**Recommended Conditions of Consent 2018SSW032 (DA-257/2018)**

**ABBREVIATIONS**

|  |  |
| --- | --- |
| 1% AEP Flood | The 1 in 100 year flood |
| AEP | Annual Exceedance Probability |
| AS | Australian Standard |
| BCA | Building Code of Australia  |
| CC | Construction Certificate |
| Council | Liverpool City Council |
| DECCW | Department of Environment and Climate Change and Water |
| EPA Act 1979 | *Environmental Planning and Assessment Act 1979* |
| EPA Regulation 2000 | *Environmental Planning and Assessment Regulation 2000* |
| EPA | Environment Protection Authority |
| EMP | Environmental Management Plan |
| LLEP 2008 | Liverpool Local Environmental Plan 2008 |
| LDCP 2008 | Liverpool Development Control Plan 2008 |
| LPI Service | Land and Property Information Service |
| NCC | National Construction Code |
| NZS | New Zealand Standard |
| OC | Occupation Certificate |
| SC | Subdivision Certificate  |
| PCA | Principal Certifying Authority |
| POEO Act 1997 | *Protection of the Environment Operations Act 1997* |
| RMS | Roads and Maritime Services |

1. **THE DEVELOPMENT**

 **Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-681/2018, except where modified by the undermentioned conditions or marked in red by Council:
	1. Architectural and Landscape Plans

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Drawing No.** | **Description** | **Revision No.** | **Date** | **Prepared by** |
| DA103 | Site Plan | A | 22/03/19 | DKO |
| DA107 | Demolition Plan | A | 22/03/19 | DKO |
| DA200 | Ground Floor Plan | C | 11/11/19 | DKO |
| DA201 | Level 1 | A | 22/03/19 | DKO |
| DA202 | Level 2-3 Typical | A | 22/03/19 | DKO |
| DA203 | Level 4 | C | 27/09/19 | DKO |
| DA204 | Roof plan | B | 22/07/19 | DKO |
| DA300 | Elevations (North) | D | 11/11/19 | DKO |
| DA301 | Elevations (West/East) | D | 11/11/19 | DKO |
| DA302 | Elevations(South) | D | 11/11/19 | DKO |
| DA303 | Sections (01) | C | 27/09/19 | DKO |
| DA304 | Sections (02) | C | 27/09/19 | DKO |
| DA405 | Material Finish | A | 22/03/19 | DKO |
| L01 | Landscape Plan- Ground Floor | 4 | 21/08/19 | Inview Design Pty Ltd |
| L02 | Landscape Plan- Rooftop | 3 | 21/08/19 | Inview Design Pty Ltd |
| L03 | Planting Details | 3 | 07/08/19 | Inview Design Pty Ltd |

(b) Stormwater Concept Management Plan and Sediment and Erosion Control Plan

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Description | Project No.  | Drawing No. | Revision No. | Date | Prepared by |
| General Notes | 18088 | C00.01 | B | 12.12.18 | Abc consultants |
| Sediment and Erosion Control | 18088 | C01.01 | B | 12.12.18 | Abc consultants |
| Stormwater Drainage Plan | 18088 | C02.01 | E | 02.08.19 | Abc consultants |
| Stormwater Catchment Plan | 18088 | C02.02 | D | 30.07.19 | Abc consultants |
| Stormwater Drainage Details | 18088 | C02.011 | D | 30.07.19 | Abc consultants |
| Roof Stormwater Drainage Plan | 18088 | C03.01 | B | 12.12.18 | Abc consultants |

(d) Reports

|  |  |  |  |
| --- | --- | --- | --- |
| Description | Reference No. | Date | Prepared by |
| Traffic and Parking Impact Report | 18116 | 21/02/19 | TEF Consulting |
| Operational Waste Management Plan | - | 07/11/19 | TTM |
| Acoustic Assessment | 18SYA0061 R01\_2 | 07/03/19 | TTM |
| Preliminary Arboricultural Report | 127-129/FLO | 28/08/18 | Tree IQ |
| Access Report | 18SYA0061 R01\_ | 07/03/19 | TTM |
| Stormwater Management Concept | 18088-SMCS | March 2019 | Abc consultants |

(e) BASIX certificate number 938743M\_04, dated 18 April 2019 prepared by Northrop Consulting Engineers Pty Ltd.

Except where modified by the undermentioned conditions.

**Amendments in red**

1. The amendments marked in red by Council on the approved plans shall be incorporated in the Construction Certificate drawings described as follows:
	1. The architectural plans shall be amended to incorporate
		1. Remove windows on Unit 404 (kitchen and bedroom window) away from the encroached building separation area (i.e. east and west walls).
		2. Reduce trafficable area on the Roof COS to match the 9m setback. Ensure prescribed COS area requirement is not compromised

**Comply with EP&A Act**

1. 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 Liverpool City Council.

**Comply with NCC**

1. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 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:
2. Complying with the Deemed to Satisfy Provisions; or
3. 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).

**Works at no Cost to Council**

1. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Council.
2. **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**

1. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Liverpool City Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

 (a) Damage Inspection Fee – relevant where the cost of building work is $20,000 or more, or a swimming pool is to be excavated by machinery.

 (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.

(c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is $25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

1. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Liverpool City Council’s road reserve must be paid to Liverpool City 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.

 **Section 7.11 Payment (Liverpool Contributions Plan 2018 – Established Areas)**

1. As a consequence of this development, Liverpool City Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2018 as amended.

The total contribution is **$$228,040.00** and will be adjusted at the time of payment in accordance with the contributions plan.

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

The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)

Payment must be accompanied by the attached form.

 **Construction Certificates**

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

**Site Development Work**

1. 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.

 **Cladding**

1. 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 National Construction Code and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the NCC for all products/systems proposed.

 **Fire Safety Measures**

1. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the Construction Certificate and submitted to Liverpool City Council, in compliance with the provisions of the EP&A Regulation.

 **Notification**

1. The certifying authority must advise Liverpool City 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 contact is entered into for the work to be done by a different licensee, Liverpool City Council must be immediately informed.

 **Accessibility**

1. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the National Construction Code, 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 Principal Certifying Authority.

**Noise Control**

1. The recommendations provided in the Acoustic Assessment (Report Ref. 18SYA0061 R01\_2, Revision 2) prepared by TTM Consulting Pty Ltd dated 7 March 2019 are to be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the Construction Certificate application. The recommendations that are to be complied with include:
2. Table 11. Acoustic Performance requirements for building envelope,
3. Table 12. Glazing Acoustic performance requirements,
4. The plant room and substation, including corrections for tonal and impulsive noise characteristics must not exceed 69 dB(A) measured 1 meter from the plant room and substation.
5. The roof top is to be enclosed by a 1.5 meter high glass or solid concrete wall to minimise the impact from road traffic noise.

 **Retaining Walls on Boundary**

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

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

**S138 Roads Act**

1. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of footpath, stormwater drainage, kerb and gutter in Flowerdale Road and Smith Crescent.

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

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

1. Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road.  These works may include but are not limited to:
2. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
3. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
4. 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.

**On-site Detention**

1. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Company** | **Job No./Drawing No.** | **Title** | **Revision/Issue** | **Date** |
| Abc consultants | 18088 | General notes | B | 12/12/2018 |
| Abc consultants | 18088 | Sediment and erosion control plan | B | 12/12/2018 |
| Abc consultants | 18088 | Stormwater drainage plan | E | 02/08/2019 |
| Abc consultants | 18088 | Stormwater catchment plan | D | 30/07/2019 |
| Abc consultants | 18088 | Stormwater drainage details sheet | D | 30/07/2019 |
| Abc consultants | 18088 | Roof stormwater drainage plan | B | 12/12/2018 |
| Abc consultants | 18088-SMCS | Stormwater management concept strategy | For approval - E | August 2019 |

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

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

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

 **Water Quality**

1. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with the Liverpool City Council’s Development Control Plan LDCP 2008. The Construction Certificate must be supported by:
* Specification & installation details of the stormwater pre-treatment system
* The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

**Access, Traffic, Car Parking and Manoeuvring**

1. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council’s Development Control Plan.
2. Detailed design plan for the access driveway and car park including swept path analysis, gradient, line markings and sign posting in accordance with the DCP and AS2890 shall be submitted to Traffic and Transport Section for review.
3. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council’s Traffic and Transport Section for approval prior to the issue of a Construction Certificate.
4. The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.
5. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.
6. Public lighting design brief in accordance with Council’s and Endeavour Energy specifications along all the roads fronting the development site is to be submitted to Council Traffic and Transport Section for review.

**Asbestos removal and management**

1. Prior to the issue of a Construction Certificate, a suitably qualified and licensed asbestos contractor must assess all structures to be demolished and put together a comprehensive asbestos removal and management plan to cover all asbestos-related demolition works, which must be adhered to at all times. Council and the Principal Certifying Authority must be provided with copies of this plan, together with details of the name, address and license details of the asbestos contractor who will be undertaking the removal works, and the name and address of the licensed facility to which all asbestos construction materials will be taken.

**Workplace Health and Safety Plan and Hazardous Materials Surveys**

1. A Workplace Health and Safety Plan (WHSP) to document the procedures to be followed to manage the risks posed to the health of the workforce shall be prepared, as well as a Hazardous Materials Survey to identify suspected hazardous waste within the buildings. The survey and plan are to be submitted for approval by the PCA and implemented accordingly.

 **Provision of Services**

1. An application to obtain a Section 3.21 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.

1. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
2. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
	* The requirements of the Telecommunications Act 1997:
	* For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
	* For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

 **Design Verification Statement**

1. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

(a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);

(b) That the qualified designer has designed or directed the design of the subject development; and

(c) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

**Garbage Services**

1. Collection of waste and recycling must be provided and integrated with the design of high density residential development (RFBs and MUDs). This must comply with the specifications detailed in the Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing.

**Waste Storage Area**

1. Any bin bays must be:

1. Provided with mechanical ventilation,
2. 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,
3. Provided with sufficient light to permit usage at night,
4. 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,
5. Bin bay signs are available from Council, and
6. Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
7. Garbage is to be placed wholly within the garbage bins provided,
8. Only recyclable materials accepted by Council are to be placed within the recycling bins,
9. The area is to be kept tidy,
10. A phone number to be displayed for arranging disposal of bulky items; and
11. 50% of all messages are to be displayed using graphic illustrative content.

**Substation**

1. 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).

 **Dilapidation Report**

1. A dilapidation report of all infrastructure fronting the development in Flowerdale Road and Smith Crescent 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 10m either side of the development.

**CPTED**

1. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:
2. CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building,
3. 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,
4. Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders,
5. Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details, and
6. access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.

1. **PRIOR TO WORKS COMMENCING**

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

 **Building/Compliance**

1. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 6.1 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.
2. Prior to the commencement of any building works, the following requirements must be complied with:
3. Construction Certificate must be obtained from the Liverpool City Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979.*
4. Where Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,

1. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
2. 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,
3. A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
4. 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
5. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the Liverpool City Council written notice of name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

**Hoarding**

1. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:

Such hoarding or barrier must be designed and erected in accordance with Liverpool City Council’s guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Liverpool City Council road reserve area.

**Craning**

1. Lifting or craning materials over a public footway or roadway is not permitted unless a “B” class construction hoarding has been installed in compliance with Work Cover authority requirements.

**Site Facilities**

1. 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:
2. be a standard flushing toilet connected to a public sewer, or
3. have an on-site effluent disposal system approved under the Local Government Act 1993, or
4. be a temporary chemical closet approved under the Local Government Act 1993.
5. 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.

 **Site Notice Board**

1. 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:
2. The name, address and telephone number of the Principal Certifying Authority for

 the work;

1. 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
2. Unauthorised entry to the premises is prohibited.

**Demolition Works**

1. Demolition works shall be carried out in accordance with the following:
2. 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 Liverpool City 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;
3. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Liverpool City Council; and
4. 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**

1. 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.

 **Notification of Service Providers**

1. 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 Liverpool City Council.

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

 **Sediment and Erosion Control Measures**

1. 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”.

**Environmental Management**

1. 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:
	1. Siltation fencing;
	2. Protection of the public stormwater system; and
	3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

**Traffic Control Plan**

1. 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.

1. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council’s website or can requested from the Council’s Customer Services.

**Waste bins**

1. Prior to any work, including demolition or site clearing, all domestic waste bins that have been issued by Liverpool Council to 127 and 129 Flowerdale Road, Liverpool, and which are located at any of those premises, must be returned to Liverpool Council. Call Council on 1300 36 2170 to arrange for the removal of the waste bins and so their removal can be noted

**Dial before you dig**

1. 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.

**Refrigerants**

1. If the dwellings to be demolished have air-conditioning or refrigeration systems that must be removed, then prior to works commencing, all refrigerants that remain within those systems must be extracted into a durable, air-tight container by a licensed air-conditioning technician. These refrigerants must then be sent to a facility licensed to undertake refrigerant destruction (e.g. Refrigerant Reclaim Australia) and destroyed in accordance with the established procedures, so as to render them environmentally neutral.

**D. DURING CONSTRUCTION**

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

**Building Inspections**

1. The building works must be inspected by the Principal Certifying Authority, in accordance with section 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, Liverpool City Council’s development consent and the construction certificate.
2. The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

**Building Work**

1. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifying Authority 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 Principal Certifying Authority 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 Principal Certifying Authority, 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.

**Notification/Principal Certifying Authority**

1. 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 adjoining premises from possible damage from the excavation, and

(b) where necessary, underpin the adjoining premises to prevent any such damage.

(c) 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.

**Security Fence**

1. 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 Liverpool City Council’s reserve area.

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

**Construction Waste**

1. All construction waste must be separated as it is generated and kept separate bays, builder’s site bins and/or skips.
2. All demolition, excavation and construction wastes must be separated as they are generated and kept separate bays, builder’s site bins and/or skips.
3. 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.

 **Demolition Inspections**

1. The following inspections are required to be undertaken by Liverpool City Council in relation to approved demolition works:
2. 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 Liverpool City Council.
3. 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.

 **Hours of Construction Work**

1. 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 Liverpool City Council

 **Construction Noise**

1. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009;
2. 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 Liverpool City Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Liverpool City Council. If required by Liverpool City Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Liverpool City Council to Council’s satisfaction.

**Car Parking Areas**

1. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. Clear demarcation between pedestrian and vehicular circulation within the at grade carparking area is to be marked by distinctive surface treatment and signage. 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 the LDCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
2. All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All resident/staff/accessible parking spaces are to be clearly signposted. The applicant is to cover the costs of installation and maintenance of the signage.
3. The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

 **Traffic Management**

1. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA’s Traffic Control at Worksites Manual and the RTA’s Interim Guide to Signs and Markings.
2. 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.
3. Notice must be given to Liverpool City 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.
4. Applications must be made to Liverpool City 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.
5. The endorsed CTMP is to be implemented during the construction.

 **General Site Works**

1. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Liverpool City Council’s stormwater drainage system.
2. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
3. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
4. 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.
5. 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.
6. 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.
7. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
8. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council’s Design Guidelines and Construction Specification for Civil Works.
9. 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.

 **Major Filling/ Earthworks**

1. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council’s Design Guidelines and Construction Specification for Civil Works.
2. The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

 **External**

1. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
2. 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.

 **Contamination**

1. 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).
2. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:

 (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW ‘Waste Classification Guidelines’ April 2008; or

 (b) clearly indicate the legal property description of the fill material source site;

 (c) provide a classification of the fill material to be imported to the site in accordance with the ‘NSW DECCW ‘Waste Classification Guidelines’ April 2008.

 (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and

 (e) must provide Liverpool City Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

1. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

(a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;

(b) The results of a preliminary contamination assessment carried out on any fill material used in the development.

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

 **Site Remediation Works**

1. The site must be remediated in accordance with; Remedial Action Plan (Ref. 55235/123254 (Rev A) prepared by JBS&G Australia Pty Ltd dated 23 July 2019; State Environmental Planning Policy No. 55 – Remediation of Land; National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and the guidelines in force under the Contaminated Land Management Act 1997. The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.
2. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Liverpool City 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.

 **Waste Management Plan**

1. The Waste Management Plan submitted to and approved by Liverpool City 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 Liverpool City Council or any other authorised officer.

Note:Any non-compliance with this requirement will result in penalties being issued.

**E. PRIOR TO ISSUE OF 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**

1. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.
2. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Liverpool City Council with the *Occupation Certificate*.
3. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.
4. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

 Affordable Rental Housing

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

*Terms of the Restriction on Use*

*The restriction applies for ten (10) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. 257/2019 issued by Liverpool City Council.*

*The restrictions are:*

1. *All of the 39 apartments will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;*
2. *All apartments that used for affordable housing will be managed by a registered community housing provider;*
3. *Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and*
4. *Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.*

 **Accessibility**

1. 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

 **Roads Act/ Local Government Act**

1. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with the Section 138 Roads Act or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
2. All roadworks, signposting and street lighting are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

 **Works as Executed**

1. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council’s *Design Guidelines and Construction Specification for Civil Works*.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

 **Stormwater Compliance**

1. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:
	1. On-site detention system/s,
	2. Stormwater pre-treatment system/s,
2. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
3. Have met the design intent with regard to any construction variations to the approved design, and
4. Any remedial works required to been undertaken have been satisfactorily completed.

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

 **Restriction as to User and Positive Covenant**

1. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
2. On-site detention system/s,
3. Stormwater pre-treatment system/s,

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

**Display of Street Numbers**

1. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

**Validation Report**

1. Prior to issue of the occupation certificate a detailed Validation report must be submitted to Council and the Principal Certifying Authority. The Report must be prepared in accordance with:
2. NSW Contaminated Land Planning Guidelines (1998);
3. Relevant EPA guidelines, noting in particular the NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites; and
4. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include details of the consultant’s certification.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the RAP (Ref. 55235/123254 (Rev A) prepared by JBS&G Australia Pty Ltd dated 23 July 2019.

 **Compliance with Acoustic Assessment Report**

1. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report (Report Ref. 18SYA0061 R01\_2, Revision 2) prepared by TTM Consulting Pty Ltd dated 7 March 2019. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

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

 **Design Verification Statement**

1. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority assessing the development, upon completion of all works subject of this consent and its accompanying CC. The Principal Certifying Authority shall ensure that the statement prepared by the qualified designer provides the following:

(a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);

(b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

 **Traffic**

1. Signage must be placed at the driveway entrance advising that parking is for ‘resident vehicles only’.
2. Adaptable unit car bay shared zones should remain as common strata and are kept clear at all times and are associated with the adaptable unit car bays at all times.
3. The approach to the accessible car bay should not have vertical clearance of less than 2.2m and height clearance of 2.5m at adaptable unit car bays compliant with AS2890.6.

 **BASIX**

1. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

 **Redundant Laybacks**

1. Redundant laybacks shall be removed and replaced with kerb and gutter as required to Liverpool City Council specifications.

**Rectification of Damage**

1. Prior to the issue of an Occupation Certificate, any damage to Liverpool City Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

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

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

**Splay**

1. Prior to the issue of an Occupation Certificate a 3m x3m splay corner at the intersection of Flowerdale Road and Smith Crescent is to be dedicated as road to Liverpool City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority.  The dedication of road and subsequent registration shall be at no cost to Council.

**Footpaths**

1. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving for the full site frontage shall be constructed.

**Landscaping**

1. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

**Waste Management**

1. 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 withour Council’s consent, stating:

‘The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.’

1. All waste management facilities, equipment (except waste bins), features and permanent fixed signage are to be installed and operational prior to the issue of an Occupation Certificate.
2. Drainage points within the waste storage areas must be fitted with fine grade gratings or drain covers to prevent the entry of gross pollutants into the drainage pipework.

**Hanging of Washing on Balconies**

1. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

*The hanging of washing, including any clothing, towels, bedding or other article of a similar type of any balcony is not to be visible from any street*

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

**Service Providers**

1. The following documentation is to be provided prior to the release of the Occupation Certificate.
2. Written evidence of a Section 3.21 Compliance Certificate under the Sydney Water Act 1994 is to be submitted to the Principal Certifying Authority.
3. Notification of arrangement for the development from Endeavour Energy shall be submitted to Liverpool City Council.
4. Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance 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 connections of optic fibre technology telecommunications.

 **Lot Consolidation**

1. All separate lots shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Liverpool City Council, has been registered with the NSW Land Registry Services.

**Occupational Hygienist Report for Asbestos Removal**

1. On completion of the asbestos removal works an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.

**F. GENERAL CONDITIONS**

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

 Affordable Rental Housing

1. The development comprising of 39 apartments is to be used solely for the purposes of affordable housing for 10 years from the date of issue of the Occupation Certificate and shall be managed by a registered not-for-profit community housing provider.

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

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

**Parking and Loading Requirements**

1. Parking spaces shall be allocated as follows:
2. 19 car parking spaces for residents (including 4 accessible spaces) are to be provided.
3. All parking areas shown on the approved plans must be used solely for this purpose.
4. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
5. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Liverpool City Council.

 **Landscaping**

1. Landscaping shall be maintained in accordance with the Implementation Plan approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

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

 **Noise and Environmental Emissions**

1. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
2. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
3. 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**

1. After the issue of an occupation certificate, but prior to residents commencing moving in, the developer must contact Liverpool City Council to deliver the required waste bins for the properties. Please call 1300 36 2170 to arrange the bin delivery.
2. The onsite manager of the property is to maintain oversight of the use of the bins by the residents and provide help and guidance to the residents to ensure that correct waste separation and disposal is being carried out.
3. Waste bins are to be presented to the kerbside of Ironbark Avenue by agents of the building management, where the bins will be emptied by Liverpool City Council’s waste contractors. The bins will be replaced promptly in the bin storage areas once emptied, no later than 24 hours after collection. The waste, recycling and green (garden waste) bins are to be kept at all times within the relevant storage rooms, except during the period when the bins are presented for collection.
4. All bulky household waste generated by residents is to be kept in the relevant storage rooms within the development. Wastes of this type may only be placed at the kerbside the evening before the date of a pre-booked bulky household waste collection made with Liverpool City Council

**Crime Prevention Through Environmental Design**

1. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

(a) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;

(b) ‘Way finding’ signage should be utilised at all major interchanges such as lifts and stair wells;

(c) 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

**Complaints Register**

1. The operator shall keep a legible record of all complaints received in an up-to-date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
	1. The date and time, where relevant, of the complaint;
	2. The means by which the complaint was made (telephone, mail or email);
	3. Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
	4. The nature of the complaint;
	5. Any action(s) taken by the operator in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken;
	6. Allocate an individual “complaint number” to each complaint received.

The complaints register must be made available for inspection when requested by Liverpool City Council.

**Graffiti**

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

 **Washing on Balconies**

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

 **Council’s Infrastructure**

1. Liverpool City Council’s infrastructure shall be protected at all times. Any damages shall be rectified by the developer, to Council’s satisfaction and at no cost to Council.

**G. ADVISORY**

1. Section 8.2, 8.3, 8.4 & 8.5 allows Liverpool City 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.
2. Under Section 8.7 & 8.10 of the Act 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.
3. 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.
4. 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.
5. To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. 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.
6. In accordance with Section 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.
7. 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.
8. 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
9. “DIAL BEFORE YOU DIG” DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](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.

1. 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.

1. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
2. 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 affect 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.
3. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
4. Care shall be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or the applicant’s agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

**ATTACHMENT 2: SECTION 7.11 PAYMENT FORM**

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL**

**PLANNING & ASSESSMENT ACT, 1979**

**Liverpool Contribution Plan 2018**

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

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

**APPLICATION NO.: DA-257/2019**

|  |  |  |
| --- | --- | --- |
| **Facilities** | **Amount ($)** | **Job No.** |
| Community Facilities - works | $17,648 | GL.10000001870.10099 |
|   |   |   |
| District Sporting Fields - works | $60,302 | GL.10000001869.10211 |
| District Passive Open Space embellishment | $31,309 | GL.10000001869.10093 |
| Local Passive Open Space - works | $84,676 | GL.10000001869.10103 |
|   |   |   |
| Transport - Bikeways - works | $6,009 | GL.10000001865.10207 |
| Transport - Traffic management - works | $17,122 | GL.10000001865.10213 |
|   |   |   |
| Drainage | $7,605 | GL.10000001866.10209 |
|   |   |   |
| Administration | $3,370 | GL.10000001872.10104 |
|   |   |   |
| **TOTAL** | **$228,040** |   |

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

**RECORD OF PAYMENT**

# Total Amount paid: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Receipt No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Cashier:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ATTACHMENT 3: Endeavour Energy Comments**

The General Manager

Liverpool City Council

**ATTENTION: Emmanuel Torres, Development Assessment**

Dear Sir or Madam

I refer to Council’s  letter of 8 May 2019 regarding Development Application DA-257/2019 at 127 & 129 FLOWERDALE ROAD, LIVERPOOL NSW 2170 (LOTS 2 & 3 DP 373524) for ‘The demolition of existing structures, construction of a five (5) storey residential flat building comprising of 39 units to be used wholly for the purposes of affordable rental housing with at-grade parking and associated landscape and site works’. Submissions need to be made to Council by 29 May 2019.

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

* No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
* Low voltage overhead power lines to the Smith Crescent road verge / roadway including a low voltage overhead service conductor going to the existing dwelling on Lot 2 DP 373524.
* Low voltage overhead service conductor going to the existing dwelling on Lot 3 DP 373524. The supply comes from the opposite side of Flowerdale Road to a pole to the road verge from which the low voltage overhead service conductor goes to the customer connection point for the existing dwelling.

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

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

* Network Capacity / Connection

Endeavour Energy has noted the following in the Statement of Environmental Effects:



As shown in the following extract of the Landscape Plan provision has been made for a padmount substation to the north eastern corner at the Smith Crescent road frontage of the site.



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

The two closest existing substation are:

* Pole mounted substation no. 2916 on the opposite side of Flowerdale Road which currently has 38 customer connection points servicing  55 premises ie. it has a number of multiple connections.
* Padmount substation no. 27137 located diagonally opposite on 79 Flowerdale Road (Lot 5 DP1050036) Liverpool West Public School which currently has 1 customer connection point servicing 3 premises ie. it only services the school.

Given the size of the proposed development (39 units) neither of these substations may have sufficient spare capacity. An extension and/or augmentation of the existing local network will be required but this will not be determined until a detailed assessment is undertaken. Endeavour Energy’s preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further redevelopment of urban areas continues to occur.

The fact that provision is being made for the substation is a positive.  From Endeavour Energy’s perspective.  Endeavour Energy’s general requirements is for a padmount substation easement to have a minimum size of 2.75 x 5.5 metres and also have the additional restrictions for fire rating (which usually extends 3 metres horizontally from the base of the substation footing, and 6 metres vertically from the same point and also has regard to any structures etc. attached to the building that may spread a fire) and possibly swimming pools and spas (which in this instance does not appear to be applicable). The easement and restriction/s should not affect any adjoining property (unless supported by an appropriate easement / restriction). The substation should be at ground level and have direct access from a public street (unless provided with a suitable easement for right of access). Generally it is the Level 3 Accredited Service Provider’s (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy’s standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application  consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

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

[http://www.endeavourenergy.com.au/](https://clicktime.symantec.com/32gsmY2snB1Fc2LhFTjjLnY7Vc?u=http%3A%2F%2Fwww.endeavourenergy.com.au%2F) .

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

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

[https://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service](https://clicktime.symantec.com/39bM4tsfFBYJbxMyhGPVu2y7Vc?u=https%3A%2F%2Fenergysaver.nsw.gov.au%2Fhouseholds%2Fyou-and-energy-providers%2Finstalling-or-altering-your-electricity-service) .

* Urban Network Design

Endeavour Energy’s Company Policy 9.2.5 ‘Network Asset Design’, includes the following requirements for electricity connections to new urban subdivision / development:



* Safety Clearances

The construction of any building or structure (including fencing, signage, flag poles etc.) whether temporary or permanent must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in:

* Australian/New Zealand Standard AS/NZS 7000 – 2016: ‘Overhead line design’ as updated from time to time.
* ‘Service and Installation Rules of NSW’ which can accessed via the following link to the NSW Planning & Environment website:

[https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules](https://clicktime.symantec.com/39P4ZGGaF3vpgaTzDsobk8Q7Vc?u=https%3A%2F%2Fenergy.nsw.gov.au%2Fgovernment-and-regulation%2Flegislative-and-regulatory-requirements%2Fservice-installation-rules) .

As a guide please find attached a copy of Endeavour Energy Drawing ‘Overhead Lines Minimum Clearances Near Structures’.

Whilst there does not appear to be an issue with the safety clearances from the existing overhead power lines in Smith Crescent proposed residential flat building, ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kV (and a distance of 4.0 metres for  the erection and dismantling of scaffolding). In this case, with the 4480 mm building setback to Smith Crescent (shown in the Roof Plan), depending on the width of the working platform and the distance of the conductors from the boundary, consideration may need to be given to the ‘Work Near Overhead Power Lines Code of Practice 2006’, Section 6.5 ‘Control measures for erection and dismantling of scaffolding near overhead power lines up to and including 33kV’ an extract of which follows:



* Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy’s electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 ‘Electrical installations’ as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

* Prudent Avoidance

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

In practical terms this means that when designing new transmission and distribution facilities, consideration is  given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council’s permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of Energy Networks Association’s  ‘Electric & Magnetic Fields – What We Know, which provides the following advice and can also be accessed via the Energy networks Australia website at [https://www.energynetworks.com.au/electric-and-magnetic-fields](https://clicktime.symantec.com/34KvrtphxkrZCd4THkdkB8g7Vc?u=https%3A%2F%2Fwww.energynetworks.com.au%2Felectric-and-magnetic-fields) .

*Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.*

*The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.*

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

* Vegetation Management

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

Endeavour Energy has noted that as shown in the following extracts of the Landscape Plan, the proposal involves the retention of the existing street trees and the planting of trees to the front building setbacks.  Due to the large mature size in proximity of the overhead power lines, Endeavour Energy’s objects to the proposed tree planting to the Smith Crescent road frontage. The trees should be replaced (including any of the existing street trees which are of low ecological significance) with an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning.





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

* Dial Before You Dig

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

* Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy’s Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm)  by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out.  The work could involve:

* The disconnection and removal of an underground service cable or overhead service line,
* Removal of metering equipment.

The written  request must be submitted to Endeavour Energy using Form FPJ4603 ‘ Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider’ which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed  by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme please refer to the above point ‘Network Capacity / Connection’.

* Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: ‘The demolition of structures’ as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

* Public Safety

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

[http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures](https://clicktime.symantec.com/33jcfC255AnYPbvk7XkgFEg7Vc?u=http%3A%2F%2Fwww.endeavourenergy.com.au%2Fwps%2Fwcm%2Fconnect%2Fee%2Fnsw%2Fnsw%252Bhomepage%2Fcommunitynav%2Fsafety%2Fsafety%252Bbrochures) .

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

* Emergency Contact

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

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

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

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

T:  9853 7896

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51 Huntingwood Drive, Huntingwood  NSW  2148

[**www.endeavourenergy.com.au**](https://clicktime.symantec.com/3CrTkhQF7Gi1CnPGEeHSvNJ7Vc?u=http%3A%2F%2Fwww.endeavourenergy.com.au)

