

## WITHOUT PREJUDICE CONDITIONS OF CONSENT

Pursuant to Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*, Council grants approval for such modification. Accordingly, Development Consent No. DA-64/2007 is amended as follows: - (*Amendments to conditions are in red and italics*)

**1. The Description of the development is modified to read as follows:**

*Construction of roads, intersection and pedestrian treatment, drainage works and associated subdivision of existing lots.*

**2. Condition 1.1 of Development Consent No. DA-64/2007 is modified to read as follows:**

*(1.1) Development must be carried out generally in accordance with the following plans and documents:*

- (a) Middleton Grange Southern Creek – Proposed water management strategy and Water Cycle Management Facility Design Report prepared by J. Wyndham Prince Pty Ltd numbered 7576/E1 – E34 Issue B dated Feb 06;*

*marked DA64/2007, and the following Section 96 Modification Application:*

- (b) Overall site plan prepared by J. Wyndham Prince Pty. Ltd, Plan numbered 9979/DA02, issue F, dated 30 May 2018.*

*Marked DA64/2007/B, except where modified by the under mentioned conditions.*

**3. Condition 1.5 of Development Consent No. DA-64/2007 is amended to read as follows:**

*1.5 Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site.*

*The proposed names must be in accordance with Council's Street Naming Policy.*

*Notes: Allow eight (8) weeks for notification, advertising and approval.*

**4. Condition 6.1 of Development Consent No. DA-64/2007 is amended to read as follows:**

***S138 Roads Act – Minor Works in the Public Road***

*6.1 Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City*

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*Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:*

- 1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),*
- 2. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or*
- 3. 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.*

**5. Condition 6.2 of Development Consent No. DA-64/2007 is amended to read as follows:**

*6.2 Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or accredited certifier.*

*a) These plans must satisfy the following requirements:*

- (i) Council's current Design and Construction specification for subdivisions (as amended, and supplementary code;*
- (ii) Council's Trunk Drainage Scheme(s);*
- (iii) Council's Development Control Plan; and*
- (iv) All proposed road and drainage works must adequately match existing infrastructure.*

*b) These plans must incorporate the following:*

- (i) A geotechnical report forming the basis of a road pavement design;*
- (ii) A geotechnical report identifying any contamination of the site, the chemicals present, and proposed remediation required.*

**6. Condition 6.3 of Development Consent No. DA-64/2007 is deleted.**

**7. Conditions 6.4, 6.5, 6.6, 6.7, 6.8 & 6.9 are inserted to form part of Development Consent No. DA-64/2007:**

*6.4 No Construction Certificate shall be issued until such time the planning proposal associated with the site is approved and the road configuration depicted in Part 2.5 of Liverpool Development Control Plan is formally amended to reflect the road layout as modified by DA64/2007/B.*

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*6.5 Prior to the issue of any Construction Certificate and following the satisfaction of condition 6.4, the applicant shall provide the following:*

- *Revised traffic report addressing the intersection control including provision of adequate intersection footprint capable of accommodating traffic signal control in the future. These include :*
  - *Road 3 / Flynn Ave / Onslow Gardens*
  - *Southern Cross Avenue (Seventeenth Ave East) / Road 3*
  - *Southern Cross Avenue (Seventeenth Ave East) / Road 4*
- *Enter into agreement with Council regarding developer contributions towards required road improvements on the outskirts of the development site.*
- *Set back its development by about 4.1m from Southern Cross Avenue to ensure the provision of a 21.6m wide collector road.*
- *Agreement with a bus operator to provide 5-year shuttle bus service between Middleton Grange Town Centre and Liverpool CBD.*

*6.6 Prior to the issue of any Construction Certificate any proposed Work in Kind sought by the applicant must be submitted to and approved by Council. The submission must be in accordance with Council's current WIK Policy & Section 7.11 plans.*

*6.7 A Subdivision Plan for the required subdivision so as to enable the dedication of roads to Council shall be submitted to and approved by the Manager Development Assessment of Liverpool City Council prior to the issue of any Construction Certificate.*

*6.8 Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road and drainage works in Qantas Blvd, Southern Cross Ave, Flynn Ave and Hall Circuit.*

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

*Note: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.*

**8. Condition 7.1 of Development Consent No. DA-64/2007 is deleted.**

**9. Conditions 8.2, 8.3, 8.4, 8.5, 8.6, 8.7 & 8.8 are inserted to from part of Development Consent No. DA-64/2007:**

*8.2 The proposed modification of the natural channel into box culvert shall not have any adverse flooding impact in the vicinity.*

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- 8.3 *Three (3) x 3600mm x1200mm reinforce concrete box culvert shall be installed for the safe conveyance of stormwater flows as indicated in the drawings by J. Wyndham Prince Pty (Ref: Plan No: 9979/DA14, Issue: F, dated: 30/05/2018 and Plan No: 9979/DA15, Issue: B, dated: 30/05/2018).*
- 8.4 *Updated flood study report including the model results from the 100% culvert blocked scenario during the 1% and PMF storm events shall be submitted to Council's Flooding department for approval. The updated report shall include post-development 1% AEP and PMF flood level contours.*
- 8.5 *Electronic copies of XP-RAFTS and TUFLOW models shall be submitted to Council for approval.*
- 8.6 *All TUFLOW modelling files shall be submitted preserving relevant subfolders so that pre and post-development model simulations can be undertaken, if needed. Along with other files, the TUFLOW modelling files shall include TUFLOW Control Files (.tcf); geometry files (.tgc); boundary files (.tbc); boundary condition databases/input time-series data.*
- 8.7 *TUFLOW simulations shall generate "Check Files" for both pre and post-development scenarios. TUFLOW modelling files shall include all files generated during the model simulations including "Check" subfolder containing all "Check Files", TUFLOW log files and messages layers and GIS Workspaces.*
- 8.8 *TUFLOW result files obtained from both pre and post-development simulations for 1% AEP and PMF events shall be submitted to Council. The result files shall contain maximum water level (h), flood depth (d), velocity (v) and unit flow (q). TUFLOW results shall be supplied in xmdf or dat format.*
- 10. Condition 11.2 of Development Consent No. DA-64/2007 is amended to read as follows:**
- 11.2 *Prior to the issue of the Construction Certificate, 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 Principal Certifying Authority.*
- 11. Condition 12.1 of Development Consent No. DA-64/2007 is amended to read as follows:**
- Stormwater Concept Plan***
- 12.1 *A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J. Wyndham Prince, reference number 9979/DA, revision F, dated 30.05.2018.*
- (a) *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.*

- (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.*
- (c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.*

**12. Condition 12.2 of Development Consent No. DA-64/2007 is amended to read as follows:**

***Water Quality***

*12.2 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:*

- (a) Specification & installation details of the stormwater pre-treatment system*
- (b) 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.*

**13. Condition 12.3 of Development Consent No. DA-64/2007 is deleted.**

**14. Condition 13.2 of Development Consent No. DA-64/2007 is amended to read as follows:**

*13.2 Road construction (full width) – full formation and full width road shall be constructed at Flynn Avenue, Qantas Boulevard, Hall Circuit and Southern Cross Avenue (Road No. 7) – adjacent to the subject land to include kerb and gutter, drainage, pavement construction, sealing and service adjustments in accordance with Council's current design and construction specification for subdivision (as amended) and to the satisfaction of the roads authority if within an existing dedicated road reserve, or by the roads authority or principal certifier if not within a dedicated road reserve.*

**15. Conditions 13.7 & 13.8 are inserted to from part of Development Consent No. DA-64/2007:**

13.7 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

<b>Road No.</b>	<b>Road Reserve Width</b>	<b>Carriageway Width</b>	<b>Verge</b>	<b>Footpath (1.5m wide)</b>	<b>ESA</b>
<i>Flynn Ave</i>	<i>20.1</i>	<i>9.7</i>	<i>6.3 &amp; 4.1</i>	<i>1.5</i>	<i>2 X 10<sup>6</sup></i>
<i>Rene Ave(name not approved)</i>	<i>18.0</i>	<i>12.8</i>	<i>3.4 &amp; 1.8</i>	<i>1.5</i>	<i>3 X 10<sup>5</sup></i>
<i>Qantas Blvd &amp; Hall Crt</i>	<i>15.2</i>	<i>7.2</i>	<i>4 &amp; varies</i>	<i>1.5</i>	<i>2 X 10<sup>6</sup></i>
<i>Qantas Blvd</i>	<i>21.4</i>	<i>12</i>	<i>3.8 &amp; 5.3</i>	<i>1.5</i>	<i>2 X 10<sup>6</sup></i>
<i>Middleton Ave</i>	<i>21.4</i>	<i>13.6</i>	<i>3.9</i>	<i>1.5</i>	<i>2 X 10<sup>6</sup></i>
<i>Bravo Ave</i>	<i>10.5</i>	<i>7.5</i>	<i>2.5 &amp; 0.5</i>	<i>1.5</i>	<i>3 X 10<sup>5</sup></i>
<i>Bravo Ave</i>	<i>8</i>	<i>5</i>	<i>2.5 &amp; 0.5</i>	<i>1.5</i>	<i>3 X 10<sup>5</sup></i>
<i>Licata Ave ( name not approved)</i>	<i>17.4</i>	<i>9.4</i>	<i>4</i>	<i>1.5</i>	<i>3 X 10<sup>5</sup></i>
<i>Southern Cross Ave</i>	<i>21.6</i>	<i>13.5</i>	<i>4.1</i>	<i>1.5</i>	<i>2 X 10<sup>6</sup></i>

### **Road Safety Audit**

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

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

**16. Conditions 16.1 of Development Consent No. DA-64/2007 is amended to read as follows:**

16.1 A site remedial action plan must be prepared by a suitably qualified person and certified by an Accredited Site Auditor. This must be submitted to the Manager

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*Development Assessment of Liverpool City Council for review and approval. This site remedial action plan must be prepared in accordance with the following:*

- a) State Environmental Planning Policy No 55 – Remediation of Land*
- b) EPA Guidelines for Consultants Reporting on Contaminated Sites (1997)*
- c) EPA Assessment of Orchard and Markey Garden Contamination – Contamination Sites Discussion Paper.*
- d) AS4482.1 – 1997 – Guide to the sampling and investigation of potentially contaminated soil.*
- e) NSW EPA Sampling Design Guidelines (1995)*
- f) The capping or containment of contaminated material on-site is strictly prohibited.*

**17. Condition 26.2 of Development Consent No. DA-64/2007 is amended to read as follows:**

*26.2 Prior to the issue of a Construction Certificate, the applicant shall undertake a Site Contamination Assessment to confirm the presence of pollutants or other contaminants that represent or potentially represent a direct or indirect threat to public health and safety. The Site Contamination Assessment shall be carried out by a suitably qualified and accredited consultant or Site Auditor as defined under the provision of the Contaminated Land management Act 1997, NSW EPA Sampling Design Guidelines (1995) and State Environmental Planning Policy No 55 – Remediation of Land. The works shall be in conformance to the EPA Guidelines for Consultants Reporting on Contaminated Sites and Australian Standard AS 4482.1 – 1997 Guide to the sampling and investigation of potentially contaminated soil Part 1: Non-volatile and semi volatile compounds. The Report detailing the findings of the site assessment and any recommendations including remediation works shall be submitted to the Manager Development Assessment of Liverpool City Council for approval.*

**18. Condition 31.1 of Development Consent No. DA-64/2007 is amended to read as follows:**

- 31.1 Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority: Nominate*
- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be*



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*provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans,*

- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding),*
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges,*
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council,*
- e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries,*
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification,*
- g) Structural Engineer's construction certification of all structures, and*
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:*
  - I. Compaction reports for road pavement construction,*
  - II. Compaction reports for bulk earthworks and lot regrading,*
  - III. Soil classification for all residential lots, and*
  - IV. Statement of Compliance.*

**19. Condition 31.2 of Development Consent No. DA-64/2007 is amended to read as follows:**

*31.2 Road construction (full width) – full formation and full width road shall be constructed at Flynn Avenue, Qantas Boulevard, Hall Circuit and Southern Cross Avenue (Road No. 7) – adjacent to the subject land to include kerb and gutter, drainage, pavement construction, sealing and service adjustments in accordance with Council's current design and construction specification for subdivision (as amended) and to the satisfaction of the roads authority if within an existing dedicated road reserve, or by the roads authority or principal certifier if not within a dedicated road reserve.*

**20. Condition 31.3 of Development Consent No. DA-64/2007 is amended to read as follows:**



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*31.3 All roads shall be dedicated to Council as public roads with the issue of any subdivision certificate for the proposed development.*

**21. Condition 31.4 of Development Consent No. DA-64/2007 is amended to read as follows:**

*31.4 Prior to the issue of any Subdivision Certificate, lots shown as open space on the approved overall site plan shall be dedicated to Council. Details are to be included with the proposed plan of subdivision.*

**22. Condition 33.1 of Development Consent No. DA-64/2007 is amended to read as follows:**

*33.1 In order to enable a Subdivision Certificate to be issued, the applicant is required to submit a linen plan of subdivision, together with six (6) copies for approval prior to submission at the Land Titles Office.*

**23. Condition 33.6 of Development Consent No. DA-64/2007 is deleted.**

**24. Condition 34 of Development Consent No. DA-64/2007 is amended to read as follows:**

**34 Service Providers**

*The following documentation is to be provided prior to the release of the subdivision certificate:*

- 1. Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.*

*Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.*

- 2. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.*
- 3. Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:*
  - i) The requirements of the Telecommunications Act 1997;*
  - ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and*
  - iii) 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*

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*pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications.*

**25. Condition 35 of Development Consent No. DA-64/2007 is amended to read as follows:**

**35 Footpaths**

*Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.*

All other conditions of Development Consent No. DA-64/2007 remain unchanged.