

STOCKLAND DEVELOPMENT PTY LTD
LEVEL 25/133 CASTLEREAGH ST
SYDNEY NSW 2000

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**NOTICE OF DETERMINATION OF
A DEVELOPMENT APPLICATION**

Being the applicant in respect of Development Application No. DA-233/2015 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool Council as Consent Authority of the above described Development Application relating to:

OWNERS: **AUSTRALIAN TURF CLUB LIMITED**

LAND: **LOT 42 GOVERNOR MACQUARIE DRIVE, WARWICK FARM NSW 2170**
LOT 42 DP 1201607

PROPOSED DEVELOPMENT: **Demolition Of Training Facilities, Proposed Bulk Earthworks, Associated Vegetation Clearing And Site Servicing.**

DETERMINATION: **Approved under delegated authority on 9 October 2015**

CONSENT TO OPERATE FROM: **9 October 2015**

CONSENT TO LAPSE ON: **9 October 2017**
(Unless physically commenced)

ATTACHMENTS: **Conditions of Approval**

Before commencing the development please read the Development Consent carefully and make sure that you understand all the conditions that have been imposed. Please contact Liverpool City Council regarding any enquiry you may have in respect of the following conditions.

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

CONDITIONS:

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

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

Plans

Plan Name	Plan Number	Reference/Revision	Date	Prepared By
Erosion and Sediment Control Plan Sheet 1	ES.1.01	6617/B	26.02.15	MPN Consulting
Erosion and Sediment Control Plan Sheet 1	ES.1.02	6617/B	24.03.15	MPN Consulting
Erosion and Sediment Control Details	ES.2.01	6617/A	Undated	MPN Consulting
Bulk Earthworks Plan Sheet 1	BE.1.01	6617/C	26.02.15	MPN Consulting
Bulk Earthworks Plan Sheet 1	BE.1.02	6617/C	26.02.15	MPN Consulting
Earthworks in Flood Zone	DA.01	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Drainage Plan Sheet 1	DA.02	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Drainage Plan Sheet 2	DA.03	6617/B	24.03.15	MPN Consulting
Schematic Stormwater Drainage Details Sheet 1	DA.04	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Drainage Details Sheet 2	DA.05	6617/A	26.02.15	MPN Consulting
Schematic	DA.06	6617/A	26.02.15	MPN

Stormwater Drainage Details Sheet 3				Consulting
Schematic Stormwater Drainage Details Sheet 4	DA.07	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Longitudinal Section Sheet 1	DA.08	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Longitudinal Section Sheet 2	DA.09	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Longitudinal Section Sheet 3	DA.10	6617/A	26.02.15	MPN Consulting
Schematic Stormwater Catchment Plan	DA.11	6617/B	24.03.15	MPN Consulting
Earthworks In Q100 Flood Zone	DA.12	6617/A	16.06.15	MPN Consulting
Earthworks In Q100 Flood Zone	DA.13	6617/A	16.06.15	MPN Consulting

Reports

Report Name	Report Date	Reference/Revision	Prepared By
Stormwater Management Plan	16 June 2015	Revision C	MPN Consulting
Report on Contamination Investigation	8 October 2014	Reference:84377.00	Douglas Partners
Proposed Warehouse Development Coopers Paddock Warwick Farm Detailed Site Investigation	12 August 2015	Reference:84377	Douglas Partners
Construction Management Plan Early Works	24 February 2015	Revision A	MPN Consulting
Industrial Area	March 2015	Reference:	Travers Bushfire

Vegetation Management Plan		A15009V	Ecology
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except where modified by the undermentioned conditions.

Works at no cost to Council

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

Voluntary Planning Agreement (VPA)

3. The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT).
4. Any works undertaken pursuant to Schedule 3, Part 1 – Works, Item Nos. 2 and 3, as detailed within the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT), must be undertaken in accordance with the Vegetation Management Plan, prepared by Travers Bushfire Ecology, reference A14149, dated October 2015.

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:

Fee Payments

5. 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

6. 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.

Notification

7. 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.

Flooding

8. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood compensatory excavation works shall be undertaken as indicated in the stormwater management report by MPN Consulting Pty Ltd (Stormwater Management Plan, Industrial Warehouse Development, 200 Governor Macquarie Drive, Warwick Farm, MPN Reference No. 6617, Version: C, dated: 16 June 2015) and the Drawing Nos. DA.12 & DA.13, Job No. 6617, Issue: A, dated: 16/06/2015. The flood compensatory works shall be done concurrently or prior to filling below the 1% AEP flood.

Retaining Walls on Boundary

9. 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.

S68 Local Government Act – Stormwater drainage works

10. 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 for drainage and channel works.

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.

Stormwater Concept Plan

11. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by MPN Consulting Pty Ltd, reference number 6617, revision A, dated 26.02.15.

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 stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

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

Water Quality

12. 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.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

13. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
14. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.

15. 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.

Notification/Principal Certifying Authority

16. 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.
17. 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.
18. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed 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.
19. 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.

Facilities

20. 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*.

Construction Requirements

21. 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.

22. 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. Retaining walls on any boundary are to be of masonry construction.

Demolition

23. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

Site Facilities

24. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

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.

Notification of Service Providers

26. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- *Quick check agents details – see Building and Developing then Quick Check and*
- *Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating*

or telephone 13 20 92.

Waste Classification

27. 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).

Environmental Management

28. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Minimal impact to Water, Air and Land;
 - (d) Waste;
 - (e) Soil and sediment control measures;
 - (f) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (g) Environmental objectives and control strategies
 - (h) Environmental monitoring and reporting plan; and
 - (i) Community consultation
29. 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.

Vegetation Management Plan

30. Implementation of works outlined in the approved Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015, as they relate to Lot 42 shall be initiated prior to commencement of any site works. The Vegetation Management Plan shall be implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.

Note: "Initiated" means all works, processes and procedures prior to works commencing that are to be in place or commenced as stipulated in the above-mentioned VMP are to be in place or have commenced.

Sediment & Erosion Control

31. 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.

Traffic Control Plan

32. 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:

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

Dilapidation report

33. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Governor Macquarie Drive 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 50m either side of the development.

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 and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

35. 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.

Demolition Work

36. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

General Site Works

37. 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.
38. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
39. 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.
40. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
41. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2014.

Traffic Management

42. 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.
43. 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.
44. 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.
45. 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.

Waste Management Plan

46. 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.

Vegetation

47. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
48. A monitoring report on the progress of the approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the two year maintenance period. A final report shall also be submitted upon completion of the maintenance period.
49. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
50. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
51. 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.
52. 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.

Fencing

53. A permanent fence shall be constructed to protect, conserve and prevent access to the bushland onsite as indicated on the approved plans. The fence shall provide access for fire fighting vehicles and be maintained in good condition at all times.

Contamination

54. 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).
55. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential

contamination as per the NSW EPA Waste Classification Guidelines (dated November 2014), or

- (b) clearly indicate the legal property description of the fill material source site;
- (c) provide a classification of the fill material to be imported to the site in accordance with the NSW EPA Waste Classification Guidelines (dated November 2014).
- (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re-use in residential, commercial or industrial use.

56. 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.

57. All recommendations of the Report on Contamination Investigation produced by Douglas Partners Pty. Ltd., dated October 2014 and the subsequent letter from Douglas Partners Pty. Ltd. dated 12 August 2015, referenced as project 84377 shall be implemented. A report shall be submitted to the PCA presenting the results of all further sampling, certifying that all recommendations have been implemented and providing a statement regarding the suitability of the site for the proposed development in light of all information collected. Should this report find the site to be unsuitable for the proposed development, all works shall cease and the report shall be submitted to Council for review.

Site Remediation Works

58. 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

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

60. 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.

61. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Erosion Control

62. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
63. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
64. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

65. 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.

Pollution Control

66. 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.
67. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Heritage

68. Should any Aboriginal 'objects' be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the NSW Office of Environment and Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed 'objects', applications under the *National Parks and Wildlife Act 1974* may be required before work resumes.

Vegetation Management Plan

69. The approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 shall be implemented; and all works the subject of the Vegetation Management Plan carried out.

Erosion and sediment control

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

Major Filling/ Earthworks

71. 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.

E. PRIOR TO ISSUE OF PRACTICAL COMPLETION CERTIFICATE

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

Certificates

72. The premises must not be utilised until an Practical Completion Certificate (PCC) is issued by the PCA. Copies of all documents relied upon for the issue of the PCC must be attached to the PCC and registered with Council.

Vegetation Maintenance Period

73. The approved Vegetation Management Plan shall be implemented, and all works the subject of the Vegetation Management Plan carried out.

Flooding

74. Survey plan by a registered surveyor showing finished surface levels at flood compensatory areas along with necessary calculations shall be submitted to confirm that there is no net loss of flood storage by the works undertaken.

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Stormwater Compliance

76. Prior to the issue of a Practical Completion Certificate the Principal Certifying Authority shall ensure that the:
- a) Stormwater pre-treatment system/s
 - b) Overland flowpath works
- 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 been undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

77. Prior to the issue of a Practical Completion Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater pre-treatment system/s
- b) Overland flowpath works

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

Rectification of Damage

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

Any rectification works within Governor Macquarie Drive will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Compliance documentation

79. Prior to the issue of a Practical Completion Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
- b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- c) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- d) 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.

e) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:

- Compaction reports for road pavement construction
- Compaction reports for bulk earthworks and lot regrading.
- Soil classification for all residential lots
- Statement of Compliance

f) Structural Engineer's construction certification of all structures.

Linen Plans & 88B

80. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions.

Dilapidation Report

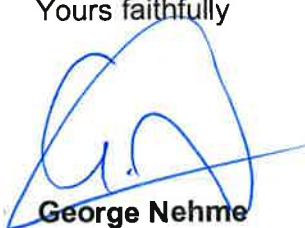
81. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

Easements and Restrictions

82. Prior to the issue of a Practical Completion Certificate the Certifying Authority shall ensure that the following easements and restrictions have been created:

- a) An easement for drainage over both stormwater outlets benefiting Lot 42 over Lot 43 DP 1201607,
- b) An easement for access and maintenance for proposed diversion bund benefiting Lot 42 over Lot 43 DP 1201607,
- c) A restriction as to user preventing the removal or modification of the proposed diversion bund.

Yours faithfully



George Nehme
Senior Development Planner
DEVELOPMENT ASSESSMENT

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F. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six 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 two (2) years of the date of this notice.
- d) In accordance with Section 98 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.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) 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.
- g) 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.
- h) "DIAL BEFORE YOU DIG" DIAL 1100

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

i) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

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