



Liverpool city council
creating our future together

Our Ref: DA 64/2007
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Date: 5 October 2006

STATELAND DEVELOPMENT P/L
C/- PO BOX 4366
PENRITH WESTFIELDS 2750

**ENVIRONMENT PLANNING AND ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF AN INTEGRATED DEVELOPMENT APPLICATION**

Being the applicant in respect of Development Application No. DA64/2007 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool City Council as Consent Authority of the above Development Application relating to:

OWNER: STATELAND DEVELOPMENT P/L
1345 THE HORSLEY DRIVE
WETHERILL PARK NSW 2164

LAND: LOTS 263 & 264 D.P. 2475, LOT 1 D.P. 612938
SIXTEENTH AVENUE EAST & LOT 2 D.P.
1078564 SEVENTEENTH AVENUE EAST
MIDDLETON GRANGE

PROPOSED DEVELOPMENT: Subdivision of existing lots into: eight (8)
torrens title lots, four (4) public reserve lots,
three (3) residue lots and associated roads and
drainage works

DETERMINATION: CONSENT GRANTED SUBJECT TO
CONDITIONS DESCRIBED BELOW

CONSENT TO OPERATE FROM: 5 October 2006

CONSENT TO LAPSE ON: 5 October 2008
(UNLESS SUBSTANTIALLY COMMENCED)

ATTACHMENTS: 1. Conditions of Approval
2. Department of Natural Resources
General Terms of Approval

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

CONDITIONS:**A. THE DEVELOPMENT**

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

1. GENERAL

- (1.1) Development must be carried out generally in accordance with Development Application received on the 20 July 2006 and:

- (a) Plans prepared by J. Wyndham Prince Pty. Ltd, Plan numbered 7887/P1 Issue A dated June 06, plans numbered 7887/P2 - P6 Issue A, dated July 06, and Plan numbered 7887/P1 Issue A – Sheet 1 of 1 dated June 06 as amended with street names and received by Council on 15 August 2006,
- (b) 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 – E 34 Issue B, dated Feb 06;

marked DA64/2007 unless modified in red and by the under mentioned conditions.

- (1.2) 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).
- (1.3) 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.
- (1.4) The development is to adhere to recommendations outlined in Section 8 of the Report No. JC05048A Preliminary Contamination, Salinity and Geotechnical Investigation, Middleton Grange Town Centre Assessment prepared by GeoEnviro Consultancy Pty Ltd dated January 2006.

STREET NAMING

- (1.5) The following street names apply to the newly created streets:

- (a) Proposed Road No.6 – Swoffer Avenue
- (b) Proposed Road No.7 – Hall Circuit
- (c) Proposed Road No.8 – Ansett Drive
- (d) Proposed Road No.9 – Globe Lane
- (e) Proposed Road No.10 – Menz Avenue
- (f) Proposed Road No.11 – Qantas Avenue
- (g) Proposed Road No.18 – Bonython Road
- (h) Proposed Road No.20 & 22 – Hall Circuit
- (i) Proposed Road No.21 – Chubbie Street

2. SECTION 94 CONDITION

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 2001 as amended.

The total contribution is **\$548,920.00**, and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.

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

Whitlam Centre extensions and Liverpool Central Library

Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.

Capital Works, Administration, Professional and Legal Fees Components

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution At Time Of Payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

C =	Original contributions as shown on the consent
CPI₂ =	Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics
CPI₁ =	"Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent

Land Component

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution At Time Of Payment} = \frac{L \times L_2}{L_1}$$

Where:

L =	The Original contributions as shown on the consent
L₂ =	Average estimated land value per square metre for the catchment at the time of payment
L₁ =	Average estimated land value per square metre for the catchment at the time of development consent

Where a developer undertakes to transfer land, or provide a material public benefit, which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool.

Please Note: Payment must be accompanied by the attached form.

B. OPERATIONAL MATTERS

These conditions pertain to the use of the site and have been imposed to ensure that the development and its operations do not interfere with the amenity of the surrounding area.

3. THE ENVIRONMENT

- (3.1) The development, including construction works and use, must be undertaken in accordance with a permit under Part 3A of the Rivers and Foreshores Improvement Act, 1948 issued by the Department of Infrastructure Planning and Natural Resources.
- (3.2) The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or Environmentally Significant Land.
- (3.3) No materials, goods or rubbish or other matters are to be store in any bushland area at any time prior to, during or post construction.
- (3.4) The applicant is to arrange with the service providers for any above ground service risers to be constructed clear of pedestrian ways in recessed unobtrusive locations. The existing or future pedestrian movements in the public road are substantial. Should any service provide require/insist the applicant/developer to build service risers as obstructions or safety hazards in the footpath/road reserve contrary to Council's requirements then the applicant is to refer the request to Council for negotiation direct with the Service Network Authority.

4. WASTE STORAGE AND DISPOSAL

The following conditions have been imposed to ensure that the development provides adequate waste storage disposal facilities:

- (4.1) 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 or obstructing the exit of the building.
- (4.2) All solid and liquid waste is to be removed from the site by a registered waste contractor.
- (4.3) All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

- (4.4) The Waste Management Plan submitted to and approved by Council shall be adhered to at all times throughout all stages of the development. Source separation of materials and maximum re-use and recycling of materials are requirements of Council's Waste Not Development Control Plan and shall be implemented at all times. The applicant is required to keep supporting documentation (receipts/dockets) of re-se/recycling/disposal methods carried out, which shall 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.

5. VEGETATION

The following conditions have been imposed to ensure adequate provision is made for the protection of existing vegetation:

- (5.1) All trees and vegetation within the area identified as the drainage canal shall be retained. All existing trees within this area shall be protected from damage during site works. This protection is to consist of a temporary fence being erected a minimum of three metres from the main trunk of each tree. Trees may be fenced off in clusters where it is not practical to fence individual trees. There is to be no storing of materials or washing machinery or changing of existing soil levels within these fenced areas.

C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

6. DEVELOPMENT DETAILS

SEPTIC/ STORMWATER/ HOARDINGS/ ROAD

- (6.1) A separate application for a permit to carry out works must be issued by Council for:
- a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit is **half road construction adjacent to Sixteenth and Seventeenth Avenue.**
 - b) The design and construction of any on site detention system and associated connecting pipework to Council's street drainage shall be the subject of an application to Council for a Permit to Carry Out works (Roads Act, 1993).

- (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 an 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 Plans; 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. An acoustic report identifying the height of the required acoustic fence to achieve the noise levels as defined in Council's DCP No.4;
- iii. A geotechnical report identifying any contamination of the site, the chemicals present, and proposed remediation required; and

- (6.3) All on site detention shall be checked and certified by an accredited stormwater drainage designer prior to issue of the Construction Certificate for Building Works.

7. OWNER'S AGREEMENT

- (7.1) An agreement in writing from the adjoining owners stating that approval is given for the disposal of downstream drainage onto their property shall be submitted to Council. An easement to drain water shall be created by the applicant over the area affected by downstream drainage. All costs associated with value of land and the easement created are to be borne by the applicant.

8. FLOODING

- (8.1) Drainage channel works shall ensure that the 1% Annual Exceedance Probability flood can be conveyed at all times without adversely impacting on the flooding experienced by properties upstream of the development.

9. PART 3(A) PERMIT

- (9.1) Prior to the issue of the Construction Certificate evidence of a 3A permit is to be provided to Council in accordance with the Department of Infrastructure Planning and Natural Resources requirements.

10. TRAFFIC

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

- (10.2) The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA for building prior to Issue of the Construction Certificate Building works. A copy of the stamped approved Roads Act Permit and Traffic Management Plan is to be available on the works site for inspection at any time by an authorised Council officer (representing the Road Authority).

11. PROVISION OF SERVICES

The following documentary evidence is to be obtained by the PCA prior to the issue of any Construction Certificate:

- (11.1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following 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. The notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

- (11.2) Prior to the issue of the construction certificate, written clearance from Integral 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.

12. STORMWATER

The following conditions have been imposed to ensure that the drainage collected on and/ or passing through the site is conveyed through a controlled system to minimise any impact on the subject land, downstream properties or the environment.

- (12.1) A stormwater drainage plan, including hydraulic calculations based on a **1 in 5 year** storm (ARI), is required. The plan must show how the stormwater generated by this site, and other interallotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On-Site Detention Policy.

- (12.2) Stormwater Quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The devices shall not be endorsed by Council or the accredited certifier unless all devices are approved for use in Liverpool City Council Local Government Area.
- (12.3) The proposed drainage must be connected into appropriate drainage system. The temporary On-Site Detention (OSD) will be required if the proposed drainage channel (Southern Creek) is not constructed prior to issue of a Construction Certificate. The OSD shall be constructed and designed in accordance with Council's On-Site Detention Policy. The detailed drainage plan, including hydraulic calculation based on a 1 in 100 years storm (ARI) is to be submitted. The applicant is to contact Council to determine the maximum allowable discharge from site.

13. PUBLIC ROAD DESIGN / CONSTRUCTION WITHIN ROAD RESERVE AREAS

The following conditions have been imposed to ensure that adequate and safe vehicular and pedestrian access is provided to and from the site, and roads are built to a satisfactory standard.

- (13.1) All roads are to be designed to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into their roads or swales, as appropriate, connecting into the major trunk drainage system.
- (13.2) ROAD CONSTRUCTION (HALF WIDTH) – Full formation and half width road minimum 5.5m wide shall be designed and constructed at half road at Sixteenth and Seventeenth Avenue – adjacent to the subject land to include kerb and gutter, footpath formation, 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. Engineering details shall be submitted in conjunction with the Construction Certificate application for approval, to the Roads Authority. Where the works are within an existing dedicated road reserve, the Section 138 Roads Act Permit to Carry Out Works permit is to be obtained from Council by the applicant prior to other construction certificates being issued by the Private Certifier (subdivisions) for works under the Environment Planning and Assessment Act 1979.
- (13.3) All lots are to be designed to have a continuous fall of minimum 1%. The fall is to be to the front and continuous across the footpath wherever practicable.
- (13.4) Lots are to be designed with a minimum of 150mm of topsoil over all lots and footpaths.

- (13.5) **EROSION & SEDIMENT CONTROL** – Erosion and sediment control measures shall be designed in accordance with the requirements of the Department of Housing 1998 manual "Managing Urban Stormwater – Soils & Construction" and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.
- (13.6) The applicant is to provide a road lighting design plan for the development with due consideration given to all areas operating characteristics, proposed traffic management devices and intersections including all works within the road reserve and adjoining public spaces. The applicant shall request from Council's Transport Planning Section, the appropriate lighting subcategories required for the development. The lighting subcategory provided to the applicant from Council will be consistent with the requirements of Australian Standard AS/NZS 1158 – Road Lighting.

The design shall be prepared by a level 3 service provider (listing of accredited providers may be obtained from the Ministry of Energy and Utilities. Telephone – 9901 8816).

On completion of the road lighting design plans, the plans and a schedule of annual charges shall be forwarded to Council's Transport Planning Section for their acceptance of the ongoing maintenance charges. These plans shall include a statement by the designer certifying that the design meets Council's specification and all requirements of AS/NZS 1158. Construction Certificates for the development shall not be issued prior to Council providing this letter of acceptance.

This letter of acceptance and approved plans shall then be submitted to Integral Energy for their approval and certification for connection to their public lighting network.

Subdivision certificate/Occupation certificate shall not be issued prior to Council receiving a compliance certificate from Integral Energy stating that the applicant has made the necessary arrangements with Integral Energy for the provision of the approved public lighting works.

14. CONSTRUCTION AND PUBLIC SAFETY REQUIREMENTS

The following conditions have been imposed to ensure the development meets building design and structural standards.

- (14.1) The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Reason: To keep safe the public way during development work on neighbouring land, the subject of this development consent.

15. STRUCTURAL DETAILS / SEDIMENT CONTROL / SITE FILLING / RETAINING WALLS / BCA:

- (15.1) 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.
- (15.2) Any proposed wall used to retain one property from another must be of masonry construction and shall be designed by a suitably qualified person and details are to be included with the plans and specification to accompany any construction certificate.

16. SITE CONTAMINATION

The following conditions have been imposed to ensure that any site contamination is appropriately remediated:

- (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 relevant principal certifying authority. This site remedial action plan must be prepared in accordance with the following:
- a) EPA Guidelines for Consultants Reporting on Contaminated Sites (1997);
 - b) EPA Assessment of Orchard and Market Garden Contamination – Contamination Sites Discussion Paper.
 - c) AS4482.1 – 1997 – Guide to the sampling and investigation of potentially contaminated soil.

D. PRIOR TO ANY WORK COMMENCING ON THE SITE

The following conditions are to be complied with prior to any work commencing on the site.

17. CONSTRUCTION CERTIFICATES

- (17.1) Detailed engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Act, and a copy submitted to Council, with payment of any relevant fees. The fees will include damaged deposit, road opening, damaged inspection fee and any required Section 94 payment or bond. You are required to contact Council's Customer Service Centre to confirm the current amounts.
- (17.2) Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent with the approved Development Application plans.
- (17.3) Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering Construction Certificate and a separate Building Construction Certificate.

18. NOTIFICATION

- (18.1) The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
- (18.2) The Accredited Certifier shall advise Council, of the date it is intended to commence the work which is the subject of the "Complying development" certificate by completing a "Notice of Commencement of BUILDING OR SUBDIVISION WORK" form available from Council's front counter. A minimum period of two (2) working days, notification shall be given.

19. DEMOLITION WORK

- (19.1) Prior to demolition the proponent shall investigate the existing building(s) on the land for the presence of asbestos. All asbestos shall be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover and the environment Protection Authority

20. SITE FACILITIES

- (20.1) The following facilities shall be installed on the site:
 - a) Adequate refuse disposal methods and builders storage facilities. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

21. SITE NOTICE BOARD

- (21.1) A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign must state:
- a) Unauthorised entry to the premises is prohibited, and
 - b) The name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours.

22. NOTIFICATION OF SERVICE PROVIDERS

- (22.1) Construction Certificate plans as submitted to Council are to be approved by Sydney Water, to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

23. PLANS/ REPORTS

- (23.1) A dilapidation report is to be undertaken prior to commencement of works. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of this report is to be provided to Council.

E. DURING CONSTRUCTION/ WORKS

The following conditions are to be complied with whilst works occurring on the site:

24. LANDFILL

- (24.1) Where site filling is necessary, it must be carried out in accordance with Council's Construction Specification (as amended), AS3798 Guidelines for Earthworks for commercial and Residential Development (as amended) and approved drawings by the accredited certifiers or Council. A minimum of 95% standard compaction must be achieved and certified by a suitably qualified geotechnical engineering consultant. Testing is to be in accordance with Council specifications for "Construction of Subdivisional Roads and Drainage Works."
- (24.2) Landfill materials must satisfy the following requirements:
- (a) Be non-putrescible solid waste;
 - (b) Be free of slag, hazardous, contaminated, toxic or radioactive matter; and
 - (c) Be free of industrial waste and building debris
- (24.3) Trucks transporting fill are to have their loads covered.
- (24.4) Where the land is to be filled, graded or roadworks constructed, it will be necessary that regular watering down of operations be carried out. Where the creation of dust during earthworks is a problem, Council may direct that such work is not to proceed when the wind velocity exceeds five knots.

25. HOURS OF OPERATION

- (25.1) Construction/ civil work is only permitted on the site between the hours of 7am to 6pm Monday to Friday and, 8am to 1pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.
- (25.2) Deliveries shall occur only between the hours of 7am and 7pm, Monday to Friday and, between 7am and 7pm on Saturday, and shall not occur at any time on Sundays or Public Holidays.

26. SITE CONTAMINATION

- (26.1) All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- a) A full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination; or
 - b) A chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - c) Must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
- (26.2) 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. 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 Principal Certifying Authority prior to issue of construction certificate.

27. AIR QUALITY AND EROSION CONTROL

- (27.1) Dust screens are to be erected around the perimeter of the subject land during land clearing, excavation and construction and until such time as the soil is stabilised.
- (27.2) 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 Principal Certifying Authority may direct that such work is not to proceed.

- (27.3) 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.
- (27.4) 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.

28. WATER QUALITY

- (28.1) 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 Soil and Water Management Plan and or Erosion and Sediment Control Policy.
- (28.2) Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grassing.

29. POLLUTION CONTROL

- (29.1) Waste water from the washing of concrete forms or trucks shall not enter the stormwater drainage system. To ensure that the Protection of the Environment Act is not breached.
- (29.2) The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material. To ensure that the Clean Waters Act is not breached.

30. GENERAL SITE WORKS

- (30.1) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- (30.2) The property must be surrounded by a security fence, and the gate must be locked outside the operating hours to prevent unauthorised tipping at the property.
- (30.3) 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.
- (30.4) All demolition work is to be carried out in accordance with the requirements of Australian Standard 2601-1991. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.
- (30.5) Alterations to the natural surface contours must not impede or divert natural surface water runoff in such a way that it causes a nuisance to adjoining property owners.

F. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of a subdivision certificate:

31. GENERAL

- (31.1) A Works as Executed (WAE) plan is to be prepared by a licensed surveyor indicating details of drainage pits, pipes (on site detention system if applicable), and whole of site actual surface contours at the standard of the approved design. The WAE plan is to be checked by a practising drainage designer. The designer shall provide a certification statement that the constructed works are substantially in accordance with the approved design. The "Works As Executed" Plan is to be submitted to the principal certifying authority identifying all features of the physical works as set out in Council's specification for subdivision (as amended).
- (31.2) ROAD CONSTRUCTION (HALF WIDTH) – Full formation and half width road minimum 5.5m wide shall be constructed at half width at Sixteenth and Seventeenth Avenue – 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.
- (31.3) Prior to the issue of any subdivision certificate, all roads shall be dedicated to Council as public roads.
- (31.4) Prior to the issue of any subdivision certificate, Lots 5, 13, 14 and 15 shall be dedicated to Council.

32. ENGINEERING WORK

- (32.1) The following compliance certificates will be required to be submitted with an application for a Subdivision Certificate. The list is indicative only and assumes a conventional subdivision. Other compliance certificates may be required for "one off" components not covered by this list. All compliance certificates are to be submitted by the accredited certifier for the development.
- a) General Certificates:
- Lodgement of Bonds
 - Lot Filling
 - Geotechnical Testing and Reporting Requirements
 - Service Authority Clearances
- b) Construction:
- Implementation of Soil Erosion Plan (several required at appropriate stages)
 - Implementation of Traffic Control Plan
 - Log book listing details of all inspections undertaken during construction

c) Road pavement

- Subgrade (Reduced Levels, Roller Test)
- Each Subbase Layer (Depth, Roller Test)
- Base Course Layer (Depth, Roller Test)
- Wearing Course (Depth, grading)
- Subsoil Drains
- Service Crossings

d) Pipework:

- Trench Excavation (Line, Grade, Location)
- Bedding (Type, compaction)
- Pipework (before backfill)
- Backfill (compaction)

e) Stormwater Pits:

- Pit Base
- Walls
- Lintel sizes

f) Kerb and Gutter:

- Kerb line and level
- Concrete compaction
- Finish

g) Footpath formed to profile

h) A compliance certificate will be required to demonstrate that the site has been remediated in accordance with the Construction Certificate and the supporting contamination report. To this effect a site remediation report must be produced by an EPA accredited geotechnician, or to the satisfaction of the EPA.

i) Traffic management works undertaken in accordance with construction certificate Traffic Management Plan

j) Final inspection

- (32.2) Land filled in excess of 300mm to be compacted to 98% Standard dry density ratio (AS1289 E4.1). Each lot, whether filled or not, to be classified in terms of the Australian Standard for Residential Slabs and Footings (AS2870) prepared by a NATA registered soil testing consultant. Where the lot classification is H, a restriction will be required on the title of that lot that special footings for any building may be required. A classification of E or P is unacceptable.

33. LINEN PLANS AND 88B INSTRUMENTS

- (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 fifteen (15) copies for approval prior to submission at the Land Titles Office.
- (33.2) The applicant shall pay the standard fee for the purpose of subdivision certificate administration, linen checking and release.

- (33.3) The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
- (33.4) Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in Council's design specification for subdivisions (as amended).
- (33.5) Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The Land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Liverpool City Council.
- (33.6) The final plan of subdivision is to show the dedication of a road minimum 6 x 6 m cut of corners at all intersections to Council.

34. SERVICE PROVIDERS

- (34.1) Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the subdivision certificate.
- (34.2) Notification of Arrangement for the development from Integral Energy shall be submitted to Council.
- (34.3) Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

35. FOOTPATHS

- (35.1) A contribution shall be paid to Council in accordance with Council fees and charges for the construction of 1.5m wide by 75mm deep 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.

36. BONDS/ MONIES

- (36.1) A maintenance bond in the form of a bank guarantee or cash bond (**\$TBA**), shall be lodged with Council prior to the issue of a subdivision certificate. The maintenance bond amount shall be calculated by Council's subdivision engineers. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions. The bond will be held by Council for a period of **SIX MONTHS** from the date of registration of the plan of subdivision.

37. SITE CONTAMINATION

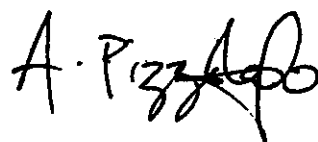
- (37.1) A validation report, prepared by an appropriately qualified person, is to be submitted prior to the issue of the Subdivision Certificate. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan and relevant NSW Environment Protection Authority requirements and hence poses no unacceptable risk to human health or the environment.

ADVICE

The following matters are included as advice relevant to this application:

- (i) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date of the determination.
- (ii) If you are dissatisfied with this decision, Section 97 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 you receive this notice.
- (iii) In accordance with Section 95 of the Act, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice. The applicant may apply to Council for an extension of one (1) year.
- (iv) The conditions are imposed taking into account the matters for consideration in determining a Development Application under Section 79C of the Environmental Planning and Assessment Act 1979.
- (v) Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- (vi) The applicant is required to consult with:
 - (a) Sydney Water Corporation Limited;
 - (b) Integral Energy;
 - (c) Natural Gas Company; and
 - (a) A local telecommunications carrier.
- (vii) Regarding the requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, whether on site or on the adjacent public road(s), Sydney Water Corporation Limited may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made of the Corporation's requirements for the eventual operation of the approved use.
- (viii) Information regarding the location of underground services may be obtained from Sydney One Call Service (SOCS), telephone (02) 9806 0800, Fax (02) 9806 0777. Enquirers should provide SOCS with the street/ road name and number, side of street/ road and the nearest cross street/ road.

- (ix) The developer shall apply to Council for a Section 138 permit pursuant to the Roads Act, 1993 as well as the utility company for any utility connection work which may cross an existing road reserve. All trench restorations shall be undertaken in accordance with Liverpool City Council's restoration backfill specification, and fees, and charges. This information is available from Council's Customer Service counter.



Anthony Pizzolato
Senior Development Planner

Attachment 'A'

DEPARTMENT OF NATURAL RESOURCES***This is not the actual permit******Rivers and Foreshores Improvement Act (1948)*****General Terms of Approval
FOR INTEGRATED DEVELOPMENT**Reference: **ERM 2006-6743**

File: 9013449

Site: Sixteenth Avenue, Middleton Grange
Lots 263 & 264 DP 2475, Lot 1, DP 612938 & Lot 2, DP 1078564
DA Number: **DA 64/2007**
LGA: Liverpool

1. These conditions apply only to the works granted on this site, under the subject Development Application.
2. Works are to be carried out in accordance with the plans presented to the Department Natural Resources for the subject Development Application.
3. All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse/foreshore and to minimise adverse impacts on aquatic and riparian environments.
4. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse/foreshore environment. These control measures are to be in accordance with the requirements of Council, or the determining authority, and best to follow management practices as outlined in the Landcom manual *"Managing Urban Stormwater: Soils and Construction - Volume 1"* (4th Ed., 2004) - the *"Blue Book"*.
5. The Part 3A permit from the Department is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
6. The Part 3A Permit from the Department must be kept current for the duration of any works and any required establishment and maintenance periods.
7. Rehabilitation of the area in accordance with the Part 3A permit conditions or any direction from the Department is the responsibility of the permit holder and owner or occupier of the land.
8. If requested by the Department, work as executed survey plans of a professional standard and including information required by the Department

shall be provided to the Department within 14 days of such request. (Note: the Department usually only invokes this condition in matters of contention).

9. If, in the opinion of a Departmental officer, any work is being carried out in such a manner that they may damage or detrimentally affect the watercourse or foreshore or its environment, or damage or interfere with any thing not authorised to be so affected, such work shall cease immediately upon oral or written direction of such officer.
10. If any Part 3A permit condition is breached, the Permit holder shall follow the Department's directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, the Department.

Special Conditions:

11. Any works for the site are to be consistent with the implementation of bulk earthworks for the creation of any channel specified in the Water Cycle Management Design and Management, prepared by J Wyndham Prince, and the Landscape Works Design and Management, by Knox and Partners and Australian Wetlands for the Middleton Grange area, relating to either the Northern, Central and Southern Creeks of the Middleton Grange area. A Creek Bulk Earthworks Plan and Erosion and Sediment Control Plan consistent with the endorsed designs are to be prepared for the Part 3A Permit, if a channel is on the subject site.
12. Any required creation of a channel for any creek, (as required in the above designs), including any temporary stabilisation of all associated disturbed areas of the creek are to be maintained to the satisfaction of Council until Council begins the permanent works for the channel.

END OF CONDITIONS