

DRAFT CONDITIONS OF CONSENT FOR DA-1295/2021

APPLICANT:	LANDCOM
LAND:	GURNER AVENUE AUSTRAL, LOT 184 DP 1237400
PROPOSED DEVELOPMENT:	<p>Staged residential subdivision to create 123 Torrens title residential lots and 22 final residue lots with associated vegetation removal, site remediation, earthworks, construction of new roads and civil works over 3 stages:</p> <p>Stage 1 – Torrens title subdivision of 1 lot to create 11 residue lots</p> <p>Stage 2 – Torrens title subdivision of residue lot 101 in Stage 1 to create 60 residential lots and 9 residue lot</p> <p>Stage 3 – Torrens title subdivision of residue lot 70 in Stage 2 to create 63 residential lots and 4 residue lots</p> <p>The proposed development is identified as Integrated Development requiring an approval from:</p> <ul style="list-style-type: none">• The Department of Planning and Environment – Water under the Water Management Act 2000• The Department of Planning and Environment – Heritage under the National Parks and Wildlife Act 1974.• The Department of Primary Industries Fisheries under the Fisheries Management Act 1994.• The NSW Rural Fire Service under the Rural Fires Act 1997.
DETERMINATION:	Approved REFER TO WPC PANEL
CONSENT TO OPERATE FROM:	XX XXXX 2022

CONSENT TO LAPSE ON:

XX XXXX 2027 (unless physically commenced)

ATTACHMENTS:

- 1. Conditions of Approval**
- 2. General Terms of Approval issued by Department of Primary Industries - Fisheries**
- 3. General Terms of Approval by Department of Planning and Environment – Water**
- 4. General Terms of Approval by NSW Rural Fire Services**
- 5. General Terms of Approval by NSW Heritage**
- 6. Jemena Requirements**
- 7. Sydney Water Requirements**
- 8. Endeavour Energy Requirements**
- 9. Transgrid Requirements**
- 10. Transport for NSW Requirements**

Before commencing the development please read the Development Consent carefully and make sure you understand all the conditions that have been imposed. Please contact Council if you have any questions.

DEFINITIONS

Council	Liverpool City Council
DCP	Liverpool Growth Centre Precincts Development Control Plan 2021
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
LRS NSW	Land Registry Service NSW
PCA	Principal Certifying Authority
TfNSW	Transport for NSW

STAGED APPROVAL

The conditions referenced apply to each stage as identified below:

Stage	Development works	Part reference	Condition reference
1	Paper subdivision to create 9 residue lots for future development (Lots 101 to 109)	A, F	1, 89-93
2	Subdivision of residue Lot 101 in Stage 1 to create 60 Torrens title residential lots (Lots 1 to 36, 39 to 42, 44, 45, 47 and 52 68) and 11 residue lots (Lots 37, 38, 43, 46, 48, to 51, 69 and 70)	All parts	All conditions
3	Subdivision of residue Lot 70 in Stage 2 to create 63 Torrens title residential lots (Lots 201 to 217, 219 to 230 and 232 to 265) and 4 residue lots (Lots 218, 231, 266 and 267)	All parts	All conditions

A. THE DEVELOPMENT

Approved Plans

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

Prepared by	Drawing No.	Title	Revision/Issue	Date
Calibre	21-000381-004	Demolition Plan	4	25/11/2022
Calibre	21-000381-102	Soil and Water Management Plan	4	25/11/2022
Project Surveyors	D04494 Sheets 1, 3 and 4 of 9	Plan of Subdivision	B	9/08/2022
E8 Urban	Drawing SK_0505 to SK_0511 and SK_0513.	Building Envelope Plans	-	24/11/2022
Scape Design	SD-187-19 Sheets L.SK.W.01 to L.SK.W.306	Landscape Masterplan	D	1/08/2022

Report/Documents (Not in Determination Documents)

- Aboriginal Cultural Heritage Assessment Report prepared by Kelleher Nightingale Consulting Pty Ltd (Ref: 2111) dated July 2022.
- Biodiversity and Riparian Land Assessment prepared by Eco Logical Australia (Ref: 21SYD-20068) dated 27 October 2021.

- Bushfire Protection Assessment prepared by Eco Logical Australia (Ref: 21SYD_20068) dated 27 October 2021 and additional information prepared by Eco Logical Australia (Ref: 22HNC1973) dated 17 August 2022.
- Preliminary Site Investigation (Contamination) prepared by Douglas Partners (Project 94562.01) dated November 2019.
- Detailed Site Investigation (Contamination) prepared by Douglas Partners (Project 94562.02) dated February 2022.
- Preliminary Geotechnical Assessment prepared by Douglas Partners (Project 94562.00) dated November 2019.
- Stormwater Concept Plan and Flood Study prepared by Calibre dated 24 October 2021.
- Traffic and Access Study prepared by SCT Consulting (Project SCT_00269) dated 27 October 2021
- Traffic and Access Technical Note prepared by SCT Consulting (Project SCT_00269) dated 10 June 2022.
- Urban Design Report prepared by E8 Urban (Revision 06) dated 4 August 2022.
- Waste Management Plan prepared by Calibre dated 27 October 2021.

Works at no cost to Council

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

General Terms of Approval

3. All General Terms of Approval issued by the Department of Primary Industries - Fisheries, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 6 May 2022. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 2.
4. All General Terms of Approval issued by the Department of Planning and Environment - Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 28 October 2022. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 3.
5. All General Terms of Approval issued by the NSW Rural Fire Service, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 7 October 2022. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 4.
6. All General Terms of Approval issued by the Heritage NSW, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 30 November 2022. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 5.

Agency Requirements

7. All comments provided by Jemena shall be complied with prior, during, and at the completion of construction. A copy of the Jemena comments are attached to this decision notice, see Attachment 6.

8. All comments provided by Sydney Water shall be complied with prior, during, and at the completion of construction. A copy of the Sydney Water comments are attached to this decision notice, see Attachment 7.
9. All comments provided by Endeavour Energy shall be complied with prior, during, and at the completion of construction. A copy of the Endeavour Energy comments are attached to this decision notice, see Attachment 8.
10. All relevant comments provided by Transgrid shall be complied with prior, during, and at the completion of construction. A copy of the Endeavour Energy comments are attached to this decision notice, see Attachment 9.
11. All relevant comments provided by Transport for NSW shall be complied with prior, during, and at the completion of construction. A copy of the Endeavour Energy comments are attached to this decision notice, see Attachment 10.

B. PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE

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

Fee Payment

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

13. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. 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.

Notification

14. The Principal Certifying Authority must advise Council, in writing of:
 - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Construction Certificate for Subdivision Works

15. Prior to the issue of a Subdivision Works Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the following engineering plans prepared by Calibre, reference number 21-000381, revision 4, dated 25.11.2022, and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines, TfNSW Technical Direction TTD 2016/001 (Design and Implementation of Shareways), and best engineering practice.

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

- Public and private roads;
- Stormwater drainage including water quantity and quality treatment measures;
- Interallotment drainage;
- Private access driveways;
- Sediment and erosion control measures;
- Overland flow paths;
- Flood control measures;
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.;
- Earthworks;
- Bridges, culverts, retaining walls and other structures;
- Landscaping and embellishment works;
- All works required for conversion of the proposed sediment basin to a bio retention function;
- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required;
- All existing overhead services fronting the development are to be relocated underground as part of the road works.
- The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note: Approvals may also be required from the Transport for NSW (TfNSW) for shared zone designations.

S138 Roads Act – Minor Works in the public road

16. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)

- Road occupancy or road closures All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

S138 Roads Act – roadworks requiring approval of civil drawings.

17. Prior to the issue of a Subdivision Works 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 roadworks and drainage works in Lapwing Street and intersection with Edmondson Avenue.

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 Subdivision Works Certificate.

Road design criteria table

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

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (m wide)	ESA
Road No.1	Varies	6.4m	Varies	1.5m both sides and 2.5m sharepath right side	2 x 10 ⁶
Road No.2	Varies	5.5m	Varies	1.5m right side and 2.5m sharepath left side	3 x 10 ⁵
Road No. 3	Varies	5.5m	Varies	2.5m sharepath right side (Ch150.93 to end)	3 x 10 ⁵
Road No. 4					3 x 10 ⁵
Road No. 5	7m	5.5m	0.73m/0.77m	-	3 x 10 ⁵
Road No. 6	Varies	3.4m	Varies	-	3 x 10 ⁵
Road No. 7	Varies	5.5m	Varies	-	3 x 10 ⁵
Road No. 8	Varies	5.5m	Varies	-	3 x 10 ⁵
Road No. 9	Varies	5.5m	Varies	-	3 x 10 ⁵
Road No. 10	7m	5.5m	0.73m/0.77m	-	3 x 10 ⁵
Road No. 11	7m	5.5m	0.73m/0.77m	-	3 x 10 ⁵
Road No. 12	Varies	5.5m	Varies	-	3 x 10 ⁵
Road No. 13	Varies	5.5m	Varies	-	3 x 10 ⁵
Road No. 14	Varies	3.4m	Varies	-	3 x 10 ⁵

Road No. 15	Varies	5.5m/8.0m	Varies	-	3 x 10 ⁵
Road No. 16	15.2m	5.5m	5.3m/4.4m	-	3 x 10 ⁵

Road Safety Audit

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

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

Shared Zone Approval

20. Prior to the issue of the Subdivision Works Certificate, correspondence from TfNSW is to be obtained confirming the detailed design of local roads, where nominated, meet the requirements of and capable of achieving a 'Shared Zone' designation with posted speed limit of 10km/hour.

Retaining Walls on Boundary

21. All retaining walls, if proposed, shall be of masonry construction and must be wholly within the property boundaries, 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.

Inter-allotment drainage

22. Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a pit located immediately within the lot boundary of each lot created by the subdivision at the lowest point in the line or a maximum pit spacing of 40m.

Water Quality

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

The Construction Certificate must be supported by:

- 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.

Temporary Stormwater Management Facilities

24. Prior to the issue of a Subdivision Works Certificate, detailed design plans, drawings and reports are required and shall be submitted for Council's review and approval demonstrating the following:
- (a) A detailed stormwater drainage design prepared by a qualified practicing civil engineer must be provided for assessment. The design shall align with the approved concept plan/s prepared by Calibre, reference number 21-000381, revision 4, dated 25.11.2022. The stormwater from the development site shall drain to the nominated point of discharge by gravity. The design shall include all engineering details relevant to collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades and water quality treatment trains. The stormwater system shall have permanent gross pollutant trap for each stormwater outlet discharging to creek.
 - (b) Temporary on-site water quality treatment and detention basins shall be provided and maintained as approved concept plan/s prepared by Calibre, reference number 21-000381, revision 4, dated 25.11.2022. Water quality basins shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link. These basins shall not be removed without Council's written consent.
25. Temporary on-site water quality control measures shall be provided and maintained and shall not be removed without Council's written consent.

Provision of Services

26. Prior to the issue of a Subdivision Works Certificate, an application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, is to 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, 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, prior to the issue of a Subdivision Works Certificate.

27. 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, prior to the issue of a Subdivision Works Certificate.
28. Prior to the issue of a Subdivision Works Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (b) 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.

Construction Environmental Management Plan (CEMP)

29. Prior to issue of a subdivision works certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:
- (a) Asbestos Management Plan;
 - (b) Project Contact Information;
 - (c) Site Security Details;
 - (d) Timing and Sequencing Information;
 - (e) Site Soil and Water Management Plan;
 - (f) Noise and Vibration Control Plan;
 - (g) Dust Control Plan;
 - (h) Air Monitoring;
 - (i) Odour Control Plan;
 - (j) Health and Safety Plan;
 - (k) Waste Management Plan;
 - (l) Incident management Contingency; and
 - (m) Unexpected Finds Protocol.

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

Site Contamination

30. Prior to issue of a Subdivision Works Certificate a Remediation Action Plan is to be prepared and submitted to Council's Environmental Health Unit for approval.

Vegetation Management

31. Prior to issue of a Subdivision Works Certificate a Vegetation Management Plan is to be prepared and submitted to Council's Environmental Unit for approval.

Controlled Activity Approval

32. Prior to the issue of a Subdivision Works Certificate that includes works on Waterfront Land, a Controlled Activity Approval is to be obtained under the Water Management Act 2000.

Adjoining Owners

33. Prior to the issue of a Subdivision Works Certificate, written permission from the respective owner(s) must be obtained for any works on adjoining land including:

- (a) works within the Lapwing Street road alignment, west of Edmondson Avenue, including batters
- (b) diversion of upstream catchment flows

A copy of such written permission shall be lodged with Council.

C. PRIOR TO ANY WORKS COMMENCING

The following conditions are to be complied with or addressed prior to any works commencing on the site:

Works that don't require a Subdivision Works Certificate

34. The approved tree removal, remediation works and establishment of temporary builders shed/structures do not require a Subdivision Works Certificate to be issued prior to the works commencing.

Site Contamination

35. Prior to the commencement of remediation works, a Remediation Action Plan is to be prepared and submitted to Council's Environmental Health Unit for approval.
36. Prior to the commencement of works, an Unexpected Find Protocol is to be prepared and submitted to Council's Environmental Health Unit for approval.

Vegetation Management

37. (listed at Condition 32). Any necessary construction management measures identified in the Vegetation Management Plan are to be implemented prior to the commencement of works.

Sediment and Erosion Control

38. Prior to commencement of works, sediment and erosion control measures shall be installed in accordance with the approved Subdivision Works Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Site Notice Board

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

Traffic Control Plan

40. 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.

Construction Traffic Management Plan

41. A construction traffic management plan (CTMP) is to be submitted to Liverpool City Council's Traffic & Transport Section for review and endorsement. The CTMP is to be prepared by a qualified project manager/engineer. The construction activities are not to commence prior to Council endorsing the CTMP.

All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves. The construction sites must install shakers to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.

The CTMP is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Dilapidation Report

42. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Lapwing Street and section of Edmondson Avenue between the southern site boundary and Gurner Avenue is to be submitted to Liverpool City Council. The report is to include, but be not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 30m either side of the development.

Dilapidation Report Private Property (Excavations)

43. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any

dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Site Facilities

44. 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.

Facilities

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

Notification of Service Providers

46. 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 easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

Dial Before You Dig

47. 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 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.

Construction Noise

48. Prior to the commencement of any construction works, the Applicant must ensure that the following is available for the life of the Development:
 - (a) a postal address to which written complaints may be sent;
 - (b) an email address to which electronic complaints may be transmitted; and
 - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

Dam-Dewatering

49. A qualified ecologist or wildlife carer is required to oversee dam de-watering activities and to relocate fauna or take fauna into care where required. Dam de-watering methods are to be in accordance with advice provided by the qualified ecologist or wildlife carer.

Tree Removal

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

D. PRIOR TO ANY WORKS COMMENCING THAT REQUIRE A SUBDIVISION WORKS CERTIFICATE

The following conditions are to be complied with or addressed prior to any works that require a Subdivision Works Certificate commencing on the site:

Commencement of work

51. Building work shall not commence prior to the issue of a Subdivision Works Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 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.
52. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
53. Any Subdivision Works Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Notification/Principal Certifying Authority

54. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
55. The PCA must advise Council of the intended date to commence work which is the subject of the 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.
56. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
 - (a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.
57. In the event the development involves 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

Works In Kind Documentation

- 58. Any proposal for Works in Kind must be supported with the following information and WIK agreement executed prior to works commencing on local infrastructure identified in Council's Contributions Plan:
 - (a) The estimated value of the works produced by a qualified practicing Quantity Surveyor, Civil Engineer or Surveyor with associate or higher membership of an accredited professional institution in Australia.
 - (b) The valuation should identify any variance between the cost estimate and the cost identified in the relevant Contributions Plan (noting the cost identified in the Contributions Plan is generally indexed in accordance with changes in the Consumer Price Index).
 - (c) A schedule identifying the components of works that are in accordance with the Contributions Plan and those that are not. A program of works showing the time frame for completion of the Works In Kind.

Street Lighting Design

- 59. The level 3 designer is to obtain Council's endorsement of the NOCC (Notice of changes in Charges) from Council and Endeavour Energy approval for the street lighting.

E. DURING CONSTRUCTION

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

Hours of Construction Work and Deliveries

- 60. 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 7:00am to 5:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

- 61. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Erosion and Sediment Control

- 62. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
- 63. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised

General Site Works

- 64. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for

making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

65. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
66. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
67. 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.
68. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

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

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

69. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.
70. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
71. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Earthworks

72. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Site Remediation Works

73. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy (Hazard and Resilience) 2021, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
74. The site must be remediated in accordance with:
 - (b) Remediation Action Plan (required by Condition X;
 - (c) State Environmental planning Policy (Hazard and Resilience) 2021;
 - (d) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
 - (e) 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.

Waste Classification and Disposal of Contaminated Soil and Material

75. Where required by the Remediation Action Plan, 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.

Unidentified Contamination

76. 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 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Imported Fill Material

77. 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 (Waste) Regulation 2014; and/or
 - (c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

Record Keeping of Imported Fill

78. 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.

Removal of Dangerous and/or Hazardous Waste

79. 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.

Soil testing – Subdivisions

80. Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

Traffic Management

81. The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase.

Waste Management Plan

82. The approved Waste Management Plan must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

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

83. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Vegetation

84. 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.
85. Any works or activities shall adhere to the recommendations outlined in the approved Vegetation Management Plan prepared for the site.
86. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
87. 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.
88. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.

Aboriginal Heritage

89. As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

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 Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 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.

90. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significant of the heritage.
91. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Street Lighting

92. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards.

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

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

Street Trees

93. The street trees to be used can be any or all of the following in the locations as shown on the approved plans;

Road No.	Scientific Name	Common Name
Road No. 1	Corymbia ficifolia	Flowering Gum
	Brachyciton populneus	Kurrajong Tree
	Angophra floribunda	Rough-barked apple
Road No. 2	Tristaniopsis laurina	Water Gum Luscious
	Eucalyptus moluccana	Grey Box
	Lophostemon confertus	Brush Box
	Eucalyptus Creba	Narrow Leaved Ironbark
	Backhousia citriodora	Lemon Myrtle
	Harpullia pendula	Tulipwood

Road No. 3, 4,7, 8, 9, 13, 14,16	Eucalyptus tereticornis Eucalyptus amplifolia	Forest Red Gum Cabbage Gum
Road No. 5, 6, 10, 11, 12, 15	Pyrus calleryana Magnolia grandiflora	Callery Pear Bull Bay Magnolia

Each tree is to have a minimum pot size of 75lt and the tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level.

F. PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE FOR STAGE 1

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

Completion of subdivision works

94. No physical works approved in this consent are required to be completed before the registration of Stage 1.

Linen Plans & 88B

95. In order to enable a Subdivision Certificate to be issued for submission to the LRS NSW Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).
96. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release
97. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
98. The 88B instrument is to include covenants to the following effect:
 - (a) Indicative Right of Carriageway to ensure legal access to Gurner Avenue for each of the residue lots that does not have road frontage is provided. This easement is to be temporary in nature and extinguished upon public roads in later stages being delivered.
 - (b) Restriction as to User that no further development of the land is to be undertaken unless in accordance with DA-1295/2021. This easement is to be temporary in nature and released from the residue lots as later stages are registered.
 - (c) A requirement applying to non-impacted portions of the recorded Aboriginal sites to obtain an Aboriginal Heritage Impact Permit prior to undertaking any works which could impact recorded objects (to be supported through mapping on title of the recorded sites).

G. PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE FOR STAGE 2 AND 3

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

Special Infrastructure Contribution

99. A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.
100. Information about this special infrastructure contribution can be found on the Department of Planning and Environment regarding arrangements for the making of a payment.

Section 7.11 Payment - Liverpool Contributions Plan 2014 Austral & Leppington North

101. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with above Liverpool Contributions Plan 2014 Austral & Leppington North as amended.

The total contribution is capped at \$3,690,000.

Stage 1 = \$0, creates residue lots only.

Stage 2 = \$1,800,000 to be paid prior to the issue of the Subdivision Certificate for 60 residential lots.

Stage 3 = \$1,890,000 to be paid prior to the issue of the Subdivision Certificate for 63 residential lots.

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. Payment must be accompanied by the attached form.

102. There may be the opportunity for the applicant to carry out works or dedicate land to Council that are identified in Liverpool Contributions Plan 2014 Austral & Leppington North as Works In Kind or Planning Agreement. Should such an agreement be entered into by Council and the Applicant, it will specify the relevant contributions to be paid by the applicant (if necessary) and satisfy the requirements of Condition 96.

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Completion of subdivision works

104. Prior to the issue of a Subdivision Certificate for each stage, the Principal Certifying Authority shall ensure that all relevant subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

Site Contamination Validation Report

105. After completion of the remedial works, a copy of the validation Report shall be submitted to the Principal Certifying Authority. This Report shall be prepared in accordance with

Guidelines for Consultants Reporting on Contaminated Sites produced by Office of Environment and Heritage and must:

- (a) describe and document all works performed,
- (b) include results of validation testing and monitoring,
- (c) include validation results of any fill imported on to the site, outline how all agreed clean-up criteria and relevant regulations have been complied with, and
- (d) include clear justification as to the suitability of the site for the proposed use and
- (e) the potential for off-site migration of any residual contaminants

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 proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under with 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).

Subdivision Compliance documentation

106. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans;
- (b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding),
- (c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges;
- (d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council;

- (e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries;
- (f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification; and
- (g) Structural Engineer's construction certification of all structures.
- (h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - i. Compaction reports for road pavement construction,
 - ii. Compaction reports for bulk earthworks and lot regrading,
 - iii. Soil classification for all residential lots, and
 - iv. Statement of Compliance.

Stormwater Compliance

107. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the on-site detention and stormwater pre-treatment systems:
- 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.

Stormwater Restriction as to User and Positive Covenant

108. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the temporary On-site detention system/s and Stormwater pre-treatment system/s 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.

Linen Plans & 88B

109. In order to enable a Subdivision Certificate to be issued for submission to the LRS NSW, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88B instrument if required.
110. The applicant shall pay the standard fee for purpose of Subdivision Certificate administration of plan checking and release.
111. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of

development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

112. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).
113. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user that the dwellings to be erected on each lot on lots of an area less than 300sqm are to be sited and constructed in accordance with the approved Building Envelope Plans and notice of determination (Development Consent) issued by Council for Development Application No. 1295/2021.
114. For any "zero lot" development, the applicant shall create an easement for maintenance and access 900mm wide for single storey development and 1200mm wide for two storey development, 16.5m in length from the front boundary, in accordance with the requirement of Liverpool City Council Growth Centre DCP. The benefitted and burdened lots are identified on the approved plans.
115. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.

Linemarking, Signage, and Road and Traffic Management Works

116. Prior to the issue of a Subdivision Certificate all roadworks and traffic management works including installation of regulatory / advisory linemarking, signage, traffic calming devices and street lighting are to be completed with plans to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

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

Street Naming

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

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

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

Street Trees

118. Prior to the issue of a Subdivision Certificate an Outstanding Works Bond for construction of Street Tree planting shall be lodged with Liverpool City Council.

The Outstanding Works bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Service Providers

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

- (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.
- (b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - i. The requirements of the Telecommunications Act 1997;
 - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Rectification of Damage

120. Prior to the issue of a Subdivision 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 Gurner Avenue and Seoul Avenue, Austral, will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Maintenance Bonds

121. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a Subdivision Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council acceptance of final works.

H. ADVISORY

- (a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- (b) Under Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of

appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice of determination.

- (c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- (d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- (e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the 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.
- (f) In accordance with Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a Development Application for Designated Development (including Designated Development that is Integrated Development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- (g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant should investigate their liability under the Act.
- (h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- (i) "DIAL BEFORE YOU DIG" Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- (j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.
- (k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council

in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential 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.

- (l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- (m) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- (n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.