hillier Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Landscaping

- 111. 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.

Garbage Services

- 112. Prior to the issue of an OC, 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 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.
- 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.'

113. All waste management facilities, equipment (including the chutes, chute doors, diverter machinery, but excluding the waste bins), waste room features and permanent fixed signage will be installed and operational prior to the issue of an Occupation Certificate.
114. The developer/owner of the site is to contact Liverpool Council - Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

Washing on Balconies

115. 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.

Service Providers

116. The following documentation is to be provided prior to the release of the Occupation Certificate.
- a) Written evidence (Section 3.21 Certificate) is to be submitted to the PCA.
 - b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
 - c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - 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.

Footpaths

117. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

Dilapidation Report

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

Lot Consolidation

119. All separate lots Lot 57, 58, 59, 60, 61 DP 35980 or 1 – 9 Anderson Avenue shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office.

Splay

120. Prior to the issue of an Occupation Certificate a 6m x 6m splay corner at the intersection of Anderson Avenue with El Alamein Avenue and Anderson Avenue with Hillier Road is to be dedicated as road to Liverpool City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council.

Display of Street Number

121. 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.

F. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions shall be complied with prior to issue of Subdivision Certificate:

Completion of Subdivision Works

122. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

Stormwater Compliance

123. Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the On-site detention system/s, Stormwater pre-treatment system/s and Basement Carpark pump-out system:

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

124. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the On-site detention system/s, Stormwater pre-treatment system/s and Basement carpark pump-out system:

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

Rectification of Damage

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

Any rectification works within Anderson and El Alamein Avenues, and Hillier Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Linen Plans and 88B Instruments

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

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

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

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

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

Service Providers

130. The following documentation is to be provided prior to the release of the subdivision certificate:
- a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.
Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.
 - b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
 - c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - i. The requirements of the Telecommunications Act 1997;
 - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Dilapidation Report

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

G. GENERAL CONDITIONS

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

Affordable Rental Housing

132. A minimum of 39 apartments (U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U11, U12, U13, U14, U15, U16, U17, U18, U19, U20, U21, U22, U28, U29, U30, U31, U32, U33, U34, U35, U44, U45, U46, U57) is to be used for the purposes of affordable housing for 10 years from the date of issue of the OC and shall be managed by a registered not-for-profit community housing provider.

Note: Affordable Housing is defined as *housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument. A household is taken to be a very low income household, low income household or moderate income household if the household:*

- (a) *Has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
- (b) *Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*

Rooftop Communal Open Space

133. All occupants of both residential flat buildings shall have access to the rooftop communal open space area at level 3.

Parking Requirements

134. Parking spaces shall be allocated as follows:
- (a) A total of 55 car parking spaces shall be provided at the site at all times; 2% of these spaces shall be for the provision of disabled access spaces.
135. All parking areas shown on the approved plans must be used solely for this purpose.
136. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
137. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

Landscaping

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.

138. 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.

Noise and Environmental Emissions

139. 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.

140. 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.
141. 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

142. It is a requirement of this development consent that the supplied waste infrastructure be used as intended. The strata body or residents are not permitted to circumvent or not use the waste chutes/eDiverter for their intended purpose.
143. The strata management must pro-actively educate all the residents as to how to use the eDiverter system and which materials must be put to general waste and which materials may be recycled in a loose and unbagged condition. The strata manager and building supervisor must also educate all residents as to the maximum size of items that can be placed in the chutes and what must be done with items that are larger than that size.
144. The eDiverter waste systems within the development must be kept maintained in an operable condition. The manufacturer's maintenance schedule must be followed.
145. After the issue of an Occupation Certificate but prior to residents moving in, the Waste section of Council must be contacted to arrange delivery of the waste bins and confirm the bin service days. Please ring Council on 1300 36 2170 for this purpose. These waste and recycling bins are to be kept within the waste storage rooms, being presented for collection no earlier than the afternoon before collection and returned as soon as possible afterwards, and no later than 24 hours after collection.
146. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
147. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

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

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

Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:

- (a) Garbage is to be placed wholly within the garbage bins provided,
- (b) Only recyclable materials accepted by Council are to be placed within the recycling bins,
- (c) The area is to be kept tidy,
- (d) A phone number for arranging disposal of bulky items, and
- (e) Graphic illustrative content to be 50%

148. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
149. A separate storage area is to be allocated for the holding of bulk waste prior to collection.
150. Any bin bays must be:
- (a) 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;
 - (b) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - A phone number for arranging disposal of bulky items;
 - Maximum compaction ratio is 2:1
151. The actual number of waste bins that will be issued by Council to the property is 11 x 660 litre general waste bins and 11 x 660 litre recycling bins.
152. Council will issue to the property the number of 660 litre general waste and recycling bins that will be tipped to the Council contractor's waste truck, all other bins required for transfer of waste around the development must be provided, maintained and replaced when necessary by the strata/building proprietors. Similarly, if bin hitches are required to facilitate the movement of bins using the bin tug, these are to be supplied, installed and maintained privately.
153. The bin tug provided by the developer is to be used at all times when 660 litre waste bins are being moved and this must be operated by an individual who is trained and insured to use this equipment. This bin tug must be maintained in operable condition and must be kept secure from the residents.
154. Permanent signage for the Residential Bulky Waste Storage Room must state:
- i. That the room is for the storage of bulky household waste only;
 - ii. That residents must contact building management to store unwanted items in the room prior to disposal. The relevant contact details for building management are to be provided on the sign.

Graffiti

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

Washing on Balconies

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

Council's Infrastructure

157. Council's infrastructure shall be protected at all times. Any damages shall be rectified by the developer, to Council's satisfaction and at no cost to Council.

G. ADVISORY

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

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

ATTACHMENT 2: SECTION 7.11 PAYMENT FORM

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

Liverpool 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-18/2020

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Central	\$46,801	GL.10000001870.10099
District Sporting Fields - works		
Central	\$157,397	GL.10000001869.10211
District Passive Open Space - works		
Central	\$98,373	GL.10000001869.10093
Local Passive Open Space - works		
Liverpool	\$137,722	GL.10000001869.10103
Transport - Bikeways - works		
Central	\$18,905	GL.10000001865.10207
Transport - Traffic management - works		
Central	\$53,869	GL.10000001865.10213
Drainage - works		
Central	\$22,926	GL.10000001866.10209
Administration	\$8,040	GL.10000001872.10104
<u>TOTAL</u>	<u>\$544,034</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____

**ATTACHMENT 3: CONDITIONS ISSUED BY Transport for NSW
(TfNSW)**

DRAFT



2 April 2020

TfNSW Reference: SYD19/01003/02
Council Reference: CNR-5167 DA-18/2020

Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

Attention: Emmanuel Torres

CONSTRUCT RESIDENTIAL FLAT BUILDING - 1-9 ANDERSON AVENUE, LIVERPOOL

Dear Sir/Madam,

Reference is made to Council's correspondence dated 13 March 2020, regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for comment in accordance with the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the submitted information and raises no objections to the proposed development. TfNSW provides the following comments for Council's consideration in the determination of the application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890 series.
2. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) manoeuvring through the site shall be in accordance with AUSTRROADS.
3. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate. Please note that construction access arrangements via Campbelltown Road are restricted.

If you have any further questions please direct attention to Felix Liu on 8849 2113 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,

Pahee Rathan
Senior Land Use Assessment Coordinator