



**Land and Environment
Court**
of New South Wales

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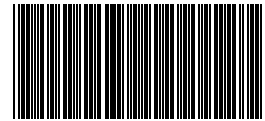
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D0001NTSIT

5 January 2023

NOTICE OF ORDERS MADE

Case number 2022/00101052
Case title WARWICK FARM CENTRAL PTY LTD v Liverpool City Council

On 5 January 2023 the following orders (and/or directions) were made:

The Court orders that:

- (1) The appeal is upheld.
- (2) Development consent is granted to Development Application DA-1134/2021 for specialised retail premises, food and drink premises and health services facilities on the land described as Lot 1 DP 1162276 and known as 240 Governor Macquarie Drive, Warwick Farm subject to the conditions in Annexure A.
- (3) The development consent takes effect from the date of this determination.

For the Registrar

ANNEXURE A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-1134/2021

Development: Development for the purposes of:

- specialised retail premises;
- food and drink premises; and
- health services facilities.

Site: Lot 1 DP 1162276 known as 240 Governor Macquarie Drive, Warwick Farm

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 5 January 2023

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 DP 1162276 known as 240 Governor Macquarie Drive, Warwick Farm.

The conditions of consent are as follows:

CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out generally in accordance with the following plans/reports marked, except where modified by the undermentioned conditions, as follows:

Plan	Project No.	Drawing No	Date	Rev	Prepared By
Pedestrian Access Plan & Corner treatment	5013	DA011	15/08/2022	A	Leffler Simes Architects
Site Plan	5013	DA015	25/07/2022	D	Leffler Simes Architects
Ground Floor (GFA)	5013	DA020	25/07/2022	D	Leffler Simes Architects
First Floor (GFA)	5013	DA021	25/07/2022	D	Leffler Simes Architects
Ground Floor Plan	5013	DA100	25/07/2022	G	Leffler Simes Architects
First Floor Plan	5013`	DA101	25/07/2022	F	Leffler Simes Architects
North Elevation 1	5013	DA150	25/07/2022	D	Leffler Simes Architects
North Elevation 2	5013	DA151	25/07/2022	D	Leffler Simes Architects
South Elevation 1	5013	DA152	25/07/2022	D	Leffler Simes Architects
South Elevation 2	5013	DA153	25/07/2022	D	Leffler Simes Architects
East Elevation 1	5013	DA154	25/07/2022	D	Leffler Simes Architects
East Elevation 2, West Elevation 1 & 2	5013	DA155	25/07/2022	D	Leffler Simes Architects

Sections Sheet 1	5013	DA160	25/07/2022	D	Leffler Simes Architects
Sections Sheet 2	5013	DA161	25/07/2022	D	Leffler Simes Architects
Ground Floor Landscape Plan	1375	L-01	22/08/2022	B	Site Design + Studios
Detail Landscape Plan 1	1375	L-02	22/08/2022	B	Site Design + Studios
Detail Landscape Plan 2	1375	L-03	22/08/2022	B	Site Design + Studios
Detail Landscape Plan 3	1375	L-04	22/08/2022	B	Site Design + Studios
First Floor Landscape Plan	1375	L-05	22/08/2022	B	Site Design + Studios
Section A, B & Manning Street Elevation	1375	L-06	22/08/2022	B	Site Design + Studios
Warwick Street Elevation	1375	L-07	22/08/2022	B	Site Design + Studios
Munday Street Elevation	1375	L-08	22/08/2022	B	Site Design + Studios
Governor Macquarie Drive Elevation	1375	L-09	22/08/2022	B	Site Design + Studios
Planting Details	1375	L-10	22/08/2022	B	Site Design + Studios

Company	Job No./Drawing No.	Title	Revision /Issue	Date
SGC	20210293/SW100	COVER SHEET	B	13.09.22
SGC	20210293/SW200	STORMWATER DRAINAGE DESIGN	B	13.09.22

		GROUND FLOOR SHEET 01 OF 04		
SGC	20210293/SW201	STORMWATER DRAINAGE DESIGN GROUND FLOOR SHEET 02 OF 04	B	13.09.22
SGC	20210293/SW202	STORMWATER DRAINAGE DESIGN GROUND FLOOR SHEET 03 OF 04	B	13.09.22
SGC	20210293/SW203	STORMWATER DRAINAGE DESIGN GROUND FLOOR SHEET 04 OF 04	B	13.09.22
SGC	20210293/SW300	STORMWATER CONCEPT DESIGN DETAILS SHEET SHEET 01 OF 02	B	13.09.22
SGC	20210293/SW301	STORMWATER CONCEPT DESIGN DETAILS SHEET SHEET 02 OF 02	B	13.09.22
SGC	20210293/SW400	STORMWATER DRAINAGE DESIGN EROSION AND SEDIMENT CONTROL PLAN	B	13.09.22
SGC	20210293/SW401	STORMWATER DRAINAGE DESIGN EROSION AND SEDIMENT CONTROL PLAN DETAILS SHEET	B	13.09.22
SGC	20210293/SW500	STORMWATER CONCEPT DESIGN DRAINS CATCHMENT PLAN	B	13.09.22
SGC	20210293/SW501	STORMWATER CONCEPT DESIGN MUSIC CATCHMENT PLAN	B	13.09.22
SGC	20210293/C100	COVER SHEET	C	21.09.22
SGC	20210293/C201	FLOOD VOID – CIVIL WORKS GENERAL ARRANGEMENT PLAN	C	21.09.22
SGC	20210293/301	FLOOD VOID – CIVIL WORKS LONGITUDINAL SECTION	C	21.09.22
SGC	20210293/501	FLOOD VOID – CIVIL WORKS DETAILS SHEET	C	21.09.22

Report Name	Date	Reference	Prepared By
Loading Dock Management Plan	July 2022	21.292r03v02	Traffix
Traffic Impact Assessment	29 July 2022	21.292r04v01	Traffix
Statement of Heritage Impact	10 September 2021	B	GBA Heritage
Noise Assessment Report	15/09/2021	1	Accor Consultants
Operational Waste Management Plan	15/09/2021	3378	Elephant Foot Consulting Pty Ltd.
Preliminary Site Investigation	13/09/21	ES8339	Aargus
Addendum to Preliminary Site Investigation	30/08/22	ES8339	Aargus

Works at no cost to Council

2. All roadworks and drainage works that form part of the consented development shall be undertaken at no cost to Liverpool City Council.
3. [Spare]
4. [Spare]
5. [Spare]

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to the issue of a Construction Certificate by the Principal Certifying Authority.

Section 7.12 Payment

6. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents % 1 of the cost of the development and is imposed in accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and clause 3.8 of the Liverpool Contributions Plan 2018 – Established Areas.

The total contribution is \$328,918.09 and will be adjusted at the time of payment in accordance with the contributions plan.

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

Comply with EP&A Act (General)

7. The relevant requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, must be fully complied with at all times in the course of carrying out the development.

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

Prescribed condition (General)

8. In accordance with Section 4.17(11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code: Building Code of Australia. Compliance with the Performance Requirements can only be achieved by:
 - a. Complying with the Deemed to Satisfy Provisions; or
 - b. Formulating a Performance 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).

Long Service Levy

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

Cladding

10. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Products banned under the Building Products (Safety) Act 2017

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

S138 Roads Act – Minor Works in the public road

12. 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:
 - a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),

- b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
- c) Road occupancy or road closures.

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the approved plans, and Liverpool City Council's published specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Retaining Walls on Boundary

13. 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 – Roadworks requiring approval of civil drawings

14. Prior to the issue of a Construction Certificate for building works the Certifier 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 the following:
- i. Demolish all existing driveways and laybacks, including construction of kerb and gutter, and reinstatement of the public verge area along the site frontage.
 - ii. Removal and reconstruction of existing cracked and/or damaged kerb and gutter reconstruction along the site frontage (Warwick, Manning & Munday Streets).
 - iii. Concrete footpath paving & associated pram ramp works Warwick Street (Sharepath 2.5m wide) & Manning Street (1.5m wide))
 - iv. Stormwater connections into the public drainage system (Governor Macquarie Drive & Munday Street). The GMD connection is to be coordinated with Council's intersection upgrade design.
 - v. Pavement improvement works (eg Mill & AC resheet) along the site frontage (Warwick Street, Manning Street and the parts of Munday Street impacted by the loading dock and access and egress points).
 - vi. The driveways that impact existing grated stormwater kerb inlet pits & lintels within the road, are to be reconstructed to suit the new driveway vehicle laybacks. An additional grated kerb inlet pit, in a nearby location, and associated stormwater drainage works are also required. (Munday Street).
 - vii. Access and egress via Warwick Street is to be by left in/left out only.

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

Note:

1. Pavement improvement works are subject to pavement condition investigation and assessment.
2. All works shall be undertaken at no cost to Liverpool City Council.
3. TfNSW approvals may also be required.

On-site Detention

15. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC, reference number 20210293 – SW100 to SW500, revision B, dated 13/09/2022.

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 Certifier 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.

The OSD systems are to be designed utilising DRAINS. An electronic copy of the DRAINS model used to design the OSD system is to be provided to Council. Submergence by the downstream system for at least the up to the worst case 20yr event, and areas that bypass the OSD system are also to be considered in the model, to ensure that post-development stormwater discharge from the site is not greater than the existing at the proposed discharge points. Design changes are to be incorporated as required.

No Loading on Easements

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

Water Quality

17. Prior to the issue of a Construction Certificate, the Certifier shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- a) Specification & installation details of the stormwater pre-treatment system
- b) The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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

Access, Car Parking and Manoeuvring – General

18. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Dilapidation Report

19. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Governor Macquarie Drive, Munday, Manning & Warwick Streets 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.

Additional Engineering Conditions

20. For future maintenance purposes of the Compensatory Flood storage area:
- The area beneath the suspended slab shall be hard paved/sealed, eg asphalt, and provided with child proof access to the area.
 - Access points 900mm x 900mm (maximum 6m spacing), particularly in the suspended driveway areas and at regular intervals, are to be shown for access to the undercroft/flood storage area.
21. Prior to the issue of a Construction Certificate for building works arrangements shall be made with the relevant authority for the relocation of the asset/s affected by the proposed driveway vehicular crossing. Alternatively written acceptance regarding the proposed location of the vehicular crossing and the existing asset, and/or any alternative arrangements, shall be provided to the Principal Certifier. A copy of the written acceptance and/or their requirements is also to be provided to Council. All cost for any relocation to be at no cost to Council.

City Design and Public Domain

22. The applicant is to submit a detailed landscape architectural package prepared by a suitable qualified, AILA registered Landscape Architect. The landscape package is to be amended to reflect the current development proposal. Prior to the issue of any construction certificate, the landscape architectural design is to be amended to demonstrate the following and evidence is to be provided to the certifier that the design has been reviewed and endorsed by Liverpool City Council's Manager Development Assessment and/or City Planning prior to the issue of a CC.
- Incorporate a 2.5m Shared User Path (SUP) along the frontage of Warwick Street (i.e., the primary frontage), providing a connection between the surrounding, existing SUP infrastructure.
 - Maintain pedestrian and cyclist priority along the Warwick Street SUP, at all vehicle driveways (i.e., entry & exits).
 - Integrate a generous quantity of 200L street tree plantings within the Warwick Street public frontage (i.e., Verge). The trees need to be planted at an interval of 7-10m.
 - Include a pedestrian priority crossing at the top of the vehicle access ramp (off Munday St) and at the base of the First-Floor vehicle access ramp (i.e., between tenancy 09 and 10).

- e. Resolve the design of the Munday Street driveway SUP crossover, to minimise the impacts on the existing SUP infrastructure and maintain the safety of its users.
- f. Indicate the location of the proposed '47 bicycle parking spaces' and clearly demonstrate how the location is accessible from the surrounding SUP infrastructure.
- g. As part of a layered landscape proposal for the perimeter of the site, high-hedge boundary planting is to be incorporated (within the public domain) to visually conceal and soften the large expanses of blank walls and fences.
- h. All street tree plantings are to be a minimum 200L pot size at the time of installation. All street tree construction information/details (e.g., dimensions, soil volume, pit (if needed), materials, grates (if needed), and tree species etc) must be included in the landscape package submitted, prior to CC.
- i. All proposed tree plantings (within the private domain) are to be a minimum 75L pot size at the time of installation. All standard tree construction information/details (e.g., dimensions, soil volume, materials, grates (if needed), and tree species etc) must be included in the landscape package submitted, prior to CC.
- j. Utilise landscaping and/or privacy screening to visually screen fire hydrants, boosters, and electrical substations from the public domain.
- k. [Spare]
- l. Include pedestrian lighting along Warwick Street.

Traffic

- 23. The applicant/developer must submit design of the proposed driveway access(s) off Munday Street and Warwick Street to Council's Transport Management section for approval under the *Roads Act 1993*.
- 24. [Spare]
- 25. [Spare]
- 26. Detailed design drawings of the proposed traffic facilities, signs and line markings in the existing and proposed public domain areas are to be submitted to Council for approval using [Approval of Traffic Facilities including Signs and Line Marking Schemes Application Form](#). The application is available on Council website and should be lodged online. The drawings are to be prepared by a suitably qualified person.
- 27. [Spare]
- 28. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and can be lodged online.
This form is to be used to seek Council requirements for upgrading or installing new street lights at all frontages.

Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas.

Construction Traffic Management Plan (CTMP)

29. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is available on Council website and can be lodged online. Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction.

A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers.

Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

30. The Certifier shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.

The Certifier shall ensure and certify that:

1. Off street access and parking complies with AS2890.1,
2. Vehicular access and internal manoeuvring have been designed for the longest (Articulated Vehicle/ Heavy Rigid/ Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2,
3. Sight distance at the street frontage has been provided in accordance with AS 2890.1,
4. All vehicles can enter and exit the site in a forward direction, and/or

Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

31. Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section.

Flooding

32. There shall be no adverse flooding impact in the vicinity due to proposed development. Any loss of flood storage volume below the 1%AEP flood on the site shall be compensated.
33. Proposed development shall be in accordance with following civil engineering, architectural & landscape plans/drawings:
- a) Concept stormwater design plans Rev B, Sheets Nos SW100 to SW501 dated 13/09/2022 by SGC Consulting (as set out in condition 1 above).
 - b) Architectural drawings by Leffler Simes Architects as set out in condition 1 above.

- c) Landscape drawings dated 22/08/2022 by SiteDesign Studios (as set out in condition 1 above).
34. Proposed flood compensatory works shall be in accordance with Flood Void Design, Dwg Nos: C100 (revision C), C201 (revision C), C301 (revision C) & C501 (revision C) dated 21/09/2022 by SGC Consulting and Letter report on Additional Information dated 20/09/2022 by SGC Consulting.
35. Proposed flood compensatory works shall satisfy following:
- a. Detailed plans/drawings and calculations of flood compensatory work (flood void) shall be submitted at CC Stage demonstrating that net loss of flood storage volume has been achieved. The net loss of storage volume has been calculated as 3,197cu.m. Calculation of flood compensatory storage volume shall exclude volumes of piers.
 - b. Effective mechanism for free passage of flood water in/out from the compensatory void area shall be provided by mean of gravity.
 - c. Proposed flood relief culverts around perimeter of the void area shall have appropriate openings/grates or similar mechanism to facilitate flood water passage to enter & out from the flood void area,
 - d. Operation & maintenance plan for the flood void area shall be prepared and be in place to remove any debris or blockages in and around the flood void area. All openings proposed around the flood void area shall not be blocked any time.
 - e. Operation strategy of the flood void outlining mechanism of draining of flood waters in & out during and after flood shall be prepared and submitted to the principal certifier for review prior to the issue of a CC.
 - f. Sufficient number of detailed long sections across the flood void area shall be prepared and submitted at CC Stage demonstrating smooth flood water conveyance by gravity is achieved through and out of the flood void area.
 - g. Flood void area and associated flood relief culverts must be shown on detailed stormwater, architectural and landscape plans/drawings and submitted at CC Stage
 - h. Finished floor levels of premises of the development shall be no lower than the 1%AEP plus 0.5m freeboard, i.e. (8.4m+0.5m=) 8.9mAHD minimum.
 - i. Structures shall be constructed from flood compatible building components below the 1%AEP flood plus 0.5m freeboard.
 - j. There shall be no storage of materials below the 1%AEP flood plus 0.5 freeboard which cause pollution or be potentially hazardous during any flood.
 - k. Stormwater quality treatment facilities shall be provided to treat stormwater pollutants from the development before discharging into receiving waters and shall achieve Councils stormwater treatment targets. The water quality treatment facility shall consist of stormfilter cartridges installed in proposed OSDs and stormwater filter inserts on below ground stormwater system of the development. Water quality treatment system shall be designed using MUSIC modelling analysis and performance of the facility shall be verified using Council MUSIC Link.

- l. Any fencing shall be constructed in a manner that does not obstruct the floodwaters so as to have an adverse impact on flooding.
 - m. Flood evacuation strategy and plan shall be prepared to ensure safe evacuation of people from the site during floods to publicly accessible location above the Probable Maximum flood, i.e above 10.7mAHD.
 - n. Reliable access for pedestrian or vehicles shall be required during the 1%AEP flood to publicly accessible location above the PMF.
 - o. Detailed design plans/drawings of proposed stormwater system, flood compensatory work etc. as outlined above including items (b) – (n), and water quality treatment facilities shall be provided at CC Stage for the principal certifier's approval. . Flood evacuation plan(s) and necessary reporting shall be included.
36. [Spare]
37. [Spare]

Recommendations of Acoustic Report

38. The recommendations provided in the approved acoustic report titled '*Proposed Warwick Farm Large Format Retail Development, Lot 1 Governor Macquarie Drive, Warwick Farm*' (Ref: R01 210915) prepared by Acor dated 15 September 2021 (except for any recommendations which relate to a childcare centre) shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application. The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report (except for any recommendation or requirement which is associated with a childcare centre). The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifier prior to issue of the Construction Certificate. Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or is employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Construction Environmental Management Plan (CEMP)

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

- e) Site Soil and Water Management Plan;
- f) Noise and Vibration Control Plan;
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency and
- m) Unexpected Finds Protocol.

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

Mechanical Plant and Equipment

40. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report titled '*Proposed Warwick Farm Large Format Retail Development, Lot 1 Governor Macquarie Drive, Warwick Farm*' (Ref: R01 210915) prepared by Acor dated 15 September 2021 (except for any recommendations which relate to a childcare centre). 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.

Waste Storage Area

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

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

C. PRIOR TO WORKS COMMENCING

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

Traffic Control Plan

42. Prior to commencement of construction 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.

Commencement of building works

43. Building work shall not commence prior to the appointment of a Principal Certifier. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines. The erection of a building shall not commence prior to the issue of a Construction Certificate.

Construction Certificates

44. Prior to the commencement of any building works, the following requirements must be complied with:
- a. A principal certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - b. The principal certifier 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.
45. Prior to the erection of a building, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or a Registered certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from a Registered Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier.

Traffic

46. Work Zone - A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space.

A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form.

47. Road Occupancy Permit - Road occupancy and road opening approvals will be required from Council to undertake works within the existing road reserve. The following applications are available on Council's website and can be lodged online attaching all required documents indicated on the application form.

- Road Occupancy Application Form
- Road Opening Application Form

48. Applications must be made to Council's Traffic and Transport 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.

Waste Classification and Disposal of Contaminated Soil and Material

49. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*, prior to off-site disposal. All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifier 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.

Environmental Management

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

Detailed Site Investigation

51. Prior to the issue of a construction certificate, the applicant is required to:
- a. Prepare a Detailed Site Investigation (**DSI**) setting out the extent of any contamination and (b) whether any remediation is required; and
 - b. Submit the DSI to Council; and
 - c. Prepare a Remediation Action Plan (**RAP**), if required, and submit the RAP to Council; and

- d. Carry out of any remediation pursuant to the RAP; and
 - e. Provide to the Council a site audit statement, authored by a qualified site auditor and within the meaning of the *Contaminated Land Management Act 1997* and in the form approved by the EPA, which includes a certificate that the site is suitable for the approved use.
52. In the event that remediation of the site is required, the site must be remediated in accordance with;
- a) The RAP; and
 - b) State Environmental planning Policy (Resilience and Hazards) 2021; and
 - c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
 - d) 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. Council must be informed in writing of any proposed variation to the remediation works. Council must approve these variations in writing prior to commencement/ recommencement of works.

D. DURING CONSTRUCTION

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

Drainage Connection

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

Identification Survey Report

54. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the principal certifier 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 certifier 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 certifier, a copy of the survey shall be provided to Council within three (3) working days.

55. On placement of the concrete, works again shall not continue until the principal certifier 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.

Sign Notice Board

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

Excavation

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

Toilet Facilities

58. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a) be a standard flushing toilet connected to a public sewer, or
 - b) be connected to an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c) be a temporary chemical closet approved under the Local Government Act 1993.

Craning and Hoardings

59. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

Refuse Disposal

60. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Security Fence

61. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note. Fencing is not to be located on Council's reserve area.

62. [Spare]

All works including installation to be at no cost to Council.

63. The Compensatory Flood Storage works shall be inspected during construction by a suitably qualified practicing Civil Engineer. Documentary evidence of compliance with the approved drawings shall be obtained and provided to the Principal Certifier prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- d. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Compensatory Flood Storage.
 - e. Prior to sealing the Compensatory Flood Storage area.
 - f. Final Inspection.

Aboriginal Cultural Heritage – Staff and Contractors

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

Aboriginal Cultural Heritage – Unexpected Finds

65. As required by the National Parks and Wildlife Service Act 1974 in the event that Aboriginal cultural heritage objects or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery. Work may recommence if either the Council or Heritage NSW inform the proponent that there is no objection to the resumption of work.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the National Parks and Wildlife Service Act 1974 to obtain the necessary approvals/permits from Heritage NSW.

Note: The National Parks and Wildlife Service Act 1974 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

Skeletal Remains

66. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Heritage NSW must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders. Work may recommence after the management plan has been submitted (or if an Aboriginal heritage impact permit is required, once such a permit is issued).

General Site Works – Existing Hydrology

67. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.

General Site Works – Runoff

68. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

General Site Works - Sediment

69. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Vegetation – Existing Vegetation

70. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

71. [Spare]

72. [Spare]

Vegetation - Bushland

73. Clearing of bushland in addition to any clearing approved for this development application, whether it be removal of trees, groundcover or understorey, requires development consent.

Vegetation – Fauna Habitat

74. Within the area of land indicated on the approved plans for the development as fauna habitat, all existing native vegetation and habitat features shall be retained as habitat for native fauna.

Vegetation - Weeds

75. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.

Vegetation - Rehabilitation

76. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.

Vegetation - Mulch

77. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.

Vegetation – Imported Soil or Mulch

78. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Traffic

79. Car parking spaces and driveways must be constructed of a minimum two coat finish seal or better.

All parking spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities.

The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off-Street Car Parking.

All car parking areas are to be appropriately line marked and sign posted in accordance with the Council approved stamped plans.

All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street car parking.

80. 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, 8:00am to 3:30pm Saturday, unless otherwise approved by the Council. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.
81. All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Delineation Guideline.

Removal of dangerous and/or hazardous waste

82. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Contamination

83. The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act, 1997*.

Imported Fill Material

84. Filling material must be limited to the following:
- a) Virgin excavated natural material (VENM)
 - b) Excavated natural material (ENM) certified as such in accordance with *Protection of the Environment Operations (Waste) Regulation 2014*; and/or
 - c) Material subject to a Waste Exemption under Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifier prior to filling. Certificates are to be provided to Council officers if and when requested. Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

Record Keeping of Imported Fill

85. The following records of accepted waste derived fill material must be submitted to the Principal Certifier 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) Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
 - c) the results of any chemical testing undertaken on fill material

Unidentified Contamination

86. 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 immediately notified to Council and the Principal Certifying Authority in writing. A Section 4.55 or 4.56 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

87. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that such work is not to proceed.

All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Erosion Control

88. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

89. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control - Site Operations

90. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.

Ventilation

91. 100. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
92. To ensure that adequate provision is made for ventilation of the building, the design, construction, installation and commissioning of the mechanical ventilation systems(s) shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2. The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person and shall be positioned to comply with AS 1668 Part 2, Section 3.7.

93. [Spare]

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either a Partial or Final Occupation Certificate by the Principal Certifier (PC) (and, for a Partial Occupation Certificate the condition applies in respect of the partially completed building the subject of that certificate):

Works as executed - General

94. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifier 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 Certifier.

Liverpool City Council clearance – Roads Act/Local Government Act

95. Prior to the issue of an Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

Stormwater Compliance

96. Prior to the issue of an Occupation Certificate the Principal Certifier shall ensure that the:

- a) On-site stormwater detention system/s
- b) Stormwater pre-treatment/Water quality system/s
- c) Compensatory flood storage
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to 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

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

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Compensatory flood storage

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

Rectification of Damage

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

Any rectification works within Governor Macquarie Drive, Munday, Manning & Warwick Streets will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Directional Signage

99. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier.

Dilapidation Report

100. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer (but only if those rectification works are necessary because of the development).

Additional Engineering

101. Prior to issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier:

- (a) A Certificate from a suitable qualified and practicing Professional Engineer, and
- (b) "Works as Executed" drawings of the works (as described below) prepared by a Registered Surveyor.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system (including On-site Stormwater Detention, Water Quality Device), and
- (ii) the compensatory Flood Storage, and
- (iii) the car parking arrangement and area including circulating ramps, and
- (iv) the proposed driveway,

have been constructed in accordance with the Council approved plans and details and satisfies the design intent, including any construction variations, and complies with the appropriate SAA Codes, relevant Standards and Council's Policies and Specifications. Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

102. Satisfactory completion of any required utility relocation as a result of the new driveway vehicular crossing locations.
103. Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site. The signage shall indicate where there are vehicular ingress and egress only points, with "Entry Only" or "No Entry" as appropriate, and clearly identify any loading dock only entry points.

Landscaping

104. Upon completion of the approved landscape works associated with the development and prior to the issue of any Final Occupation Certificate, an Implementation Report is to be submitted to the PC 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.

Certificate

105. The premises must not be occupied until an Occupation Certificate is issued by the principal certifier.

Section 73 Sydney Water

106. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PC prior to issue of Occupation Certificate.

Cladding

107. Prior to issuing an occupation certificate the principal certifier 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.

Traffic

108. All works (for this development) within the road reserve, including the approved driveways, footpath, sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW/RMS 'Delineation Guidelines'.
109. Prior to the issue of an Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
110. Adequacy of existing and new street lighting along the property frontage road are to be reviewed by an accredited service provider and upgraded to Council's and Endeavour Energy specifications.
111. Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.
112. [Spare]

Regulated Systems

113. Regulated systems installed, such as air-handling systems, heated water systems and cooling water systems, must comply with the Public Health Act and Public Health (Microbial Control) Regulation thereunder, including AS3666.1:2011 & AS1668. The PC is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

Validation Report

114. Prior to issue of the occupation certificate a detailed Validation report must be submitted to the Principal Certifier. The Report must be prepared in accordance with:
- a) NSW Contaminated Land Planning Guidelines (1998);
 - b) Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and
 - c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The Validation Report must be prepared or reviewed and approved by a suitably qualified and experienced contaminated land consultant. The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme. 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 approved Remedial Action Plan. Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

Notification of Food Premises

115. The food business is required to notify Council of the food business details. The PC is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee.

Food Premises – Commencement of Trade

116. Trading shall not commence until an Occupation Certificate has been issued by the PC.

Mechanical Ventilation Certificate

117. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifier (PC) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

Connection to Reticulated Sewer

118. Prior to the issue of an Occupation Certificate, a restriction shall be placed on the title of the land pursuant to S.88B of the Conveyancing Act 1919, requiring the following:
- a) If a connection to a reticulated sewerage system becomes available within 75 meters from any property boundary, a connection shall be established within 12 months of such connection becoming available.
 - b) All wastewater generated at the premises must be directed to the reticulated sewerage system.
 - c) Certification of connection to the reticulated sewerage system shall be submitted to Council.

Noise Management Plan

119. A Noise Management Plan shall be prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints. The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts. This documentation shall be submitted to the PC and Council for review and approval prior to issue of a Partial or Final Occupation Certificate. Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Occupational Hygienist Report for Asbestos removal

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

Remediation Work - Notice of Completion

121. Within thirty (30) days of completion of remediation work, a notice of completion as required to be provided to Council under section 4.14 of State Environmental Planning Policy (Resilience and Hazards) 2021 to confirm that the remediation has been carried out in accordance with the Remedial Action Plan, requirement(s) of this consent, and State Environmental Planning Policy (Resilience and Hazards) 2021. The notice of completion of remediation work shall be in writing and prepared in accordance with section 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021. Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

F. CONDITIONS RELATING TO USE**Separate Application for Fit Out**

122. Each separate unit/occupancy shall be subject to submission (and approval by Council) of a separate Development Application or (where applicable) Complying Development Certificate Application for its fit-out and the use of that fit-out. Each such unit/occupancy must not be occupied until development consent has been granted for such a fit-out.

Operational Conditions

123. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.
124. 125. Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.

Traffic

125. An approved Operational Traffic and Loading Management Plan should be in place and implemented at all times.
126. The off-street car parking spaces disabled spaces and heavy vehicle parking spaces shown on the approved drawings in condition 1 are to be retained. All the signage and linemarking are to be maintained to Council's satisfaction.
127. All parking areas shown on the approved plans must be used solely for the intended purpose.
128. All loading and unloading must take place from the designated loading dock. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvrings and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.
129. 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

Unreasonable Noise and Vibration

130. The proposed use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council, an acoustic assessment is to be undertaken by a suitably qualified acoustic consultant and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations approved by Council must be implemented. Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Medical/ Skin Penetration Waste

131. All used swabs, syringes, bandages, and other medical wastes must be stored without nuisance and disposed of by a registered pathological waste removalist.

Waste Collection

132. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.

Waste Management

133. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.

Noise Complaints register

134. 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:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Applicant 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.
 - f) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council. The industry shall be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times.

Lighting

135. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:2019 and Australian Standard 1158.1.1:2022 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

Noise - General

136. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
 - iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
 - iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

137. [Spare]

138. [Spare]

Forklifts and Delivery Vehicles

139. To minimise potential noise impacts, all forklifts and delivery vehicles associated with the use shall be equipped with smart (self-adjusting) reverse alarms, broadband reverse alarms, combination alarms or other suitable noise reduction technologies instead of tonal reversing alarms.

Environment

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

Smoke-free Environment Act and Smoke-free Environment Regulation

141. 142. The Applicant and Occupier of the premises are alerted to the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016. Nothing in this consent is to be taken to imply that the development meets the requirements of the aforementioned legislation. In the event that the Applicant and/or Occupier wishes to facilitate smoking within the premises, they must ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016.

Fast Food Restaurant

142. In dealing with complaints regarding the operation of the restaurant, a noise management registry is required to be kept and shall include the following:
- a) best available management practices to minimise noise at the operational stage of the development,
 - b) a monitoring program,
 - c) a complaints handling program to ensure complaints are recorded and addressed in a timely manner, and
 - d) records of how these complaints have been satisfactorily addressed and resolved.

Fast Food Restaurant

143. The proprietor of the restaurant is to develop and implement a Litter Patrol Plan. This plan is to ensure that regular litter patrols are to be carried out no less than three (3) times per day, within a 150 metre radius of the premises.

Car Park Signage

144. Prominent notices shall be installed at the entry and exit to the car park informing people to enter and leave the car park quietly.