

PAGANO ARCHITECTS
PO BOX 653
MOOREBANK NSW 1875

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I am writing to advise you that Council has determined your Development Application No. DA-627/2018 under Sections 4.16, 4.17 & 4.18 of the *Environmental Planning and Assessment Act 1979*.

APPLICANT:	PAGANO ARCHITECTS
LAND:	23 HARVEY AVENUE, MOOREBANK, 25 HARVEY AVENUE, MOOREBANK, 27 HARVEY AVENUE, MOOREBANK, 29 HARVEY AVENUE, MOOREBANK LOT 28 DP 236405, LOT 27 DP 236405, LOT 26 DP 236405, LOT 25 DP 236405
PROPOSED DEVELOPMENT:	Demolition Of Existing Structures And The Construction Of A 6-Storey Residential Flat Building Comprising Of 58 Units. The Application Is Lodged Pursuant To The State Environmental Planning Policy (Affordable Rental Housing) 2009.
DETERMINATION:	Approved by Sydney Western City Planning Panel at its meeting of 11 May 2020
CONSENT TO OPERATE FROM:	11 May 2020
CONSENT TO LAPSE ON:	11 May 2025 (Unless physically commenced)
ATTACHMENTS:	1. Conditions of Approval 2. Section 7.11 Payment Form 3. Requirements of Endeavour Energy



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



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ATTACHMENT 1: CONDITIONS OF APPROVAL

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 and reports listed below, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Rev	Date	Prepared By
Cover Page (Perspective Views)	A00.01	C	25/07/2018	Pagano Architects
Site Location Plan	A01.01	B	25/07/2018	Pagano Architects
Site Analysis Plan	A01.02	B	25/07/2018	Pagano Architects
Streetscape Analysis	A01.03	B	25/07/2018	Pagano Architects
Proposed Built Form and Mass Diagrams	A01.04	B	25/07/2018	Pagano Architects
Proposed Cross Ventilation and Development Analysis	A01.05	B	25/07/2018	Pagano Architects
Demolition Plan	A01.06	C	25/07/2018	Pagano Architects
Proposed Site and Roof Plan	A02.01	E	23/04/2019	Pagano Architects
Basement Level 2 Plan	A03.01	E	23/04/2019	Pagano Architects
Basement Level 1 Plan	A03.02	E	23/04/2019	Pagano Architects
Ground Level Plan	A03.03	F	23/04/2019	Pagano Architects
Level 1 Plan	A03.04	E	23/04/2019	Pagano Architects
Level 2 Plan	A03.05	E	23/04/2019	Pagano Architects
Level 3 Plan	A03.06	E	23/04/2019	Pagano Architects



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Level 4 Plan	A03.07	E	23/04/2019	Pagano Architects
Level 5 Plan	A03.08	E	23/04/2019	Pagano Architects
Roof Level Communal Open Space Plan	A03.09	D	23/04/2019	Pagano Architects
North & East Elevations	A04.01	D	23/04/2019	Pagano Architects
South & West Elevations	A04.02	D	23/04/2019	Pagano Architects
Section AA	A05.01	C	25/07/2018	Pagano Architects
Section BB	A05.02	C	25/07/2018	Pagano Architects
Driveway Section Detail	A05.03	C	25/07/2018	Pagano Architects
Wall Façade Details	A05.04	A	25/07/2018	Pagano Architects
Photomontages	A05.05	A	25/07/2018	Pagano Architects
Height Analysis Diagram	A06.01	B	25/07/2018	Pagano Architects
Sun View Solar Study – Winter June 21 (Proposed)	A07.02	B	25/07/2018	Pagano Architects
Sun View Solar Study – Southern Properties	A07.03	B	25/07/2018	Pagano Architects
Adaptable Unit Layout Plan	A08.01	B	25/07/2018	Pagano Architects
FSR Area Diagrams	A09.01	B	25/07/2018	Pagano Architects
Landscape, Deep Soil & COS Area Diagrams	A09.02	A	25/07/2018	Pagano Architects
Exterior Finishes	A10.01	A	25/07/2018	Pagano Architects
Proposed Site Plan (Landscaping)	-	D	16/04/2019	Conzept Landscape Architects
Landscape Plan 1	19-10 1	D	16/04/2019	Conzept Landscape Architects
Landscape Plan 2	19-10 2	D	16/04/2019	Conzept Landscape Architects
Roof Garden Plan	19-10 3	C	04/04/2019	Conzept Landscape Architects



Hardscape Plan	19-10 4	C	05/04/2019	Conzept Landscape Architects
Specification & Detail	19-10 5	B	24/07/2018	Conzept Landscape Architects
Detail 2	19-10 6	D	16/04/2019	Conzept Landscape Architects
Cover Sheet, Legend and Drawing Schedule	D00	A	18/07/2018	Loka Consulting Engineers
Basement 2 Stormwater Drainage Plan	D01	A	18/07/2018	Loka Consulting Engineers
Basement 1 Stormwater Drainage Plan	D02	A	18/07/2018	Loka Consulting Engineers
Basement Stormwater Drainage Details	D03	A	18/07/2018	Loka Consulting Engineers
Ground Floor / Site Stormwater Drainage Plan	D04	C	18/12/2019	Loka Consulting Engineers
Site Stormwater Drainage Details	D05	B	18/12/2019	Loka Consulting Engineers
Soil and Water Management Plan and Details	D06	A	18/07/2018	Loka Consulting Engineers
Music Result and Details	D07	B	18/12/2019	Loka Consulting Engineers
Music Link Report	D08	B	18/12/2019	Loka Consulting Engineers

Report Name	Date	Reference	Prepared By
SEPP 65 Design Verification Statement	25/07/2018	-	Pagano Architects
Affordable Housing Schedule	-	Issue A	Pagano Architects
Traffic Management Report	24/04/2019	18NL157-T4	Loka Consulting Engineers
Traffic and Transport Impact Assessment	06/07/2018	18NL157-TIR1	Loka Consulting Engineers
Waste Management Plan	06/09/2019	18N157-WMP5	Loka Consulting Engineers
Noise and Vibration Management Plan	07/09/2018	2018-376	Acoustic, Vibration & Noise Pty Ltd
Drains Model Plan and Result	25/07/2018	18NL157.DR 01	Loka Consulting Engineers



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Stormwater Engineer letter	23/04/2019	18NL157	Loka Consulting Engineers
BASIX Commitment Report	13/07/2018	18NL157-BR1	Loka Consulting Engineers
BASIX Certificate	26/07/2018	944926M	Loka Consulting Engineers
NatHERS Group Certificate	26/07/2018	4BAWHK 5UK0	Loka Consulting Engineers
Access Assessment Report	02/07/2018	P18158	BCA Vision
BCA Design Compliance Report	02/07/2018	P18158	BCA Vision

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.

Comply with EP&A Act

3. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

Prescribed condition

4. In accordance with Section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the *National Construction Code*. Compliance with the Performance Requirements can only be achieved by:
 - a) Complying with the Deemed to Satisfy Provisions, or
 - b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
5. All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration.

In this regard, excavation of the site by use of pneumatic drill for the breaking of rock or any other vibrating equipment for excavation, is not permitted.



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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:

Section 7.11 Payment

6. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 - Established Areas as amended.

The total contribution is **\$171,984** and will be adjusted at the time of payment in accordance with the contributions plan.

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

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

Fee Payments – Land Development

7. 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, and
- c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

Privacy Screens

8. Prior to the issue of a Construction Certificate, amended plans detailing privacy screening to the western ends of the balconies of Units 402 and 502 shall be submitted to the PCA for approval.



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Photovoltaic Panels

9. Prior to the issue of a construction certificate, details photo-voltaic panels to be installed to the roof of the building and ancillary battery storage shall be submitted to the PCA for approval. At a minimum, the photo-voltaic panels shall generate power for lighting and electricity uses in common areas, including the basement parking area and corridors.

Access

10. 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.

Substation

11. Should a Pad-mount Electrical Substation be required and is required to be located outside the building envelope, the location and any associated fire separation walls must comply with Endeavour Energy Substation Design Instruction Document No SDI 104 (Current Version).

Notification

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

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

Fire Safety - Cladding

13. 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.

S138 Roads Act – Minor Works in the public road

14. 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:



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- 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.

Access, Car Parking and Manoeuvring – General

15. 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.
16. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
 - (a) Off street access and parking complies with AS2890.1,
 - (b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1,
 - (c) All cars can enter and exit the site in a forward direction
17. Detailed design plans for the access driveways and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Council's Traffic and Transport Section for review and approval.

Street Lighting

18. An assessment of adequacy of existing street lighting along the frontage of development site is to be submitted to Council's Traffic and Transport Section for review. A public lighting design brief in accordance with Council's and Endeavour Energy specifications along all the roads fronting the development site should be submitted to Council Traffic and Transport Section for review if additional street lighting is required.

Construction Environmental Management Plan

19. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:
 - a) Asbestos Management Plan;
 - b) Project Contact Information;



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- c) Site Security Details;
- d) Timing and Sequencing Information;
- e) Site Soil and Water Management Plan;
- f) Dust Control Plan;
- g) Waste Management Plan;
- h) Incident Management Contingency; and
- i) Unexpected Finds Protocol.

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

Construction Traffic Management Plan

- 20. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council's Traffic and Transport Section for approval prior to the issue of a Construction Certificate.

The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

- 21. All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.

Recommendations of Acoustic Report

- 22. The recommendations provided in the approved Noise and Vibration Management Plan shall be implemented and incorporated into the Construction Environmental Management Plan (CEMP). This includes, however is not limited to:
 - Vibration Roller class "I – Very Light" (if required) or lighter should be utilised when working within 5m from the neighbouring buildings or structures,
 - Noise Induction of all site staff,
 - Implementation of an appropriate community liaison procedure,
 - Monitoring and reporting program, and
 - Noise mitigation measure recommendations.

Mechanical Plant and Equipment

- 23. To ensure the proposed mechanical ventilation units/plants do not create a noise nuisance, an appropriately qualified acoustic consultant is to be appointed to undertake a review on whether the selected units/plants will meet the relevant noise criteria.

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



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Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Retaining Walls on Boundary

24. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

On-site Detention

25. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Loka Consulting Engineers Pty Ltd., reference number 18NL157, revision C, dated 18-12-19.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

Stormwater Discharge – Basement Car parks

26. 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.

S68 Local Government Act – Stormwater drainage works

27. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for connection to the existing Council Pit.



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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.

No Loading on Easements

28. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

Water Quality

29. 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.

Dilapidation report

30. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Harvey Avenue 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 15m either side of the development.

Dilapidation Report Private Property

31. 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.



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

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

Provision of Services

32. 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, 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. 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. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
 - The requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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



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35. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

Design Verification Statement

36. 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.

Crime Prevention Through Environmental Design

37. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building and the Construction Certificate documentation.
- (a) Back to base alarm systems shall be installed;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) 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; and
 - (f) Access to the parking levels of the building shall be controlled via a security controlled device.



Hazardous Waste

38. If more than 10sqm of asbestos construction materials (ACMs) are present across all the structures to be demolished, then details of the name, address and license details of the licensed asbestos contractor who will undertake the removal of all those materials must be submitted in writing to both Council and the Principal Certifying Authority. This must be accompanied by the name and address of the licensed facility to which the ACMs will be taken.

Waste Storage Area – Construction

39. All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:
- a) Sufficient space for access by residents, storage and easy manoeuvring of bins;
 - b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls coved to the floor;
 - c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
 - d) Adequate ventilation to the external air by natural or mechanical means;
 - e) The door to the room must be tight fitting and self-closing;
 - f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
 - g) Sufficient lighting to permit usage at night; and
 - h) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

Any modifications to the construction of the waste storage area require Council's prior written Approval.

Waste Storage Area

40. Any bin bays must be:
- (a) Provided with mechanical ventilation,
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage 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,



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- (e) 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,
- (f) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council,
- (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 is to be kept tidy,

C. PRIOR TO WORKS COMMENCING

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

Demolition Works

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

Construction Certificates

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



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Construction Certificate

43. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the *Environmental Planning and Assessment Act, 1979* means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
44. 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 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 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.

Site Development Work

45. 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.



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Traffic Control Plan

46. 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.

Notification of Service Providers

47. The approved development must be approved through the ‘Sydney Water Tap In’ service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to Council. Please refer to the website www.sydneywater.com.au for more information.

Sediment & Erosion Control

48. 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.

Waste Classification

49. 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.



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Waste Bins

50. Prior to any work, including demolition or site clearing beginning on site, all domestic waste bins that have been issued by Liverpool Council to 23 to 29 Harvey Avenue and which are currently at either of those premises must be returned to Liverpool Council. Call Council on 1300 36 2170 to arrange for the removal of the domestic bins and so their removal can be noted.

Waste

51. If the existing properties have air-conditioning systems that are to be removed as part of the demolition works, then prior to the removal/demolition of those air-conditioning units, any refrigerants must first be extracted from these systems into an air-tight container by a licensed air-conditioning technician. This container and its contents must be sent to a facility licensed to destroy such compounds for safe and secure destruction. Documentary evidence that this has been completed (if air-conditioning systems are present) must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

D. DURING CONSTRUCTION

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

Building Work

52. 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.
53. The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Identification Survey Report

54. 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.



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55. 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.

Site Works

56. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- a) name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)
 - b) name, address and telephone number of the PCA
 - c) a statement stating that 'unauthorised entry to the work site is prohibited'.

Excavation

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

Toilet Facilities

58. 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*.



Craning and Hoardings

59. 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.
60. 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 or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

Switchboards

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

Site Facilities

62. 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.

Security Fence

63. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council’s reserve area

Hours of Construction Work

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

General Site Works

65. 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.
66. 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.



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67. 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.
68. 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.
69. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
70. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council’s Design Guidelines and Construction Specification for Civil Works.

Erosion and sediment control

71. 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.
72. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
73. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
74. 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 is 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.

Construction Noise and Vibration

75. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the ‘Interim Construction Noise Guideline’ published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.



Complaints

76. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and is to include the following:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant;
 - f) if no action was taken in relation to the complaint, the reason(s) why no action was taken; and
 - g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

Car Parking Areas

77. 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.

Traffic Management

78. 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.
79. 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.



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80. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
81. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Contamination

82. 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).

Fill

83. 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.

Unidentified Contamination

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

Air Quality

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



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86. 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.
87. 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.

Ventilation

88. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

Water Quality

89. 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.

Environment

90. 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.

Drainage Connection

91. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

Major Filling/Earthworks

92. 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.

Waste Management Plan

93. 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.



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Demolition and Construction Waste

94. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
95. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips.
96. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.
97. Access arrangements for the various bin storage spaces must ensure that only residents can gain access to the residential waste bins and that only the staff and agents of the commercial shops can gain access to the commercial waste bins.
98. The waste bin storage area must be fitted with a fine grade drain cover to the sewer-connected drainage point, to prevent the entry of gross pollutants into the drainage system.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certificates

99. The premises shall not be utilised until an OC is 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.
100. 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 occupational certificate.
101. 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.



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102. 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.

Affordable Rental Housing

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

Terms of the Restriction on Use

The restriction applies for ten (10) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. 627/2018 issued by Liverpool City Council.

The restrictions are:

- (a) A minimum of 27 apartments (units G03, G07, G08, 101-112, and 201-212) will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (b) All recommendation that is used for affordable housing will be managed by a registered community housing provider;
- (c) Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and
- (d) Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.

Fire Safety – Cladding

104. 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.

Landscaping

105. 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.

Crime Prevention Through Environmental Design

106. Prior to the issue of an Occupation Certificate the following Crime Prevention Through Environmental Design principles are to be incorporated into the building:



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- (a) Back to base alarm systems shall be installed;
- (b) Basement parking areas shall be painted a light colour;
- (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
- (e) 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; and
- (f) Access to the parking levels of the building shall be controlled via a security controlled device.

Liverpool City Council clearance – Roads Act/ Local Government Act

107. 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.

Works as executed - General

108. 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.

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.

Stormwater Compliance

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

- a) On-site detention system/s;
 - b) Stormwater pre-treatment system/s;
 - c) 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.



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Restriction as to User and Positive Covenant

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

- a) On-site detention system/s;
- b) Stormwater pre-treatment system/s; and
- c) Basement carpark pump-out system

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

Rectification of Damage

111. Prior to the issue of an Occupation 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 Harvey Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Access and car parking

112. Access driveways, aisle and car park, line markings and sign posting delivered in accordance with the endorsed design plans. Disabled parking provision to comply with Australian Standards Part 6.

Dilapidation Report

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

Mechanical Ventilation Certification

114. A compliance certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- Certification that the building has been constructed to meet the relevant noise criteria in accordance with the approved acoustic review and that all recommendations have been adopted.



Noise Management Plan

115. A Noise Management Plan shall be prepared under the supervision of a suitably qualified acoustic consultant for the operation of the car park, driveway and associated areas. The Noise Management Plan shall be consistent with the recommendations of the Noise and Vibration Management Plan and must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by occupiers and visitors; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints.

The Noise Management Plan shall clearly specify responsibilities for managing noise and include a detailed list of steps taken to manage potential noise impacts. This documentation shall be submitted to the PCA and Council for review and approval prior to issue of an Interim or Final Occupation Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Redundant Laybacks

116. The redundant laybacks are to be removed and the kerb and gutter restored to the Councils standard.

Design Verification Statement

117. 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.

BASIX

118. 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.



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Garbage Services

119. Since no provision is to be made in the waste storage area for sufficient space for a green waste bins to store garden waste from the property, then the following restriction as to user shall also be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

'Liverpool City Council does not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste. The responsibility for the removal and legal disposal of any green waste rests entirely with the maintenance contractor appointed by the proprietors of the property.'

120. Prior to the issue of the Occupation Certificate, all waste facilities, equipment and chutes (with the exception of the waste bins) will be on site, fully built and operable, and all fixed permanent signage within and outside the various waste storage areas is to be installed in place.

Lot Consolidation

121. All separate lots shall be consolidated. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an OC.

F. CONDITIONS RELATING TO USE

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

Affordable Housing

122. A minimum of 45% the gross floor area of the development (27 units) is to be used for the purposes of affordable housing for 10 years from the date of issue of the OC. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.

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

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



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The certifying authority must advise Council, in writing of the name and contact details of the registered community housing provider.

Car Parking/Loading

123. A total of **60** off street car parking spaces must be provided onsite. A minimum of **6** spaces must be designed and signposted/marked for the specific use of persons with a disability.
124. A minimum of 36 bicycle storage spaces should be provided on the site, and 6 of these shall be made available for visitors.
125. All parking areas shown on the approved plans must be used solely for this purpose.
126. 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.

Graffiti

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

Waste Management

128. 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.
129. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
130. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

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

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



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

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

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

132. A separate storage area must be allocated for the holding of bulk waste prior to collection.

133. After the issue of an Occupation Certificate, but prior to residents/tenants commencing moving in, Council is to be contacted on 1300 26 2170 to determine the required number of residential 660 litre waste and recycling bins for that portion of the development and to make arrangements for the delivery of those bins to the property. The waste bins noted in the WMP as being supplied to the individual units must also be supplied at this point.

Note: Council will supply only those 660 litre waste bins that will be tipped directly to the Council contractor's waste truck, all other bins required for waste transfer and buffering of waste collection must be supplied by the proprietors of the property. Likewise, any bin hitches that may be required to move the bins must be supplied, fitted and maintained privately.

134. All bins are to be moved to the kerbside for emptying by agents of the strata no earlier than the afternoon before waste collection is to take place and must be moved back into the bin storage areas as soon as possible after the collection has taken place, which must be no more than 24 hours after collection.

135. The bin trailer must be kept maintained in an operable condition, and must be used at all times when the 660 litre waste bins are being moved either up from the basement bin storage area, or down to the bin storage area after emptying. This device must be used only by persons trained in its use, and must be kept secure at all other times. The bin lifter must also be kept maintained in an operable condition and used whenever 240 litre transfer bins are to be tipped into the larger bins.

136. The bin lifter and bin tug must only be used by individuals who have received appropriate training in their use, and must be kept secure from the building occupants.

137. All bulky household waste must be retained within households. For the removal of this type of waste, a booking must be made with Council by calling 1300 36 2170. The bulky household waste that has been booked to be removed may only be placed at the kerbside the evening before the date that Council has set as the pick-up date.



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Landscaping

138. 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.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

Noise and Environmental Emissions

139. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
140. Any alarm installed on the site is to be “silent back to base” type.

Noise Management Plan

141. The approved Noise Management Plan for the car park, driveway and associated areas prepared in accordance with the above condition shall be complied with at all times.

Use of air conditioner/s on residential premises

142. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7:00am or after 10:00pm on any other day; or
 - b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
 - c) emit a sound pressure level as measured over a 15 minute period (L_{Aeq} (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (L_{A90} (15 minute)) by more than 5 dB(A).

Lighting

143. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.



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Washing on Balconies

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

G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) 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.
- e) 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.
- f) "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.

- g) 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.



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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.

- h) 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.
- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) 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. Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- k) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

Should you have any queries please contact Adam Flynn on the phone number shown at the top of this page.



Nelson Mu
Acting Coordinator
Development Assessment



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ATTACHMENT 2: SECTION 7.11 PAYMENT FORM

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

Liverpool Contribution Plan 2009 (Established Areas)

Note to the applicant: When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the current CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-627/2018

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Whitlam Centre Extensions	\$8,326	GL.10000001869.10110
Central Library Extensions	\$5,651	GL.10000001870.10112
Powerhouse	\$4,898	GL.10000001870.10114
District Community Facilities		
Eastern	\$7,729	GL.10000001870.10098
District Recreation		
Eastern	\$28,661	GL.10000001869.10092
Local Recreation		
Moorebank	\$114,644	GL.10000001869.10100
Administration	\$2,075	GL.10000001872.10104
<u>TOTAL</u>	<u>\$171,984</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____



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ATTACHMENT 3: ENDEAVOUR ENERGY REQUIREMENTS

From: Cornelis Duba <Cornelis.Duba@endeavourenergy.com.au>
Sent: Wednesday, 17 October 2018 2:36 PM
To: LCC <LCC@liverpool.nsw.gov.au>
Cc: Adam Flynn <FlynnA@liverpool.nsw.gov.au>
Subject: LIVERPOOL CITY COUNCIL DEVELOPMENT APPLICATION DA-627/2018 RE 23 - 29 HARVEY AVENUE, MOOREBANK NSW 2170

The General Manager
 Liverpool City Council

ATTENTION: Adam Flynn, Development Assessment

Dear Sir or Madam

I refer to Council's letter of 28 September 2018 regarding Development Application DA-627/2018 at 23 - 29 HARVEY AVENUE, MOOREBANK NSW 2170 (LOTS 25, 26, 27 & 28 DP 236405) for 'Demolition of existing structures and the construction of a 6-storey residential flat building comprising of 58 units'. Submissions need to be made to Council by 19 October 2018.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (and extract from Google maps Street View) there are:

- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kV high voltage overhead power lines to the road verge / roadway.
- Low voltage overhead service conductors from the poles on the road verge to the customer connection points for the existing dwellings.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).



Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regards to whether the available electricity services are adequate for the development.

Appendix D Liverpool Development Control Plan 2008

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Part 1 General Controls for all Development		
Site Services	Electricity Sub Station <ul style="list-style-type: none"> • In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage. 	<ul style="list-style-type: none"> • Should a substation be required, the front setback of the site has ample area to accommodate one. Plans detailing the substation can be prepared should this be required by Council.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Older / above ground areas of the network utilising pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25 kilovolt amperes (kVA) up to a maximum of 400 kVA where as a newer padmount substation (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

Applicants should not automatically assume that the presence of existing low voltage service conductors or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Given the large size of the proposed development (58 units), the



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existing local network is unlikely be able to service the proposed development eg. existing pole mounted substation no. 4427 located just to the east of the site currently has 56 customer connection points servicing 76 premises. An extension and/or augmentation of the existing network is likely to be required, but the extent of the works cannot be determined until a detailed assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further redevelopment of urban areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>.

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>.

The low voltage service conductors for the new building must comply with the 'Service and Installation Rules of NSW' which can accessed via the following link to the 'Service and Installation Rules of NSW' can be accessed via the following link to the NSW Planning & Environment website:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>.

• Safety Clearances

The Statement of Environmental Effects indicates a front setback of 6m proposed and verandahs, eaves and other sun control devices may encroach on the front setback by up to 1m.

Any future proposed buildings, structures, etc. whether temporary such as site sheds, tower cranes used during construction etc. or permanent, and regardless of the Council's allowable building setbacks etc. under its development controls, must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in:

- Australian/New Zealand Standard AS/NZS 7000 – 2016: 'Overhead line design'.
- 'Service and Installation Rules of NSW' which can accessed via the following link to the NSW Planning & Environment website:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>.

Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times. As a guide please find attached a copy of Endeavour Energy Drawing 'Overhead Lines Minimum Clearances Near Structures'.

Whilst with there should be no issue with safety clearances to the proposed building, consideration still needs to be provided to SafeWork NSW document *Guide to Work Near Overhead Power Lines Code of Practice 2006* states the following when work in proximity to overhead service lines:

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

In addition the developer / builder should consider 'tiger tailing'/matting the overhead service lines to provide a distinct visual of the location of overhead construction ie. these are still not regarded as insulated conductors and safe approach distances need to be maintained.

• Earthing

The construction of any building or structure (including fencing, signage, flag poles etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons, equipment connected to the network and the electricity network itself at risk if there is a leaking/fault current which cannot flow into the grounding system and be properly dissipated.

• Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:



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Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Network Access

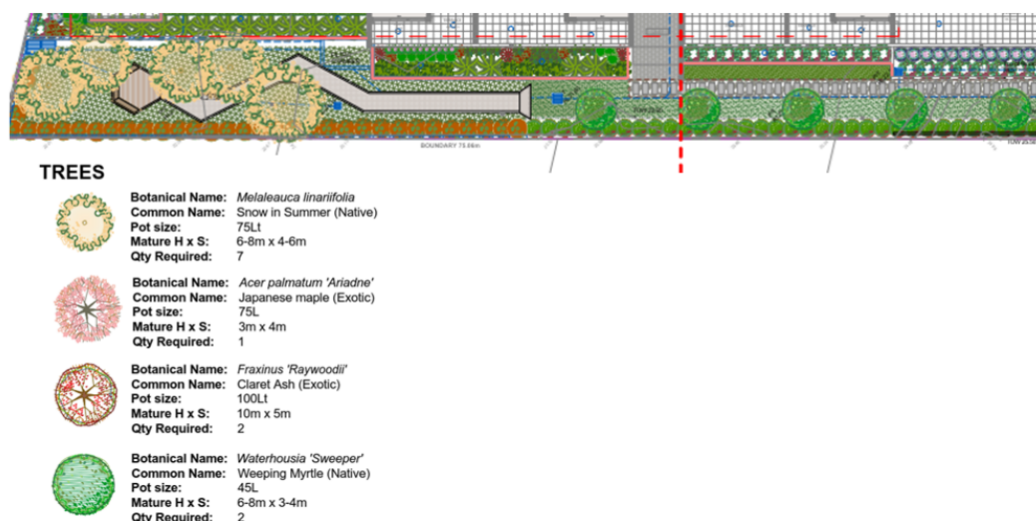
It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

If a padmount substation is required to facilitate the proposed development, please find attached for the applicant's reference a copy Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. The planting of trees near streetlights may result in the reduction of light levels and restrict access for the fixing of streetlight faults (a minimum clearance of 2 metres of the mature tree canopy is recommended by Endeavour Energy. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Endeavour Energy has noted that as shown in the following extract of the Landscape Plan the planting of trees is proposed to the front building setback in proximity of the existing electricity infrastructure to the road verge / roadway. Endeavour Energy's recommendation is that trees in proximity of electricity infrastructure be replaced with an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning. Consideration also needs to be given to the new service conductor/ customer connection point required to facilitate the proposed development of the site.



- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw-homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au .

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

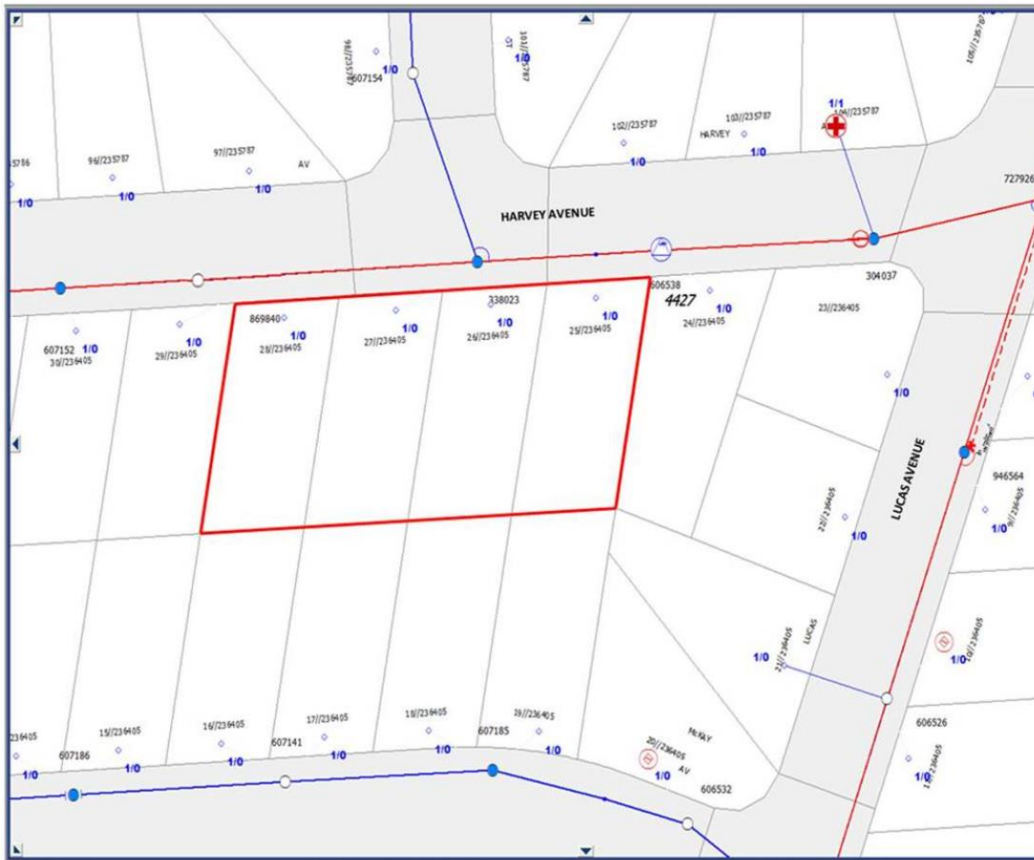


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Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application eg. if a substation is not required on site. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to Property@endeavourenergy.com.au is preferred.

Yours faithfully
 Cornelis Duba
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 Network Environment & Assessment
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