

**MINUTES AND DETERMINATION OF THE LIVERPOOL  
ELECTRONIC LOCAL PLANNING PANEL MEETING**

**Monday 7th September 2020**

Panel: Julie Walsh (Chair)

Fiona Gainsford (Expert)

Lindsay Fletcher (Expert)

Stephen Dobell Brown (Community Rep)

There were no conflicts of interest declared by any members of the panel.

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-358/2018
<b>SUBJECT:</b>	<p>Construction of two 6-storey Residential Flat Buildings containing a total of 61 apartments above two levels of basement car park to be developed over two stages.</p> <p>Stage 1: Construction of Building A containing 37 apartments, above two levels of basement parking and landscaping.</p> <p>Stage 2: Construction of Building B containing 24 apartments, above two levels of basement parking and landscaping (following the decommissioning and remediation of the OSD basin only on the basis that Council's Regional Stormwater Basin 14 is made operational and the development of the site to the south of the proposed development).</p>
<b>LOCATION:</b>	Lot 24, Lot 38, Lot 39 and Lot 40 Croatia Avenue, Edmondson Park
<b>OWNER:</b>	EDMO 1 Pty Limited
<b>APPLICANT:</b>	Vantage Property
<b>AUTHOR:</b>	Greg Mottram

## **ISSUES RELATING TO THE APPLICATION**

On 27 July 2020 the Local Planning Panel constituted by the above members determined to approve DA 358/2018 for construction of two 6 storey residential flat buildings containing a total of 61 apartments above two levels of basement car park to be developed over two stages subject to conditions contained in the council officer's report and inclusion of an additional condition regarding rooftop communal open space.

It was subsequently identified prior to the issue of the Notice of Determination that the conditions in the report contained some typographical errors and omissions which have been corrected in the attached set of conditions. The amendments are highlighted in red.

The applicant consents to the correction of the typographical errors in the conditions.

## **DETERMINATION OF PANEL**

- 1) The Panel accepts the proposed departure from the development standard relating to building height under clause 4.3 of Liverpool LEP 2008 as it is satisfied that the applicant's clause 4.6 written request has adequately addressed the matters required to be demonstrated by clause 4.6 (3) and that the development will be in the public interest because it is consistent with the objectives of the standard and the objectives of the R1 General Residential zone under the LEP.
- 2) The Panel accepts the proposed departure from the development standard relating to floor space ratio under clause 4.4 of Liverpool LEP 2008 as it is satisfied that the applicant's clause 4.6 written request has adequately addressed the matters required to be demonstrated by clause 4.6 (3) and that the development will be in the public interest because it is consistent with the objectives of the standard and the objectives of the R1 General Residential zone under the LEP.
- 3) DA-358/2018 Construction of two 6-storey Residential Flat Buildings containing a total of 61 apartments above two levels of basement car park to be developed over two stages.

**Stage 1:** Construction of Building A containing 37 apartments, above two levels of basement parking and landscaping. **Stage 2:** Construction of Building B containing 24 apartments, above two levels of basement parking and landscaping (following the decommissioning and remediation of the OSD basin only on the basis that Council's Regional Stormwater Basin 14 is made operational and the development of the site to the south of the proposed development), is approved subject to the attached conditions.

## **VOTING NUMBERS:**

4-Nil

## **Attachment 1: Draft Notice of Determination**

Before commencing the development please read the Development Consent carefully and make sure you understand all the conditions that have been imposed. Please contact Council if you have any questions.

## 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

# ATTACHMENT 1 – CONDITIONS OF APPROVAL

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies:

## STAGED APPROVAL

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development works	Part Reference	Condition Reference
1	Consolidation of all lots, and construction of a six storey residential flat building (Building A) including two level basement carparking, 37 apartments, rooftop communal open space, and landscaping	All Parts	All conditions
2	<p>Decommissioning and rehabilitation of the existing OSD basin and construction of a six storey residential flat building (Building B) including two levels of basement parking accessed from the entrance of Stage 1 carpark, 24 apartments and landscaping. Stage 2 can only proceed on the provision that</p> <p>a) Stage 1 is complete,</p> <p>b) decommissioning the OSD basin on lots 39 &amp; 40 in DP 1197095 with the approval of Council's Coordinator of Land Development, and</p> <p>c) approval from Council's Traffic and Transport Section of a traffic solution that provides for a turning facility in Costello Lane in lieu of the existing right-of-carriageway over lots 39 &amp; 40 in DP 1197095.</p>	All Parts	All conditions

## A. THE DEVELOPMENT

### 1. Approved Plans

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.

Plan Name	Sheet No.	Job No.	Date	Issue	Prepared By
Cover Page	A01	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Streetscape	A03	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Site Analysis and Data	A04	1773-17 P4945	12.03.2020	H	Algorry Zappia & Associates
Communal Open Space Plan	A04.1	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Basement Floor Plans	A05	1773-17 P4945	2.07.2020	J	Algorry Zappia & Associates
Ground and Level 1 Floor Plans	A06	1773-17 P4945	2.07.2020	G	Algorry Zappia & Associates
Level 2 – 3 Floor Plans	A07	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Level 4 - 5 Floor Plans	A08	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Elevations	A11	1773-17 P4945	12.03.2020	G	Algorry Zappia & Associates
Sections	A12	1773-17 P4945	12.03.2020	G	Algorry Zappia & Associates
Context Section	A18	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Materials & Finishes Schedule Stage 1	A14	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates

Materials & Finishes Schedule Stage 2	A15	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Site Plan	A16	1773-17 P4945	12.03.2020	E	Algorry Zappia & Associates
Landscape Plans	338-19.00 to 338-19.04	39-19	24.03.20	C	Distinctive Living Design
Stormwater Concept Plan (Ground & Basement)	Sheets D01, D02, D03, D04, D05 & D06	1773-17	03.04.20	C	Algorry Zappia & Associates

Report name	Dated	Reference	Prepared by
Acoustic DA Assessment	2/3/2020	20180253.2/0403A/R1/AS	Acoustic Logic
Acoustic DA Assessment	2/3/2018	20180253.1/0203B/RO/RL	Acoustic Logic
BASIX Certificate	03/10/2019	906024M_02	Building & Energy Consultants Australia
BCA Assessment Report	16/3/2018	D2018-017	Technical Inner Sight
Preliminary Site Investigation	April 2014	Project 76604.00-3	Douglas Partners
AEC 2 And AEC 3 Validation	16 July 2015	No Reference Number	Geo-Logix Pty Ltd
Traffic and Transport Impact Statement	23/2/2018	16-087-1	TSA
Waste Management Plan	1/7/2020	N/A	Leigh Design Pty Limited

## 2. Works at no cost to Council

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

### **3. Compliance with the Environmental Planning and Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000**

The requirements and provisions of the Environmental Planning and 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.

### **4. Access**

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

### **5. Cladding**

Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

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

### **6. Stages of Consent**

This consent approves development with respect to the Stages of Consent as follows;

- a) Stage 1 to be completed prior to the beginning of any works for any other stage.
- b) Stage 2 occurring at any time after
  - a. practical completion of Stage 1, and
  - b. decommissioning the OSD basin on lots 39 & 40 in DP 1197095 with the approval of Council's Coordinator of Land Development, and
  - c. approval from Council's Traffic and Transport Section of a traffic solution that provides for a turning facility in Costello Lane in lieu of the existing right-of-carriageway over lots 39 & 40 in DP 1197095.

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

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

## **7. Stage 2**

Prior to the issue of a construction certificate for any works in relation to Stage 2 of the development, being Building B consisting of 24 Units above a two level basement located on current lots 39 & 40 DP 1197095, all of the following shall be satisfied:

- 1) The practical completion of Stage 1, and
- 2) The decommissioning and remediation of the temporary Onsite Stormwater Detention Basin located on Lots 39 & 40 DP1197095. This may only occur on with the approval of Council's Coordinator of Land Development, and
- 3) The acceptance by Council of a suitable temporary alternative traffic solution that permits the removal of the reliance on the existing right-of-carriageway over Lots 39 & 40 DP1197095 which currently contains a temporary U turn facility at the southern end of Costello Lane.

## **8. Fee Payments**

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.

## **9. Special Infrastructure Contribution**

The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a Construction Certificate, is issued in relation to any part of the development to which this consent relates.



## **10. Substation**

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

## **11. Building works**

Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 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 builder's facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

## **12. Balcony Balustrades**

Prior to the issue of a Construction Certificate, plans shall be submitted for approval by the Principle Certifying Authority that demonstrate that all balustrades to the balconies are to include opaque glazing to minimise potential visual privacy impacts.

## **13. Cladding**

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 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.

## **14. Window Openings**

Prior to issuing a construction certificate, it is to be demonstrated to the satisfaction of the PCA that the window openings above ground floor (excluding balcony access doors) will be restricted to 12.5cm openings and are in accordance with the NCC and relevant Australian Standards.

## **15. Building works**

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).

## **16. Fire Safety Measures**

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.

## **17. Notification**

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 contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

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

- Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road.
- These works may include but are not limited to the following: Vehicular crossings (including kerb reinstatement of redundant vehicular crossings).
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure).
- Road occupancy or road closures.

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

## **19. Fees – Road Opening**

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 Principal Certifying Authority. 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.

## **20. Retaining Walls on Boundary**

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.

## **21. Road Safety Audit**

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

## **22. No loading on easements**

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.

## **23. Stormwater Concept Plan**

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Algorry Zappia & Associates, reference number P4945, revision C, dated 03.04.2019.

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.

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

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 carparks.

**25.** Dual submersible pumps are required for the basement.

**26. Water Quality**

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

The Construction Certificate must be supported by:

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

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

**27. Access, Car Parking and Manoeuvring – General**

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.

**28. Street Lighting**

The applicant is to provide street lighting upgrade to Category 'P4' to Council's specifications for Costello Lane, Poziers Road and Bernera Road.

**29. Dilapidation report**

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Costello Lane, Poziers Road and Bernera 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 100m either side of the development.

**30. Dilapidation Report Private Property (Excavations)**

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.

### **31. Construction Traffic Management Plan**

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for review.

### **32. Provision of Services – Sydney Water**

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

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

### **33. Provision of services – Endeavour Energy**

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.

### **34. Provision of Services - Telco**

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 requirements of the Telecommunications Act 1997:

- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
- (b) 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.

### **35. S68 Local Government Act- Stormwater drainage Works**

Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council to connect to existing drainage easement.

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

### **36. Recommendations of Acoustic Report**

The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

### **37. Traffic**

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

### **38. Traffic – Detailed Drawings**

Detailed design drawing showing the proposed driveways ensuring vehicles enter and exit the development in a forward direction, intersection treatments at the intersection of Costello Lane and Poziers Road, appropriate traffic calming facilities to ensure a speed environment of 50 km/hr, car parking spaces along with linemarking and signposting plans, service vehicle/garbage truck turning head and swept path analysis and 'No Stopping' signage on both Sides of Costello Lane is to be submitted to the Traffic & Transport Section, for approval.

### **39. Design Verification Statement**

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.

#### **40. Site works**

Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.

#### **41. Waste Storage Area**

Prior to issue of the construction certificate, the building plans and waste management plan must be revised to show the presence of a 240 litre bin-lifter in the waste bin storage area, to be supplied by the developer, with sufficient space being allocated to that equipment without reducing the space for bulky household waste storage or bin storage and manoeuvring.

Prior to issue of the construction certificate, all waste chutes and recycling alcoves containing any waste bin, including 240 litre recycling bins, must be noted as being equipped with permanent signage. This must show how to safely and correctly operate all the equipment, how to separate the waste correctly into general waste and recyclables, and that all recyclables must be placed, loose and unbagged, into the bin provided. This information must be presented with at least a 50% graphic content, to overcome any potential language barriers.

Any bin bays must be:

- a) Provided with mechanical ventilation,
- b) Provided with a hose cock for hosing the garbage bin bay and a sewer drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,
- c) Provided with sufficient light to permit usage at night,
- d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
- e) Bin bay signs are available from Council,
- f) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute,
- g) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council, and

- h) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
  - i. Garbage is to be placed wholly within the garbage bins provided,
  - ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
  - iii. The area it to be kept tidy,
  - iv. A phone number for arranging disposal of bulky items, and
  - v. Graphic illustrative content to be 50%.

#### **42. Garbage Services**

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 wastes 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.

#### **43. Loading Zone**

Prior to issue of a Construction Certificate, the applicant will provide a traffic and parking plan showing a loading zone of not less than 12 metres in length on Costello Lane immediately adjacent to the area designated 'Bins Collection Area'. This loading zone, which is provided to enable the safe and efficient emptying of waste bins from that building, is to have a maximum duration of 15 minutes for vehicles to be stationed there.

#### **44. Temporary OSD**

The existing temporary OSD on lots 39 and 40 shall not be removed until the downstream system regional basin is completed.

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

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

#### **45. Building works**

Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 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 builder's facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

#### **46. Construction Certificate**



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.

#### **47. Building Compliance**

Where this consent requires both civil engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

#### **48. Prior to Work Commencement**

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

#### **49. Building Works for Residential Building Work**

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 has been given written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and

- ii. The name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- i. the name of the owner-builder, and
- ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

#### **50. Residential work**

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.

#### **51. Excavation**

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, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

#### **52. Sediment & Erosion Control**

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

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

#### **53. Traffic Control Plan**

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

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

#### **54. Facilities - Toilets**

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*.

#### **55. Facilities – Waste**

Adequate refuse disposal methods and builder's 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.

#### **56. Construction Requirements**

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.

#### **57. Council Assets**

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.

#### **58. Waste Classification**

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 the Principal Certifying Authority within 30 days of the waste being disposed of.

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

#### **59. 'Dial Before You Dig'**

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

#### **60. Building Plan Approval**

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

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

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

Sydney Water's Tap in™ online service is available at:

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

## **D. DURING CONSTRUCTION**

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

### **61. Building Compliance**

The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5(3) 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.

### **62. Construction Stages**

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

### **63. Identification Survey Report**

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.

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

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 7:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **65. Building Waste**

All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing away in wet weather.

## **66. Slab Construction**

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.

## **67. Sign with the details of the Principal Certifier**

A sign must be erected and maintained in a prominent position on the site, which contains the following details:

- 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)
- name, address and telephone number of the Principal Certifying Authority
- a statement stating that ‘unauthorised entry to the work site is prohibited’.

## **68. Excavation Works**

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, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (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.

## **69. Security Fence**

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.

## **70. Toilet Facilities**

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.

## **71. Waste Management Plan**

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.

## **72. Waste Management**

Adequate refuse disposal methods and builder's 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.

## **73. Construction Waste**

All construction/excavation waste must be separated as it is generated and kept in separate spoil piles, bays, builder's site bins and/or skips.

## **74. Construction Waste**

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

## **75. Soil and sediment Control**

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.

## **76. Construction Noise**

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.

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.

#### **77. Termite Protection**

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.

#### **78. Car Parking Areas**

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

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.

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.

#### **79. Traffic Management Signage**

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.

#### **80. Traffic – Work Zone**

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.



### **81. Traffic Road Closures**

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

### **82. Contamination**

The development, including all civil works, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

### **83. Fill**

Filling material must be limited to the following:

(a) Virgin excavated natural material (VENM)

(b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or

(c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

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

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

### **84. Earthworks Records**

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.

**85. Site Remediation Works**

Any new information which comes to light during 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.

**86. Air Quality – Dust Screens**

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

**87. Air Quality - Stabilisation**

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.

**88. General Site Works - Pollution Control**

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.

**89. General Site Works – Dust Control**

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

**90. General Site – Water**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

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

**91. General Site Works – Control Pollution from vehicles**

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.

**92. General Site Works**

The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.

**93. General Site Works**

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

**94. Disruption to Pedestrian or Vehicular Traffic**

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.

**95. Craning**

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.

**96. Ventilation**

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.

**97. Dangerous/ Hazardous Material**

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.

**98. Major Filling/ Earthworks**

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.

**99. External – Switch board**

Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

**100. External - Lighting**

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.

**101. Windows**

The windows of all bathrooms, W.C. and en-suites shall be fitted with translucent/ obscure glazing, and all stair-well windows shall be fixed and are to be provided with obscured/frosted glazing, to the satisfaction of the PCA.

**102. Air Conditioning Plant**

The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the PCA.

**103. Vegetation - Weeds**

No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping.

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.

**104. Vegetation - Soil**

Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

### **105. Crime Prevention Through Environmental Design**

The following Crime Prevention Through Environmental Design 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 shall be implemented;
- (b) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells; and
- (c) 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.

### **106. Erosion and sediment control**

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

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.

### **107. Street Lighting**

Street lighting is to be provided for all existing streets within the proposed development 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.

### **108. Drainage Connection**

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.

### **109. Footpaths**

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.

## **E. PRIOR TO ISSUE OF ANY 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:**

### **110. Building Compliance**

An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

### **111. Critical Stages**

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.

### **112. Building compliance**

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.

The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

### **113. Waste Facilities**

All waste management facilities, chutes and equipment (bin lifters and compactors etc., but excluding waste bins), plus the required features within bin storage areas and permanent fixed signage must be installed and operational prior to the issue of an Occupation Certificate.

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

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

#### **115. Accessibility**

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

#### **116. Landscaping**

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.

#### **117. BASIX**

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.

#### **118. Dilapidation Report**

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

#### **119. Service Providers**

The following documentation is to be provided prior to the release of the Occupation Certificate.

- a) Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the Occupation Certificate.
- 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.

#### **120. Stormwater Compliance**

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

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

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

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

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

- (a) Stormwater pre-treatment system/s
- (b) Basement carpark pump-out system

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

#### **122. Street Lighting**

Prior to the issue of an Occupation Certificate street lighting along sections of Bernera Road (formerly Croatia Avenue), Poziers Road and Costello Lane within or fronting the development site, in accordance with Council and Endeavour Energy requirements are to be provided.

#### **123. Works as executed – General**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, Surveyor's Certificate and compliance documentation shall be submitted to the



Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and electronic copies on a USB of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

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

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

#### **125. Recommendations of Acoustic Report**

A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:

- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

#### **126. Design Verification Statement**

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.

#### **127. Fire Safety Certificate**

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.

### **128. Display of Street Numbers**

Street/address number 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.

### **129. Cladding**

Prior to issuing an occupation certificate the Principal Certifying Authority 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.

### **130. Window Opening**

Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the window openings above ground floor are restricted to 12.5cm and are in accordance with the NCC and relevant Australian Standards.

### **131. Rectification of Damage**

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 Costello Lane, Poziers Road and Bernera Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

#### **Dilapidation Report**

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

### **133. Linemarking & Signage**

Prior to the issue of an Occupation Certificate, the installation of regulatory / advisory line marking and signage plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Allow eight (8) weeks for approval by the Local Traffic Committee

### **134. Lot Consolidation**

All separate lots must be consolidated. The relevant Occupation Certificates cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service. The newly created lot shall include any existing restrictions as to user, easements or other matters registered on the existing titles.

### **135. Bonds**

A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a Subdivision Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

### **136. Washing on Balconies**

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.

### **137. Stage 2**

The rooftop communal open space area is to be made available to residents of Building A and Building B of the development. Details of how this is to be ensured, in the event that the two stages are not covered by a single strata plan, are to be submitted to and approved by Council's Manager of Development Assessment prior to the issue of any occupation certificate. The use of the rooftop communal open space shall be managed to be not accessible by minors unless under adult supervision.

### **138. Rooftop Communal Open Space**

An operational plan of management and/or physical mechanisms shall be provided to the satisfaction of the PCA that prevents access to the rooftop communal open space area by minors unless accompanied by adults.

## **F. GENERAL USE CONDITIONS**

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

### **139. 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.

#### **140. Mail-boxes**

The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

Vegetation must not cover or obstruct natural surveillance to the mailboxes.

#### **141. Rooftop Communal Open Space**

The rooftop communal open space area is to be made available to residents of Building A and Building B of the development. Details of how this is to be ensured in the event of the two stages are not covered by a single strata plan are to be submitted to and approved by Council's Manager of Development Assessment prior to the issue of any occupation certificate. The use of the rooftop communal open space shall be managed to be not accessible by minors unless under adult supervision.

#### **142. Waste**

All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.

After the issue of an Occupation Certificate but prior to residents commencing moving in, Council must be contacted to deliver the required residential waste bins for the property. Please ring 1300 26 2170 to arrange for the delivery after the Occupation Certificate has been issued. The privately supplied 240 litre recycling bins are also to be delivered to site at this point.

**Note:** Council only supplies the 660 litre bins that will be tipped to the contractor's waste truck. Council does not supply or maintain the 240 litre bins which will be required in regard to the transport of recyclable waste materials around the development.

#### **143. Waste Storage Capacity**

Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.

#### **144. Garbage Collection**

Waste bins must be placed at the kerbside of Costello Lane by agents of the strata ready for emptying no earlier than the afternoon before the waste collection is due. Under no circumstances are the waste bins to be placed on the lane itself. The waste bins must be replaced back into the basement bin storage areas as quickly as possible, and no more than 24 hours after collection.

#### **145. Waste Bin Location**

Bins are to be presented to the designated waste collection points by agents of the building management, bins will be emptied by Council's waste contractors and the bins will be replaced promptly in the waste storage areas.

#### **146. Waste – Bulky Waste**

All bulky household waste must be placed within the spaces that have been allocated for this purpose within the basement area. No household waste or discarded items are to be placed by residents at the kerbside of Costello Lane, Poziers Road or Croatia Avenue (Bernera Road). The management of the building are to arrange pre-booked household collections with Council for specific dates as needed. Bulky household waste may only then be placed at the kerbside in the specific location agreed upon the evening before the booked date of the pick-up. The amounts and types of materials acceptable for collection are as per the conditions of Council at the time of booking.

#### **147. Waste Bin Mover**

Movement of waste bins from the basement waste rooms up to ground level for storage/emptying must be carried out by means of appropriate bin tugs or tractors, which will be provided to both the stages that comprise this development by the developer. The bin mover must be used on all occasions when bins are required to be moved up or down the driveway ramp.

The electric bin mover must be kept maintained and charged so that it is in an operable condition when needed. It must be kept secure from being accessed by or interfered with by residents and must only be used by individuals who have been trained and insured to use it.

The provision, fitting and maintenance of any bin hitches used to facilitate the movement of waste bins, and the provision and maintenance of any bins used to transfer waste within the development will remain the responsibility of the developer, or, once the development is complete, the strata.

#### **148. Bin Lifter**

The bin-lifter must be maintained in an operable condition by the proprietors of the property and must be used on all occasions when 240 litre recycling bins are being decanted into the 660 litre recycling bins to be emptied to the Council contractor's waste truck.

#### **149. Waste Signage**

Permanent signage for the household bulky waste storage areas must indicate:

- (a) That the area is for the storage of bulky household waste only;
- (b) That residents should contact building management to arrange for the storage of unwanted items there prior to disposal.

#### **150. Waste – Bin bays**

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 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:

1. Garbage is to be placed wholly within the garbage bins provided,
2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
3. The area is to be kept tidy,
4. A phone number for arranging disposal of bulky items, and
5. Graphic illustrative content to be 50%.

#### **151. Noise**

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. This includes the rooftop communal open space area.

#### **152. Noise**

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.

The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

#### **153. Car Parking**

A total of 96 off-street car parking spaces must be provided for the development in the as follows:

##### Stage 1

A total of 60 spaces are to be provided. A minimum of 5 spaces are to be dedicated for people with a disability in accordance with the approved plans. A minimum of 8 spaces are to be allocated for visitor spaces.

##### Stage 2

A total of 33 spaces are to be provided. A minimum of 4 spaces are to be dedicated for people with a disability in accordance with the approved plans. A minimum of 5 spaces are to be allocated for visitor spaces.

#### **154. Traffic – Vehicle Movements**

All vehicles enter and leave in forward direction at all times. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward 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.

#### **155. Traffic – line Marking**

All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

#### **156. Graffiti**

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

#### **157. Council's Infrastructure**

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 twelve (12) 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 seven 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 regard to the operation of the building.
- i) "DIAL BEFORE YOU DIG"

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

- j) 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 enquiries as to the 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 ground water salinity.
- k) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- m) 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.

- n) 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. Council has imposed the following conditions under the relevant planning instruments and policies.