

# DRAFT – RECOMMENDED CONDITIONS OF CONSENT

## ATTACHMENT 1 – Conditions of Approval

Council has imposed the following conditions under the relevant planning instruments and policies.

### **PART 1**

#### **DEFERRED COMMENCEMENT**

Development consent shall be deferred pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, until the submission to Council of:

The proposal is approved subject to additional information as outlined below under 'A' be prepared complying Council's flooding requirements as outlined under 'B' and submitted for Council's review assessment of the proposal.

##### **A. Additional Information Requirement**

1. Prepare concept design plans for the revised masterplan development (Rev E May 2022 MKD Architects) with concept engineering details of key structures such as bridges between fill pads, cut/fill bulk earth works etc.
2. Undertake flood modelling assessment for the revised master plan development adopting concept engineering design of the works and demonstrate there is no adverse flooding impact on adjoining upstream & downstream properties. Assessment should be undertaken for range of flood events including the 5%, 1%AEP and PMF. Prepare flood extent, vector velocity and hazard mapping and flood difference mapping.
  - Include all mausoleums and other key structures proposed on the high flood risk area in the flood model
  - Use updated XP\_RAFTS & HEC-RAS models prepared & used by GHD in the assessment letter dated 5 May 2022
  - Demonstrate there is no adverse flood impact on adjoining upstream and downstream properties in terms of increase of flood level, extent and flow velocities,

##### Hydrologic modelling

Updated XP\_RAFTS model (GHD letter 5 May 2022) should be used for the modelling with adopting appropriate Pern 'N' for different material type for post development scenarios.

##### Hydraulic model

Hydraulic modelling assessment should be undertaken for concept design plans of all key structures proposed on the high flood risk area. This will include all six mausoleums, concept design of bridges connecting access roads and any other key structures on the floodplain. The modelling shall adopt recommended full momentum method, Courant factors, manning n values, for different material types and blockage factor for hydraulic structures.

3. Provide following mapping:
  - a) Revised masterplan locating the development outside of the identified floodway as per



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170 **DX** 5030 Liverpool  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170  
**Fax** 9821 9333 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

GHD letter dated 05 May 2022.

- b) Revised masterplan overlayed on the floodway map (pdf & MapInfo/Shape file formats)
- c) Revised masterplan overlayed on the original masterplan highlighting the changes
- d) Flood risk map incorporating the identified floodway mapping
- e) DEM for pre & post development scenarios

## **B. Flooding Requirements**

1. Floodway for the site shall be the floodway identified in GHD letter dated 5 May 2022 and recommended in Response to GHD letter dated 10 May 2022 by CSS. This will include Nepean River main floodway & secondary floodway and Duncan Creek floodway.
2. Proposed development shall be located outside the identified floodway. All proposed fill pads from their toes shall be located outside the identified floodway. Batters of fill pads shall not encroach and be located outside the floodway.
3. Revise the proposal as necessary to exclude any filling within the identified floodway.
4. Proposed staged development shall be based on the concept proposal plans & drawings Rev C Dwg. 000 to 504 dated 01/04/2021 and Masterplans (DA-B4.01-0.4) prepared by MKD Architects & ACE Civil Stormwater Services and subsequent revised masterplan (Rev E May 2022, MKD Architects) and amendments to exclude the development outside the defined floodway (1-3 above).
5. The development shall be consistent with the preliminary flood modelling report dated 1290 Greendale Flooding Assessment (Nov.2020, GHD and subsequent revisions of modelling assessment reports by GHD and peer reviewer recommendations of the modelling assessment which includes following:
  - a) Response to GHD Letter dated 5 May 2022 (10<sup>th</sup> May 2022, CSS)
  - b) Response to Reviewers Comments (05 May 2022, GHD)
  - c) 1290 Greendale Flooding Assessment- Response to Reviewers Comments (04 March 2022, GHD)
6. Any associated filling of the development shall be excluded from the floodway extent. This will include:
  - All four proposed fill pads with the batters, specifically fill pads 2,3 & 4
  - All mausoleum structures proposed on the valley
  - any other proposed structures on the floodplain
7. There shall be no adverse flooding impact in the vicinity and on adjoining upstream & downstream properties due to proposed development for range of storm events up to the 1%AEP flood. This shall be demonstrated in the flood modelling assessment report with necessary Flood mapping and flood difference mapping.
8. There shall be no net loss of floodplain storage volume below the 1%AEP flood. The loss of floodplain storage volume due to proposed construction of fill pads on the floodplain including other civil work proposed on the valley shall be compensated through flood compensatory

excavation. Detailed calculation and design plans of loss storage volume and flood compensatory work shall be submitted. Compensatory flood storage shall exclude all passive flood storage within the 1%AEP flood extent and shall include any volume of structures such as proposed six mausoleums, bridges, culverts etc below the 1%AEP.

9. Finished land surface levels of proposed fill pads 1-4 where construction of cemetery crematoria, burial plots etc is proposed shall be no lower than the 1%AEP flood levels, i.e 46.1mAHD minimum.
10. All building structures, crematoria, burial plots, car parking area etc shall be located no lower than the 1%AEP flood levels, i.e. 46.1mAHD minimum.
11. Habitable floors of proposed buildings such as administrative building, café etc. shall be located no lower than the 1%AEP flood level plus 0.5m freeboard, i.e. 46.6mAHD.
12. Access road connecting all four fill pads shall be flood free and shall be no lower than the 1%AEP flood level.
13. Flood risk management plan/flood evacuation plan must be prepared by a suitably qualified practising engineer.
14. Fencing within the defined floodway and high flood risk area on the site is not permitted. Fencing outside the high flood risk area i.e medium flood risk, to be constructed in a manner that does not obstruct the flow of floodwaters and so not to have an adverse flooding impact.
15. Water quality treatment measures shall be provided for the entire development on the fill pads, valley area and road networks to treat stormflows from the development before discharging into the receiving waters. The treatment measures shall achieve Council's treatment targets. The treatment measures shall be designed using MUSIC modelling analysis and performance of the measures shall be verified using Council's MUSIC Link.
16. Detailed concept design plans & drawings of water quality treatment measures along with water quality treatment assessment report describing and analysing treatment strategy and the MUSIC modelling outcome shall be submitted.
17. Following information shall be provided for the assessment:
  - Concept design plans and drawings of the proposal including concept engineering details of the work,
  - Updated flood impact assessment for the revised masterplan proposal,
  - Flood depth, level, velocity vector & hazard mapping for post development scenario,
  - Flood difference mapping (post development minus pre-development)
  - DEM for pre & post development scenarios
  - Electronic copies of hydrologic (XP\_RAFTS) & hydraulic models (2D HEC-RAS) for pre & post development conditions with result files,
  - waterRYDE files of results (pre & post development), unless necessary result files for conversion to waterRIDE is provided
  - Calculation of loss of floodplain storage volume and flood compensatory excavation along with plans /drawings of earthworks and necessary cross sections.

Note: The items raised within Part 1, above, are to be addressed within twelve (12) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" conditions is acceptable.

## **PART 2**

On the submission of the required evidence and on the applicant receiving written notification that Council is satisfied that the matters listed in "Part 1" have been satisfied, then the consent shall become operative subject to compliance with conditions outlined in "Part 2".

### **A. THE DEVELOPMENT**

### **STAGED APPROVAL**

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development works	Part Reference	Condition Reference
1	Demolition of existing structures, bulk excavation and flood mitigation works for the entire site, construction of 4 x pads and access road for Pad 1 (north-eastern side of the site), administration buildings, crematoria, wastewater treatment and car park for Pad 1	All Parts	All conditions
2-9	Subject to future Development Application	--	--

#### **Environmental Planning and Assessment Act 1979**

1. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal (Stages 2-9) must be subject of future application(s). This consent does not permit the carrying out of any works other than the works specified under Stage 1. The following engineering requirements must be addressed upon submission of future DAs for construction works:

#### **General**

When development adjoins a public road existing services within the public footpath area, such as pits (eg Telecom, stormwater) and poles, shall be shown on the drawings.

#### **Stormwater**

A stormwater management report, concept plan and supporting calculations are to be submitted with the development application. The following is to be addressed:

- i. The report is to be prepared by an appropriately qualified practising Stormwater Engineer and as a minimum address:
  - a) Stormwater drainage requirements within Council's Development Control Plan, including water quantity and quality controls.

- b) Ensure there will not be any adverse impacts on adjoining and/or downstream properties, public places and drainage systems.
- ii. The proposed development and stormwater drainage system is to be designed to ensure that existing stormwater runoff generated from upstream properties (up to the 100yr ARI storm) is conveyed through the site without adverse **impact on the development** (including proposed OSD) and adjoining properties.
- iii. On-site stormwater detention (OSD) is required. The following is also to be addressed:
  - a) Be in accordance with Council's OSD Policy and OSD Technical Specification.
  - b) Electronic copy of the DRAINS model is to be provided to Council.
  - c) Pre and post development discharge for a low recurrence interval (5yr ARI), medium recurrence interval (10yr, 20yr or 50yr ARI) and the upper interval (100yr ARI) shall be determined with a summary table provided.
  - d) A pre and post-development catchment plan.
  - e) Submerged outlet conditions due to overland flows.
- iv. Water quality treatment is to be provided in accordance with Council's Development Control Plan. MUSIC is to be used to design the system and a copy of the model is to be submitted with the development application.

#### Traffic & Access

For any private road connection to a public road a S138 Roads Act approval is required.

The application is to be supported by a Traffic Impact Statement prepared by a suitably qualified person.

If entry points are to be provided with a security gate then a queue area is to be provided within property boundary for the largest vehicle that will enter the site.

#### **Approved Plans**

2. Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans/reports, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Date	Revision	Prepared By
Cover & Notes	DA-A1.00-A1.01	Nov 2020	A	MKD Architects
Existing Conditions, Site Location Plan, Streetscape, Sections and Photos	DA-B1.00-B1.03	Nov 2020	A	MKD Architects
Site Analysis, Site Flooding & Section and Existing Environmental Constraints.	DA-B2.00-B2.02	Nov 2020	A	MKD Architects
Demolition Plan and Vegetation Clearing Plan	DA-B2.03-B2.03.1	March 2021	C	MKD Architects
Masterplan Site Constraints	DA-B4.02	Nov 2020	A	MKD Architects
Masterplan, Buildings Location Plan and Burial	DA-B4.01, B4.03-B4.04	April 2022	D	MKD Architects

Types Location Plan				
Site Sections	DA-B4.05-B4.06	April 2022	B	MKD Architects
Stage 1 – Site Plan, Analysis & Site Constraints	DA-D1.01-D1.02	March 2021	C	MKD Architects
Stage 1 – Gatehouse	DA-D2.00-D2.05	Nov 2020	A	MKD Architects
Stage 1 – Admin Building	DA-D3.00-D3.06	Nov 2020	A	MKD Architects
Stage 1 – Crematorium	DA-D4.00-D4.06	Nov 2020	A	MKD Architects
Stage 1 – Carpark and Road	DA-D5.00-D5.04	Nov 2020	A	MKD Architects
Report Name	Date	Reference	Prepared By	
Bushfire Assessment Report	November 2020	20MKD03B	Travers Bushfire and Ecology	
Biodiversity Assessment Report	April 2021	20MKD03BDAR	Travers Bushfire and Ecology	
Preliminary Site Investigation Report	July 2020	99.72 Rev 0	Trace Environmental	
Detailed Site Investigation Report	August 2020	E20111-1	Geotechnical Consultants Australia	
Detailed Site Investigation Report Review	September 2020	--	Harwood Environmental Consultants	
Wildlife Hazard Review	April 2021	Revision 2	Avisure	
Waste Management Plan	April 2021	Revision B	MKD Architects	
Vegetation Management Plan	April 2021	Pages 1-9	Travers Bushfire and Ecology	
Concept Intersection Design	March 2021	1106969-03-DA001 – DA801 Revision B	J. Wyndham Prince	
Aboriginal Heritage Due Diligence Assessment	November 2020	20MKD03Ab	Travers Bushfire and Ecology	
Landscape Master Plan	November 2020	8820-4420	Site Image Landscape Architect	
Draft Plan of Management	December 2020	--	SJB Planning	

### Works at no Cost to Council

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

### Rural Fire Service (RFS) NSW

- All comments provided by RFS NSW shall be complied with prior, during, and at the completion of construction. A copy of the RFS comments is attached to this decision notice.

### Natural Resources Access Regulator (NRAR)

- All General Terms of Approval (GTA) issued by NRAR shall be complied with prior, during, and at the completion of construction. A copy of the NRAR's GTA is attached to this decision notice.

### **Western Sydney Airport (WSA)**

6. All comments provided by WSA shall be complied with prior, during, and at the completion of construction. A copy of the WSA comments is attached to this decision notice.

### **Comply with EP & A Act**

7. 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.

### **National Code Construction**

8. In accordance with Section 4.16(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).

### **Amendment to Plan of Management to include Perpetual Maintenance of Interments**

9. The Draft Plan of Management shall be amended to include advice on how the crematorium (Stage 1) will be managed and funded in perpetuity. This shall include information on administrative and financial safeguards that have been or are proposed to be put in place for this purpose. A final copy of the updated Plan for Stage 1 shall be submitted to Council, for Council records.

### **Amendment to Plan of Management to provide direction and advice to users**

10. The Draft Plan of Management shall be amended to include advice to patrons using the memorial garden on matters relating to the appropriate use of the facility and means to ensure that no nuisance is created for nearby residents and property owners and the local environment is protected and the quality of the garden and its facilities are maintained. This may include, but not be limited to, a range of matters such as avoiding litter, remaining on the constructed pathways and minimising the generation of noise.

### **Number of Interments limited**

11. The maximum number of interments approved under this consent is set as 35,000 (inground) and represents the number of interments expected to take place on the site at Stage 1.

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

The following conditions shall be complied with prior to issue of a CC by the PCA:

### **Fee Payments**

12. 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 DA/CC. The following fees are applicable:
  - (a) Damage Inspection Fee;
  - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
  - (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

*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 109F of the *Environmental Planning & Assessment Act 1979*.

### **Road Opening**

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

### **Site Development Work**

14. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Construction Certificate has been issued.
15. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act 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.

### **Access for people with a disability**

16. 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.

## **Cladding**

17. 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.

## **Products banned under the Building Products (Safety) Act 2017**

18. No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.

## **Construction Environmental Management Plan (CEMP)**

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;
  - (c) Site Security Details;
  - (d) Timing and Sequencing Information;
  - (e) Site Soil and Water Management Plan;
  - (f) Noise and Vibration Control Plan;
  - (g) Dust Control Plan;
  - (h) Air Monitoring;
  - (i) Odour Control Plan;
  - (j) Health and Safety Plan;
  - (k) Waste Management Plan;
  - (l) Incident management Contingency; and
  - (m) 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 Noise, Vibration Assessment and Management Plan**

20. A site-specific Construction Noise, Vibration Assessment and Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The Construction Noise, Vibration Assessment and Management Plan must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not

necessarily be limited to the following information:

- Identification of nearby residences and other noise sensitive land uses;
- Assessment of expected noise impacts;
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- Strategies to promptly deal with and address noise complaints;
- Details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- Methods for receiving and responding to complaints about construction noise;
- Procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- Reference to relevant licence and consent conditions.

The Construction Noise, Vibration Assessment and Management Plan must be made available for inspection when requested by the PCA or Liverpool City Council.

### **Notification**

21. 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.

### **Crime Prevention Through Environmental Design**

22. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
  - (a) Back to base alarm systems shall be installed;
  - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
  - (c) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (d) 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

### **Regulated Systems**

23. Regulated systems installed, such as air-handling systems, heated water systems and cooling water systems, must comply with the Public Health Act and Public Health (Microbial Control) Regulation thereunder, including AS3666.1:2011 & AS1668.

The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

### **Security Access to car park**

24. Secure access is to be provided to the car park to prevent any unauthorised entry. Details are to be provided with the Construction Certificate.

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

25. 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:
  - 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.

### **S138 Roads Act – Roadworks requiring approval of civil drawings**

26. Prior to the issue of a Construction Certificate for building 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 intersection works, including right hand turn lane, within Greendale Road, Wallacia.

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, best engineering practice and the following is also to be addressed:

Note:

- a) Engineering concept plans lodged for development approval prepared by J. Wyndam Prince, reference 110696-03, revision B, dated 18.03.21.
- b) Stormwater drainage requirements.
- c) Safety barrier/Guard railing is to be extended to the new internal access road intersection (approx. CH 20).
- d) Guideposts are required on the North bound lane in Greendale Road on the approach to the new access road intersection (typical section CH 40).
- e) Pavement upgrade is required for the existing North/South bound travel lanes CH 0 to CH 300, subject to pavement condition investigation and assessment.

f) Regulatory and advisory linemarking and signage plans are to be completed. Signage and Linemarking plans shall be lodged with Liverpool City Council and approved by the Local Traffic Committee.

g) All works shall be undertaken at no cost to Liverpool City Council.

### **Retaining Walls on Boundary**

27. All retaining walls 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.

### **Dilapidation Report Private Property (Excavations)**

28. 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.

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.

### **S68 Local Government Act**

29. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for new pit and pipe connection to Charles Street.

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.

**Land Development Engineering**

30. Prior to the issue of a Construction Certificate for works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Australian Consulting Engineers reference 200597 and as follows:

<b>Drawing No.</b>	<b>Title</b>	<b>Revision/Issue</b>	<b>Date</b>
000	General Notes, Locality Plan and Drawing Schedule	C	01/04/2021
200	Bulk Earthworks Plan	B	01/04/2021
201	Bulk Earthworks Sections Sheet 1 of 2	A	27/11/2020
202	Bulk Earthworks Sections Sheet 2 of 2	B	01/04/2021
300	Overall Roadworks and Drainage Layout Plan	B	01/04/2021
302	Roadworks and Drainage Layout Plan Sheet 2 of 4	B	01/04/2021
305	Typical Road Cross Section and Swale Section	A	27/11/2020
312	Road 2 Longitudinal Sections Sheet 1 of 3	B	01/04/2021
322	Road 2 Cross Sections Sheet 1 of 4	A	27/11/2020
323	Road 2 Cross Sections Sheet 2 of 4	A	27/11/2020
400	Retaining Wall Typical sections	A	27/11/2020
500	On-site Detention Details (Pad 1) and Calculation Sheets	A	01/04/2021

All works designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- (a) Public and private road
- (b) Stormwater drainage including water quantity and quality treatment measures
- (c) Private access driveways

- (d) Sediment and erosion control measures
- (e) Overland flowpaths
- (f) Flood control measures
- (g) Bridges, culverts, retaining walls and other structures
- (h) Landscaping and embellishment works

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

A clear emergency spillway and overland flow path is to be provided from the OSD tank to allow for emergency flows during a larger storm event or system failure. The flow path is also to ensure no stormwater will enter buildings when this occurs.

The roof gutter and/or drainage system shall be designed to convey the design stormwater flows (e.g. 1% AEP storm event) into the OSD system.

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

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

### **Road Safety Audit**

31. 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.

### **No Loading on Easements**

32. 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**

33. Prior to the issue of a Construction Certificate the PCA 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 with the LDCP 2008. The CC 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 Council with notification of the CC issue.

### **Dilapidation report**

34. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Greendale Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

### **Traffic**

35. Detailed design plans for the access driveway and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review. The revised design drawing is to incorporate all the comments provided above on the design prepared by J. W. Prince dated 18/03/2021 (Project no.: 110696-03 Sheet No.: DA601), relating to intersection angle, cross section, pavement rehabilitation (on both sides of Greendale Road), and left turning lane.

The detailed intersection design and construction should ensure adequate sight distance is provided at the new driveway with reference to the AGRD Parts 3 and 4A. It should also consider appropriate regulatory and warning signage for vehicle and pedestrian control and safety at the proposed access.

Street lighting is to be provided to Council's specifications.

### **Construction Traffic Management Plan**

36. 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 for approval prior to the issue of a Construction Certificate.

### **Provision of Services**

37. 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](http://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.

38. Written clearance from the Electricity provider, 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.

39. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version). The colours and materials used in the construction of any wall of structure are to match those of the approved development.
40. 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 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.

### **Natural Resources Planning**

41. Works and activities shall adhere to the approved Biodiversity Assessment Report prepared for the site, and all identified mitigation measures shall be carried out.

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

A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the five year maintenance period. A final report shall be submitted upon completion of the maintenance period.

Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows or active nests of birds. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits.

### **Western Sydney Airport Conditions**

42. Wildlife Risk Assessment and Management Plan - A Wildlife Risk Assessment and Management Plan (Plan) should be conditioned as part of any future consent. That plan is to include wildlife monitoring and mitigation requirements. The plan must address:
  - i) Any waterbodies on the site, including the artificial lagoons
  - ii) waste management and
  - ii) the proposed landscape plan, including the identification of plant species and management of grassed areas.

The applicant should be encouraged to consult with WSA Co during the preparation of the Wildlife Management Plan. All monitoring and mitigation measures identified within the plan should be implemented throughout the development.

ANEC Contour - Noise sensitive development shall not be located in the areas subject to the ANEC 20 contour, and that all development is constructed to achieve indoor design sound levels specified in Australian Standard 2021-2015 Acoustics—Aircraft noise intrusion—Building siting and construction.

OLS - Any controlled activities will require Commonwealth approval under Part 12, Division 4 of the Airports Act 1996.

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions shall be complied with prior to works commencing on the subject site:**

### **Commencement of Building Works**

43. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act 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.

### **Construction Certificates**

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 81A (4) 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.

### **Notification/Principal Certifying Authority**

45. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
  - a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b) The notice shall be given seven (7) days prior to the commencement of work.

### Site Notice Board

46. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work;
  - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Unauthorised entry to the premises is prohibited.

### Sediment and Erosion Control Measures

47. 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.

### Demolition Works

48. 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.
  - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover 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 NSW Work Cover requirements.

### Waste Classification and Disposal of Contaminated Soil and Material

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.

### **Traffic**

50. Council approval to the proposed access arrangement and road works at Greendale Park Road.

### **Traffic Control Plan**

51. 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.

### **Site Facilities**

52. 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.
53. 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.
54. All Liverpool City Council domestic waste bins that have been issued to the existing residential dwellings at 2 Kalimna Street and 86 Nuwarra Road Moorebank, must be returned prior to any work, including demolition or site clearing, commencing. Please call Council on 1300 36 2170 to advise that the bins are ready to collect and so their removal can be noted.

### **Notification of Service Providers**

55. 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](http://www.sydneywater.com.au) for more information.

56. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

### **Aboriginal Heritage**

57. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

## **D. DURING CONSTRUCTION**

**The following conditions shall be complied with during construction:**

### **Building Inspections**

58. 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.
59. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

### **Identification Survey Report**

60. 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.

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.

### **Construction Requirements (Excavation)**

61. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
  - (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
  - (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.
62. 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.
63. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

### **Security Fence**

64. 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**

65. 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

### **Major Earthworks**

66. 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.

### **Construction Noise and Vibration**

67. 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.

68. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

### **General Site Works**

69. 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 water pollution.
70. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
71. 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.
72. 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.

73. 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.
74. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
75. 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.

#### **Aboriginal Heritage - Unexpected finds**

76. If Aboriginal object/s or historic archaeological relics are identified during works, then all works in the immediate area must cease and the area secured. The Office of Environment and Heritage must be notified by ringing the Enviroline 131 555. No works are to commence until authorisation has been received from the Office of Environment and Heritage and the appropriate permits have been obtained.
77. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.
78. Copies of all Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils (where applicable).

#### **Pollution Control – Truck Movements**

79. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

#### **Water Quality**

80. 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.

#### **Air Quality**

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

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.

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.

### **Removal of Dangerous and/or Hazardous Waste**

82. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.
83. All demolition and construction waste must be separated as it is generated and kept in separate bays, builder's site bins and/or skips.
84. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

### **Waste Management Plan**

85. 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.

### **Contamination**

86. 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).

### **Imported Fill Material**

87. 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.

### **Record Keeping of Imported Fill**

88. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.

### **Unidentified Contamination**

89. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination 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.

### **Traffic Conditions**

90. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
91. 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.

Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

92. 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.
93. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

### **Car Parking Areas**

94. 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.

### **Street Lighting**

95. Street lighting is to be provided for all new and existing streets as part of the proposed development to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

### **Ventilation**

96. The premises shall be ventilated in accordance with the requirements of the NCC/BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
97. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

### **External**

98. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
99. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
100. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

### **Demolition Inspection**

101. The following inspections are required to be undertaken by Council in relation to approved demolition works:

- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
- (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

### **Security and Safety**

- 102. Adequate lighting is required at the entrances and main foyers or the building, carpark, and other public areas.
- 103. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.

### **Salinity**

- 104. All building materials utilised below dampcourse level or water proof membranes are to be resistant to damage from salt damp. Dampcourses and water proof membranes are to have a high resistance to construction damage, are to be themselves resistant to damage from salt damp and are not to be bridged in any manner by porous materials.
- 105. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site.

### **Waste Storage Area**

- 106. Any bin bays must be:
  - (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewered 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; and
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by occupants and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector

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

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

**Building/Compliance**

107. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
108. 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 occupation certificate.
109. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

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

110. 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**

111. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with 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 Council with notification of the issue of the Occupation Certificate where Council is not the PCA.

**Land Development**

112. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

- (a) On-site detention system/s;
- (b) Stormwater pre-treatment system/s; and
- (c) Overland flow path works,

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
- Have met the design intent with regard to any construction variations to the approved design, and
- Any remedial works required to been undertaken have been satisfactorily completed.

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

113. The following is to be lodged with the NSW Land Registry Services and registration effected prior to the issue of the Occupation Certificate:

i. The road widening in Greendale Avenue shown as new road boundary on the General, Alignment & Engineering Plan by J. Wyndam Prince, reference 110696-03 DA101, revision B, dated 18.03.21 is to be Dedicate to the Public as road.

ii. An easement for batter / support of Public Road is to be created in favour of Liverpool City Council for the Greendale Road intersection works, where the batter is not contained within the public road reserve.

All construction, creation and/or dedication are to be at no cost to Liverpool City Council.

### **Restriction as to User and Positive Covenant**

114. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s, stormwater pre-treatment system/s and Overland flow path works shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Council's Design and Construction Guidelines and Construction Specification for Civil Works.

### **Rectification of Damage**

115. 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 Council.

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

### **Linemarking & Signage**

116. Prior to the issue of an Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Note: Allow eight (8) weeks for approval by the Local Traffic Committee.

### **Service Providers**

117. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
118. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
119. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- (a) The requirements of the Telecommunications Act 1997;

- (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- (c) 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.

### **Waste**

- 120. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
- 121. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:

*'Liverpool City Council is not responsible for the provision of any green waste services or green waste bins to this property.'*

- 122. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate

### **Dilapidation Report**

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

### **Noise Management Plan**

- 124. A Noise Management Plan shall be prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; 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 the responsibilities of site personnel in 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 Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

## **F. Conditions Relating to Use**

**The following general conditions shall be complied with at all times:**

### **Use and Operation of Cemetery and Crematoria**

125. The use and operation of the cemetery shall comply with the requirements of the Cemeteries and Crematoria Act, 2013; Public Health Act, 2010; and the Public Health Regulation, 2012 or such requirements that are implemented by the responsible State Government authorities.

**No scattering of ashes permitted**

126. The scattering of cremated ashes shall not occur on the land.

**Conduct of services in the open**

127. Patrons using or participating in services within the inground burial area of Stage 1 should respect the interests of adjoining and nearby residents and property owners. The release of plastic balloons or live birds, use of fireworks or other actions that may impact on the environment or the enjoyment of neighbours or impact on the future safe operations of the Western Sydney Airport shall be avoided.

**Hours of Operation**

128. The hours of operation for the memorial garden are 8am – 6pm on Monday to Sunday.

**Car Parking/ Vehicular Access**

129. A total of 125 off street (including 13 accessible car parking spaces) car spaces must be provided for the duration of Stage 1.

There will be no on-street parking along the frontage of the development.

130. All parking areas shown on the approved plans must be used solely for this purpose.
131. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
132. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.
133. The proposed access to the south (Access #2) is to be kept as a lockable gated access for emergency vehicles only.

**Natural Resources Planning**

134. The approved Vegetation Management Plan (VMP) shall be implemented, and all works the subject of the Vegetation Management Plan carried out.

Permanent fences shall be constructed to protect, conserve and limit access to the bushland onsite as indicated in the approved Vegetation Management Plan. The fences shall be maintained in good condition at all times..

**Storage of maintenance equipment**

135. Appropriate and secure storage shall be provided for any equipment and materials to be used in the use in general maintenance of the grounds including the memorial gardens. If storage is proposed in a new building then any required planning and building approval shall

be obtained (unless the structure falls into the category of exempt development under State Environmental Planning Policy - Exempt and Complying Development 2009).

### **Noise and Environmental Emissions**

136. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

### **Waste Management**

137. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
138. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
139. Waste bins must be stored in designated garbage 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.
140. The development is required to be serviced by a waste collection contractor, once in any one week.

### **Waste Storage Area**

141. Any bin bays must be:
- (a) 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.

### **Noise – General**

142. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- (a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
  - (b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
    - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in

accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);

- ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
- iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

143. Any alarm installed on the site is to be "silent back to base" type.

#### **Unreasonable Noise and Vibration**

144. The proposed use of the premises and equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an Acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations provided in the report and approved by Council must be implemented.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

#### **Storage of Flammable and Combustible Liquids**

145. Flammable and combustible liquids shall be stored in accordance with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids.

#### **Storage and Handling of Corrosive Substances**

146. Corrosive Substances must be stored and handled in accordance with AS 3780-2008 The Storage and Handling of Corrosive Substances.

#### **Lighting**

147. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 – Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

#### **Noise Management Plan**

148. The approved Noise Management Plan shall be complied with at all times.

#### **Environment**

149. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

## G. ADVISORY

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Sections 8.7 & 8.10 of the of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- 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) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) 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.
- h) 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.
- i) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe

asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

- k) 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.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or 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.
- n) NSW Environment Protection Authority (EPA)

General Considerations for Crematorium Design

The applicant should demonstrate that best available techniques for emissions control will be used. The Secretariat of the Stockholm Convention on Persistent Organic Pollutants has published best practice guidelines for crematoria. The key recommendations include:

- i) Minimum furnace temperature (850 °C), residence time in the second chamber (2 seconds for combustion gases) and enough air (e.g., 6% O<sub>2</sub> by volume) to ensure combustion in the second chamber and avoid generating products of incomplete combustion;
- ii) Suitable air pollution control equipment, which could include temperature controls, dust control, carbon injection, fabric filtration, air tightness of combustion chambers and casings;
- iii) Monitoring of gas temperature and flue gas O<sub>2</sub> and CO concentrations, application of relevant emission limit values and additional monitoring, including ambient monitoring of soil and air in the proximity of crematoria;
- iv) Avoidance of use of PVC, metals and chlorinated compounds in coffins and fittings;

- v) Operational controls, inspection and preventive maintenance.
- vi) The final design of the cremator exhaust stack should consider the USEPA's Guideline for the Determination of Good Engineering Stack Height (1981). The height of the stack should be sufficient to minimise building downwash and ensure adequate pollutant dispersion is achieved. Air dispersion modelling is an effective tool for optimising the release parameters (for e.g. stack height and flow rate).
- vii) Should emission verification be required, the design of the cremator exhaust stack should also consider the requirements outlined in Australian Standard AS4323.1: Stationary source emissions - Selection of sampling positions (2021).

Once operational, the facility may need to demonstrate air emissions from the exhaust stack comply with the prescribed standards for concentration of air impurities set-out in the Protection of the Environment Operations (Clean Air) Regulation 2021.

# ATTACHMENT 1 - RFS NSW Requirements



**NSW RURAL FIRE SERVICE**

Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Your reference: DA-1059/2020 (CNR-5128)  
Our reference: DA20210114000133-Original-1

**ATTENTION:** Kevin Kim

Date: Tuesday 3 August 2021

Dear Sir/Madam,

**Development Application**  
**s4.14 - Infill - Cemetery**  
**1290 Greendale Road Wallacia NSW 2745, 1//DP776645, 1//DP776645**

I refer to your correspondence dated 13/01/2021 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

## General Conditions

1. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants. A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

## Asset Protection Zones

**Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.**

2. From the start of works, and in perpetuity to ensure ongoing protection from the impact of bush fires, asset protection zones must be provided as shown on the plan prepared by Travers Bushfire & Ecology (Titled: Schedule 1: Vegetation Management Plan, Ref: 20MKD03\_VMP001, dated 27 November 2020, Issue 1). When establishing and maintaining an inner protection area (IPA) the following requirements apply in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;

1

### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- Lower limbs should be removed up to a height of 2 metres above the ground;
- Tree canopies should be separated by 2 to 5 metres;
- Preference should be given to smooth barked and evergreen trees;
- Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover; and
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed.

#### **Construction Standards**

*Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

3. The proposed Chapel and Function Centre must comply with Section 3 and Section 5 (BAL 12.5) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or the NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

#### **Access – Property Access**

*Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.*

4. Access roads must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- Roads are two-wheel drive, all-weather roads;
- Access is provided to all structures;
- Traffic management devices are constructed to not prohibit access by emergency services vehicles;
- Access roads must provide suitable turning areas in accordance with Appendix 3 of *Planning for Bush Fire Protection 2019*; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression

5. Non-perimeter roads must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- A minimum 5.5m carriageway width kerb to kerb;
- Parking is provided outside of the carriageway width;
- Hydrants are located clear of parking areas;
- Curves of roads have a minimum inner radius of 6m;
- The maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- The road crossfall does not exceed 3 degrees; and
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

6. Temporary turning heads must be provided to temporary dead end roads within Stage 1 of the proposed development which incorporate either a minimum 12 metre radius turning circle or turning heads compliant with A3.3 of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

#### **Water and Utility Services**

*Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

7. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
- lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### Landscaping Assessment

*Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.*

8. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1m wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

#### General Advice – Consent Authority to Note

The conditions provided within this correspondence are on the basis that the Vegetation Management Plan as prepared by Travers Bushfire and Ecology (Titled: Schedule 1: Vegetation Management Plan, Ref: 20MKD03\_VMP001, dated 27 November 2020, Issue 1) is implemented and maintained on the site in perpetuity.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

**ATTACHMENT 2 - NRAR NSW Requirements**

Natural Resources  
Access Regulator

Contact: Mohammed Ismail  
Phone: 02 8838 7535  
Email: Mohammed.Ismail@dple.nsw.gov.au

Our ref: IDAS1131980  
Our file: CNR-5128 A-19693  
Your ref: DA-1059/2020

General Manager  
Liverpool City Council  
Director Property  
Locked Bag 7064  
Liverpool B C NSW 1871

Attention: Kevin Kim

13 May 2021

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA-1059/2020**

**Description:** Concept DA and Stage 1 proposal for the construction of a cemetery, including mausoleums, crematoria, chapel, hall, gatehouse, administration buildings, cafe, parking, access roads, landscaping, earthworks, and flood management works. Stage 1 seeks consent for the demolition of existing structures, bulk excavation and flood mitigation works for the entire site, construction of Pad 1 access road, administration buildings, crematoria, wastewater treatment and parking. The proposed development is identified Location: 1290 GREENDALE ROAD WALLACIA 2745

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, or (iii) on land within 40 metres of the highest bank of a river lake or estuary.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.55 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

**The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.**

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

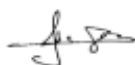
Application forms are available from the NRAR website at:

[www.industry.nsw.gov.au](http://www.industry.nsw.gov.au) [Water](#) [Licensing & Trade](#) [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 31A (6) of the EPA Act.

Yours Sincerely



**Mohammed Ismail**  
**Senior Water Regulation Officer**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**



Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1131980

Issue date of GTA: 13 May 2021

Type of Approval: Controlled Activity

Description: Concept DA and Stage 1 proposal for the construction of a cemetery, including mausoleums, crematoria, chapel, hall, gatehouse, administration buildings, cafe, parking, access roads, landscaping, earthworks, and flood management works. Stage 1 seeks consent for the demolition of existing structures, bulk excavation and flood mitigation works for the entire site, construction of Pad 1 access road, administration buildings, crematoria, wastewater treatment and parking. The proposed development is identified

Location of work/activity: 1290 GREENDALE ROAD WALLACIA 2745

DA Number: DA-1059/2020

LGA: Liverpool City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources 2011

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	<b>Design of works and structures</b>
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
	<b>Erosion and sediment controls</b>
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
	<b>Plans, standards and guidelines</b>
GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00388	A. The application for a controlled activity; controlled activity(s) approval must include the following plan(s): - Council's stamped DA approved plans,

Ground Floor, 5 O'Keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541  
nrar.enquiries@nrar.nsw.gov.au | <http://www.industry.nsw.gov.au/nrar>



Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1131980

**Issue date of GTA:** 13 May 2021

**Type of Approval:** Controlled Activity

**Description:** Concept DA and Stage 1 proposal for the construction of a cemetery, including, mausoleums, crematoria, chapel, hall, gatehouse, administration buildings, café, parking, access roads, landscaping, earthworks, and flood management works. Stage 1 seeks consent for the demolition of existing structures, bulk excavation and flood mitigation works for the entire site, construction of Pad 1 access road, administration buildings, crematoria, wastewater treatment and parking. The proposed development is identified

**Location of work/activity:** 1290 GREENDALE ROAD WALLACIA 2745

**DA Number:** DA-1059/2020

**LGA:** Liverpool City Council

**Water Sharing Plan Area:** Greater Metropolitan Region Unregulated River Water Sources 2011

watercourse crossings; outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan; in-stream works... B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

**GT0012-00004** Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

### Rehabilitation and maintenance

**GT0007-00006** When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

**SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA-1059/2020 as provided by Council:

- SEE

## ATTACHMENT 3 - WSA Requirements

**From:** Tim Smith  
**Sent:** Tuesday, 8 June 2021 12:30 PM  
**To:** 'kimk@liverpool.nsw.gov.au' <[kimk@liverpool.nsw.gov.au](mailto:kimk@liverpool.nsw.gov.au)>  
**Cc:** Planning and Safeguarding <[planning@wsaco.com.au](mailto:planning@wsaco.com.au)>  
**Subject:** 75 MARTIN ROAD, BADGERY'S CREEK CNR-10583(LIVERPOOL CITY COUNCIL)

Hi Kevin,

Thanks for the opportunity to comment in relation to the additional submitted on DA1059/2020 (1290 Greendale Road).

I note the following response from our end in relation to this matter:

- **Wildlife Risk Assessment and Management Plan**
  - A Wildlife Risk Assessment and Management Plan (Plan) should be conditioned as part of any future consent. That plan is to include wildlife monitoring and mitigation requirements. The plan must address:
    - Any waterbodies on the site, including the artificial lagoons
    - waste management and
    - the proposed landscape plan, including the identification of plant species and management of grassed areas.
  - The applicant should be encouraged to consult with WSA Co during the preparation of the Wildlife Management Plan.
  - The consent should be conditioned to require the implementation of all monitoring and mitigation measures identified within the plan.
- **ANEC Contour:** Require a condition that noise sensitive development not be located in the areas subject to the ANEC 20 contour, and that all development is constructed to achieve indoor design sound levels specified in Australian Standard 2021-2015 Acoustics—Aircraft noise intrusion— Building siting and construction.
- **OLS:** Any controlled activities will require Commonwealth approval under Part 12, Division 4 of the Airports Act 1996.

Many thanks,

Tim

**Tim Smith**  
Planning Manager  
Airport Planning and Design

+61 429 008 963  
[tsmith@wsaco.com.au](mailto:tsmith@wsaco.com.au)  
PO Box 397 Liverpool NSW 1871

