

## Minutes of Liverpool Local Planning Panel

### Meeting held electronically

Determination made 30 July 2018 – 31 July 2018

#### Participating Panel Members:

Julie Walsh (Chair)

Jason Perica (Expert)

Fiona Gainsford (Expert)

Carl Hadfield (Community Representative)

There were no declarations of any conflict of interest by panel members in respect of any item on the meeting agenda. The chair determined that a site inspection was not necessary.

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-393/2018
<b>SUBJECT:</b>	Demolition of existing fit out, change of use to an educational facility (University of Wollongong) and fit out works to tenancy on levels 2 & 3, including terrace
<b>LOCATION:</b>	LOT 2 DP 719245 33 MOORE STREET, LIVERPOOL NSW 2170
<b>OWNER:</b>	LIVERPOOL CITY COUNCIL
<b>APPLICANT:</b>	UNIVERSITY OF WOLLONGONG
<b>AUTHOR:</b>	Peter Oriehov

#### ISSUES RELATED TO THE APPLICATION

The Panel agreed with the environmental assessment of the proposal by Council staff, within the assessment report. In terms of considering community views, it was noted no submissions were received.

The Panel particularly noted:

- The use is permissible in the zone and suited to the site, building and area;
- The use expands an existing use at the ground floor;
- The parking demands are met on site; and
- The proposal will have positive economic and social outcomes.

The recommended conditions of approval within the Council staff report were supported, subject to the following changes:

**Condition 10** (Please note, condition 10 is now condition 9 in Annexure A, due to conditions being deleted after review)

Be amended to state:

The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.

- (a) Back to base alarm systems shall be considered;
  - (b) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (c) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy shall be established. Security lighting must be installed in and around the building, and such shall not impact on any adjoining premises. The lighting shall be vandal resistant, especially external light;
  - (d) Glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders;
  - (e) Access to the basement parking levels shall be controlled via a security controlled device.
- **Condition 29** (Please note, condition 29 is now condition 26 in Annexure A, due to conditions being deleted after review)

Be amended to state:

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, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council. Work beyond the hours above is permitted provided it does not involve any deliveries beyond the hours specified and the works are inaudible within the public domain and any other property or tenancy (e.g. painting and the like).

Reason: To apply standard construction hours yet allow reasonable flexibility for inaudible works, given the peculiar nature of educational establishments.

- **Condition 74** (Please note, condition 74 is now condition 67 in Annexure A , due to conditions being deleted after review)

Be amended to state:

Access to the building for students for informal learning is permitted between 8am and 11pm Mondays to Saturdays. Access to students outside the permitted hours of operation stated in condition 67a must only be through a secure electronic pass.

Reason: To allow the hours applied for, which are reasonable.

As the University of Wollongong is deemed to be a Crown authority pursuant to section 4.32 of the Environmental Planning and Assessment Act 1979 and clause 226 of the Environmental Planning and Assessment Regulation 2000. Council forwarded the draft conditions of consent (as amended above) to the University of Wollongong for review and comment. After review of

the conditions, several amendments were made which were agreed by the panel. The conditions that have changed and the reasoning for the change are as follows:

**Condition 9 – Exit Travel Distances (deleted)**

Exit travel distances from all spaces within the university including the outdoor terrace on Level 1 must comply with D1.4 of NCC 2016 Building Code of Australia.

**Reason for deletion**

The applicant requested to add at the end of the condition ***or Alternative Solution by Grade C10 Fire Safety Engineer against the relevant performance requirements.***

The above comment was referred internally to Fire Safety and it was advised that the condition is to be *deleted entirely. This is due to the fact there is already a condition stating that the works are to comply with the BCA (Condition 11 of Draft conditions – DA - 393/2018) and to specify required travel distances would be doubling up.*

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**Condition 10 (c) – Crime Prevention Through Environmental Design (deleted)**

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;

**Reason for deletion**

No external works to this extent are proposed and no external lighting is warranted. All other lighting external to the building are existing.

**Condition 10 (e) – Crime Prevention Through Environmental Design (deleted)**

Access to the basement parking levels shall be controlled via a security controlled device.

**Reason for deletion**

Access to the basement parking levels are existing and is currently secured with Boom gates and is currently managed by ‘Secure Parking’.

Discussions with the applicant (University of Wollongong) requested conditions (c) and (e) to be deleted, however, Conditions (c) and (e) have now been reinstated as they are crucial to CPTED principles for the commercial building.

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**Condition 14 – Access, Car Parking and Maneuvering (deleted)**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.

c) All cars can enter and exit the site in a forward direction

**Reason for deletion**

No works proposed to the car park or car parking. Basement car park is currently existing and utilised by multiple tenants in 33 Moore Street, Liverpool. All vehicles can enter and exit the site in a forward direction.

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**Condition 27 - Notification of Service Providers (deleted)**

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

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

**Reason for deletion**

Condition is not relevant as Sydney Water infrastructure are existing.

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**Condition 31 – Building/Compliance (deleted)**

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

**Reason for deletion**

No surveying works are proposed. Commercial building is existing and proposed use involves internal fitout.

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**Condition 32 – Building/Compliance (deleted)**

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.

**Reason for deletion**

Concrete slabs are existing and no placement of concrete slabs are proposed

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**Condition 42 - Termite Protection (deleted)**

To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

**Reason for deletion**

Amended exterior finishes board (Revision B) dated 20 July 2018, reveal no timber structures proposed.

The condition relating to Termite Protection is associated predominantly to residential development.

**Further Amendments of conditions**

As a result of the deletion of conditions, condition numbers 68 to 73 had been renumbered into chronological order.

**Conditions 67 – Hours of Operation (Amended)**

**Reason for amendment**

Condition 67 – Hours of Operation had been amended to Hours and Operation.

The purpose of the amendment was to incorporate conditions relating to operation of the education establishment into Condition 67

**Condition 68 – Access for Students for Informal Learning (Amended)**

**Reason for amendment**

The purpose of the amendment is to incorporate the condition into Condition 67 (above) hours of Operation. The number 68 had been removed and replaced with Subclause c.

**Condition 69 and 70 – Education Establishments (Amended)**

**Reason for Amendment**

The purpose of the amendment is to incorporate the condition into Condition 67 (above) hours of Operation. The numbers 69 and 70 had been removed and replaced with Subclause d and e respectively.

**Condition 71 – Noise (Amended)**

**Reason for Amendment**

The purpose of the amendment is to incorporate the condition into Condition 67 (above) hours of Operation. The number 71 had been removed and replaced with Subclause f.

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**Condition 72 and 73 - Use of Outdoor Terrace (Amended)**

**Reason for Amendment**

The purpose of the amendment is to incorporate the condition into Condition 67 (above) hours of Operation. The numbers 72 and 73 had been removed and replaced with Subclause g and h respectively.

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A telephone discussion with Julie Walsh revealed Condition 67 to be amended as follows:

**Condition 67 – Hours and Operation (amended)**

**Reason for Amendment**

Condition 67 – Hours and Operation had been amended to Hours of Operation.

The purpose of the amendment was to avoid ambiguity amongst hours of operation and use of the premises.

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**Condition 68 – Operation (new condition)**

**Reason for new condition**

Condition 68 – Operation is included into the consent to clearly define conditions relating to the operation of the education establishment.

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**VOTING NUMBERS:**

4-Nil

**DETERMINATION OF PANEL:**

DA-393/2018 Demolition of existing fit out, change of use to an educational facility (University of Wollongong) and fit out works to tenancy on levels 2 & 3, including terrace be approved subject to the conditions of consent contained in Annexure A Draft conditions.

## Attachments: Annexure A

### ANNEXURE A

#### DEFINITIONS

AEP	Annual Exceedance Probability
NCC	National Construction Code (formerly Building Code of Australia)
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services

## A. THE DEVELOPMENT

### Approved Plans

9. Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans/reports marked as follows, except where modified by the undermentioned conditions:

- a) Architectural plans prepared by KAJA Interior architecture + design, including:

<b>Title</b>	<b>Issue</b>	<b>Date</b>
Demolition Plan – Level 2	Issue B	02 May 2018
Demolition Plan – Level 3	Issue B	02 May 2018
Proposed General Floor Plan – Level 2	Issue B	02 May 2018
Proposed General Floor Plan – Level 3	Issue B	02 May 2018
Sections + Typical Elevations	Issue A	02 May 2018
Proposed Terrace Plan – Level 3	Issue B	02 May 2018
Proposed Terrace Elevations – Level 3	Issue B	02 May 2018

- b) DA Exterior Finishes Board prepared by KAJA Interior Architecture + Design, Revision B, dated 20 July 2018;
- c) Noise Management Plan, project ref: CA16/116-1001 prepared by University of Wollongong (dated October 2016); and
- d) Liverpool Campus Green Travel Plan prepared by Caldwell & Kent Consulting, dated 2<sup>nd</sup> May 2018.

### Works at no cost to Council

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



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

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

11. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents **3%** of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$103,915**

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

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{\mathbf{C} \times \mathbf{CPI}_2}{\mathbf{CPI}_1}$$

Where:

**C** = Original contributions as shown on the consent

**CPI<sub>2</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

**CPI<sub>1</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

Please note. Payment must be accompanied by the attached form.

## **Fee Payments**

12. 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.

## **Site Development Work**

13. All aspects of construction shall comply 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).

## **Notification**

14. 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.

### **Fire Safety Measures**

15. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.
16. The schedule must distinguish between the measures that are currently implemented in the building premises; and
  - (a) The measures that are to be proposed to be implemented in the building premises; and
  - (b) The minimum standard of performance for each measure.

### **Crime Prevention through Environmental Design**

17. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
  - (f) Back to base alarm systems shall be considered;
  - (g) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (h) Glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders;

### **Act and Regulations Compliance**

18. 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.

### **BCA Compliance**

19. In accordance with section 4.16 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions; or
- (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Disabled Access**

- 20. 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 and shall be incorporated into the Construction Certification plans.

### **Provision of Services**

- 21. 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.

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

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

### **Construction Certificate**

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

### **Building/Compliance**

- 23. Prior to the commencement of any building works, the following requirements must be complied with:
  - a) A Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979;

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

### **Demolition**

24. Demolition works shall be carried out in accordance with the following:

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

### **Site Notice Board**

25. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- (a) The name, address and telephone number of the principal certifying authority for the work; and
- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Unauthorised entry to the premises is prohibited.

26. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be

carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

### **Written Notice**

27. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
  - a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b) The notice shall be given seven (7) days prior to the commencement of work.
28. In the event the development involves 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;
  - a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage.

### **Facilities**

29. 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*.
30. 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.

### **Construction Requirements**

31. 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.

32. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

#### **Waste Classification**

33. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act 1997, POEO Waste Regulation 2014 and NSW EPA 'Waste Classification Guideline' (dated November 2014) The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

### **D. DURING CONSTRUCTION**

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

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

34. 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, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council. Work beyond the hours above is permitted provided it does not involve any deliveries beyond the hours specified and the works are inaudible within the public domain and any other property or tenancy (e.g. painting and the like).

#### **Building/Compliance**

35. The building works must be inspected by the Principal Certifying Authority, in accordance with sections Clause 6.5 of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

36. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- a. name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - b. name, address and telephone number of the *Principal Certifying Authority*
  - c. a statement stating that 'unauthorised entry to the work site is prohibited'.
37. 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:
- a. Protect and support the adjoining premises from possible damage from the excavation,
  - b. where necessary, underpin the adjoining premises to prevent any such damage, and
  - c. 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.
38. 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*.
39. 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.

40. 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.
41. 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.
42. 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.

### **Waste**

43. All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note; Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

### **Waste Management Plan**

44. 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.

### **Traffic Management**

45. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Interim Guide to Signs and Markings.
46. 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.
47. 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.
48. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Contamination**

49. 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).

### **Site Remediation Works**

50. 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 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Air Quality**

51. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
52. 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.
53. 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.

### **Pollution Control**

54. 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.
55. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

### **Ventilation**

56. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
57. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

### **Graffiti**

58. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

### **Vegetation and Landscaping**

59. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping.
60. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
61. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species.
62. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

63. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

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

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

### **Certificates**

64. The premises shall not be utilised until an Occupational Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupational Certificate must be attached to the Occupational Certificate and registered with Council.
65. All required Compliance Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.

### **Building/Compliance**

66. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
67. 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.
68. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.
69. 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.

### **Liverpool City Council Clearance**

70. Prior to the issue of an Occupational Certificate, the Principal Certifying Authority shall ensure that all works associated with S138 *Roads Act* approval or Section 68 *Local*

*Government Act* approval have been inspected and signed off by Liverpool City Council.

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

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

### **Graffiti**

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

### **Waste Storage Area**

72. 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.
73. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

### **Car Parking/Loading**

74. A total of (sixty) 60 off street car parking spaces must be provided for the development within the existing basement. All staff car parking areas are to be clearly signposted limiting car parking for staff only. The applicant is to cover the costs of installation and maintenance of the signage. A plan indicating all the spaces allocated to the educational establishment is to be submitted to the PCA.

### **Hours of Operation**

75. The hours of operation of the premises are limited to:
  - a. Scheduled instruction/Lecturers – 8:00am to 10:00pm (Monday to Saturday).
  - b. Administration – 8:00am to 6:00pm (Monday to Saturday).

- c. Access to the building for students for informal learning is permitted between 8am and 11pm Mondays to Saturdays. Access to students outside the permitted hours of operation stated in condition 67a must only be through a secure electronic pass.
76. The operation of the Education Establishment shall comply with the following requirements:
- a. The maximum capacity of the educational establishment is limited to 600 students at any one time.
  - b. The maximum number of staff members is limited to 30 at any one time.
  - c. The use of the premises including all internal and external areas, mechanical plant and equipment and the like shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act 1997.
  - d. No amplified music or organised events or the like are permitted on the external terrace/ outdoor area.
  - e. The use of the external terrace/ outdoor area is prohibited between the hours 10pm to 7am, 7 days a week including public holidays.

## **G. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six (6) months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 8.3 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 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 (5) years of the date of this notice.
- d) 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.
- e) 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.
- f) 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.

- g) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- h) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

## ATTACHMENT (2)

### CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

#### Liverpool Contribution Plan 2009

**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 CPI Quarter M18 and will be adjusted at the time of payment in accordance with the conditions of consent.**

**APPLICATION NO.:** DA-393/2018

**APPLICANT:** UNIVERSITY OF WOLLONGONG

**PROPERTY:** 33 MOORE STREET LIVERPOOL LOT 2 DP 719245

**PROPOSAL:** Demolition of existing fit out, change of use to an education facility and fit out works to tenancy on levels 2 and 3, including terrace.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan</b>		
Central Library Extensions	\$666	GL.10000001870.10112
Whitlam Centre Extensions	\$492	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$635	GL.10000001870.10099
Woodward and Collimore Parks	\$2,986	GL.10000001869.10105
Georges River Foreshore	\$20,903	GL.10000001869.10105



<b>Bigge Park</b>	\$4,479	GL.10000001869.10105
<b>Pioneer Park</b>	\$4,479	GL.10000001869.10105
<b>Access – car parks, bridge link, bus priority</b>	\$69,277	GL.10000001868.10108

**TOTAL** \$103,915

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

***RECORD OF PAYMENT***

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

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

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

