

# Recommended Conditions of Consent - DA- 628/2016

## 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 except where modified by the undermentioned conditions:

Title	Reference	Issue	Prepared by	Date
11022304/DA01	Cover Sheet	C	J Wyndham Prince	N/A
11022304/DA02	Cut and Fill and Site Layout Plan	C	J Wyndham Prince	15.06.16
11022304/DA03	Demolition and Tree Removal Plan	D	J Wyndham Prince	15.06.16
11022304/DA04	Site Grading Plan Sheet 1	D	J Wyndham Prince	17.02.17
11022304/DA05	Site Grading Plan Sheet 2	D	J Wyndham Prince	17.02.17
11022304/DA06	Site Grading Plan Sheet 3	C	J Wyndham Prince	15.06.16
11022304/DA07	Site Grading Plan Sheet 4	D	J Wyndham Prince	17.02.17
11022304/DA08	Site Sections 1, 2 and 7	B	J Wyndham Prince	20.05.16
11022304/DA09	Site Sections 3 and 4	C	J Wyndham Prince	15.06.16
11022304/DA10	Site Sections 4 and 5	C	J Wyndham Prince	15.06.16
11022304/DA11	Road Longitudinal Sections	C	J Wyndham Prince	15.06.16
11022304/DA12	Road Longitudinal Sections	B	J Wyndham Prince	20.05.16
11022304/DA13	Road Longitudinal Sections	B	J Wyndham Prince	20.05.16
11022304/DA14	Road Longitudinal Sections	B	J Wyndham Prince	20.05.16
11022304/DA15	Retail Staging Plan	C	J Wyndham Prince	15.06.16
11022304/DA16	Catchment Plan	B	J Wyndham Prince	20.05.16
11022304/DA17	Sediment Basin Detail Plan	B	J Wyndham Prince	20.05.16
11022304/DA18	Soil & Water Management Plan	C	J Wyndham Prince	15.06.16

## **Reports/Documents**

Flora and Fauna Assessment – Lot 212 DP1186108, Lot 2 DP1204198 and Lot 1 DP1204198 (Part), Edmondson Park, prepared by Eco Logical Australia, dated 27 May 2016 (ref 15SUT – 3123)

Edmondson Park South, Proposed Subdivisions works – Flora and Fauna Assessment prepared by Eco Logical Australia dated 6 June 2016

Water Cycle Management statement prepared by J Wyndham Prince, dated 30 May 2016 (Ref 110223 Bulk Earthworks – WCM 1605130)

Construction Noise and Vibration Review, prepared by Wilkinson Murray, dated May 2016 (Ref 16178 Version A)

Remediation Action Plan, prepared by DLA Environmental Services, dated November 2015 (Ref DL3550\_S003701)

2. This consent does not give approval to any infrastructure works within Lot 3 DP 1220978 being the future Regional Park to the east of the subject site. A further development application shall be lodged for the construction of the lead in sewer and manhole/s required to service the future Edmondson Town Centre development.
3. This consent does not give approval to any works within non-Biocertified land. Any works within non-Biocertified land shall be the subject of a separate development consent.

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

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

### **Works at no cost to Council**

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

### **Special Infrastructure Contribution**

5. The applicant may be required 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 94EE of that Act and is in force on the date of this consent. If a contribution is required, a certificate to that effect must be obtained from the Department of Planning before the final Construction Certificate, is issued in relation to any part of the development to which this consent relates.

### **Fee Payments**

6. 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.

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

- 7. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 8. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

#### **Site Development Work**

- 9. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as the relevant Construction Certificate has been issued.
- 10. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

#### **Notification**

- 11. 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.

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

12. Prior to the commencement of work 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 Soldiers Parade. 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.

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

### **Overland Flow paths**

13. Overland flows from adjoining areas running through the site shall be not disturbed and the proposed works shall not have any adverse impact on the adjoining properties.

### **Retaining Walls on Boundary**

14. 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.

### **Construction Certificate for Civil Works**

15. Prior to the issue of a Construction Certificate for civil works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by prepared by J Wyndham Prince , referred to in Condition 1 of this consent and have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The works may include but are not limited to the following:

- Private roads
- Stormwater drainage including water quantity and quality treatment measures
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures

- Earthworks
- Retaining walls and other structures

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

## **C. PRIOR TO COMMENCEMENT OF WORKS**

### **Site Notice Board**

16. 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.

### **Facilities**

17. 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.

### **Notification of Service Providers**

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

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

### **"Dial Before You Dig"**

19. 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.

20. Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.

### **Traffic Management Plan**

21. The applicant is to submit a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and Traffic Control Plan (TCP) to ensure safe and efficient vehicular and pedestrian movements.

The TCP is to be prepared in accordance with AS1742.3 'Traffic Control Devices for Works on Roads' and the RMS's publication 'Traffic Control at Work Sites' and certified by an appropriately RMS accredited Traffic Controller. The traffic control measures shall maintain the existing traffic lanes during construction.

### **Reports**

22. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
23. Prior to commencement of work, a Dust Mitigation Management Plan and Waste Management Plan detailing potential impacts on the rail corridor shall be submitted to Sydney Trains for approval.
24. Prior to commencement of work, a Hydrology Report for the overflow trench/ sediment basin regarding the current and future rates of water discharge surrounding the rail corridor shall be submitted to Sydney Trains.

### **Site Contamination**

25. Remediation and Validation works must be carried out in accordance with remediation plan (report no: DL3550\_S003701) prepared by DLA Environmental Services, dated November 2015. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA prior to the commencement of these works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.

### **Waste Classification**

26. 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 and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. 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**

27. 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) Selection of traffic routes to minimise residential noise intrusions;
- (d) Soil and sediment control measures;
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
- (f) Community consultation.

## **Sediment & Erosion Control**

28. 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. 301

## **Traffic Control Plan**

29. 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. 302

## **Dilapidation report**

30. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Soldiers Parade, Campbelltown 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 the full length adjacent to site.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing.

### **Matters to be addressed prior to commencement of Civil Works**

31. Civil works shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

32. A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

### **Construction Noise**

33. Prior to the commencement of any construction works, the Applicant must ensure that the following is available for the life of the Development:

- (a) a postal address to which written complaints may be sent;
- (b) an email address to which electronic complaints may be transmitted; and
- (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

### **General Site Works**

34. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

## **D. DURING CONSTRUCTION**

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

35. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 8:00pm Monday to Friday, 7:00am to 5:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Security Fence**

36. 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

### **General Site Works**

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

38. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train



pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

39. During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
40. During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
41. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

### **Contamination**

42. 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).
43. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
  - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or Industrial use.
44. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
  - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.

- (c) The results of any chemical testing of fill material.

#### **Site Remediation Works**

45. Remediation and Validation works must be carried out in accordance with remediation plan (report no: DL3550\_S003701) prepared by DLA Environmental Services, dated November 2015. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA prior to the commencement of these works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.
46. 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**

47. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
48. 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.

#### **Erosion and sediment control**

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

#### **Major Filling/ Earthworks**

50. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
51. The level of testing shall be determined by a suitably qualified person in consultation with the Principal Certifying Authority.

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

#### **Site Contamination Validation Report**

52. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
- (a) describe and document all works performed;
  - (b) include results of validation testing and monitoring;
  - (c) include validation results of any fill imported on to the site;

- (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
- (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

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

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

#### **Completion of Works**

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

#### **Bonds**

55. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of an Occupation 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.

#### **Certificates**

56. Upon completion of works an OC shall be issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
57. The Principal Certifying Authority 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.

#### **Works as executed - General**

58. Prior to the issue of an Occupation Certificate, works-as-executed drawings 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.
59. An original set of works-as-executed drawings and copies 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.

### **Rectification of Damage**

- 60. Prior to use 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.
- 61. Any rectification works within Soldiers Parade, Campbelltown Road (full length adjacent to site), 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**

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

### **Waste**

- 63. All solid and liquid waste is to be removed from the site by a registered waste contractor.
- 64. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
- 65. All solid waste stored on site is to be covered at all times.

### **Noise and Vibration Report**

- 66. All recommendations contained in the 'Edmondson Park Frasers Town Centre Bulk Earthworks and Services Removal - Construction Noise and Vibration Review prepared by Wilkinson Murray, dated May 2016 shall be adhered to at all times throughout the construction and bulk excavation phase.

### **Stockpiles**

- 67. Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **Asbestos Removal**

- 68. Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists and all work must be in accordance with the requirements of the Worksafe NSW. Asbestos and asbestos containing materials shall be disposed of in accordance with requirements of NSW Environmental Protection Authority. All waste receipts for the disposal shall be retained and made available to Council upon request.