

DRAFT CONDITIONS OF CONSENT FOR DA-1298/2021

APPLICANT:

LAND:

PROPOSED DEVELOPMENT:

LANDCOM

GURNER AVENUE AUSTRAL,
LOT 184 DP 1237400

Residential subdivision to create 78 Torrens title residential lots and 4 residue lots with associated vegetation removal, site remediation, earthworks, construction of new roads and civil works.

The proposed development is identified as Integrated Development requiring an approval from:

- 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:

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

Approved **REFER TO WPC PANEL**

XX XXXX 2023

XX XXXX 2028 (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 issued by Department of Planning and Environment - Water
4. General Terms of Approval issued by NSW Rural Fire Service
5. General Terms of Approval issued by NSW Heritage
6. Jemena Requirements
7. Sydney Water Requirements
8. Endeavour Energy Requirements
9. 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

ATTACHMENT 1. Conditions of Approval

PART 1

DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, until the submission to Council of a Remediation Action Plan.

Pursuant to Section 76 of the EP&A Regulation, you must provide evidence to Council within a period of twelve (12) months, sufficient for Council to fulfil the items in Part 1 of this correspondence.

This development consent is not operative until such time as the information required in Part 1 has been submitted to Council, and Council has notified in writing that it has confirmed receipt of the information submitted, and the consent made operative.

If satisfactory evidence is not submitted within the period specified, this development consent will lapse, and no work can be carried out in connection with this consent.

PART 2

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 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	2	29/07/2022
Calibre	21-000381-101	Soil and Water Management Plan Sheet 1 of 2	2	29/07/2022
Calibre	21-000381-102	Soil and Water Management Plan Sheet 2 of 2	2	29/07/2022
Project Surveyors	D04494 Sheet 2 of 9	Plan of Subdivision	B	9/08/2022
E8 Urban	Drawing SK_0514 to SK_0518.	Building Envelope Plans	-	24/11/2022
Scape Design	SD-187-19 Sheets L.SK.E.01 to L.SK.E.203	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.
- Land Use Change Safety Management Study, Asset Engineering Solutions, 11 July 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 21 November 2022.
- 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 17 November 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 29 September 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 Transport for NSW shall be complied with prior, during, and at the completion of construction. A copy of the Transport for NSW comments are attached to this decision notice, see Attachment 9.

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:

Amended Plans

11. Prior to the issue of the Subdivision Works Certificate, the Subdivision Plan is to be amended to create a series of residue lots to respond to the temporary constraint associated with the operations of the Jemena gas pipeline:
- Lots 542 to 544 to be consolidated into 1 residue lot
 - Lots 568 and 569 to be consolidated into 1 residue lot
 - Lots 572 and 573 to be consolidated into 1 residue lot
 - Lots 586 to 592 to be consolidated into 1 residue lot.

Note: the amended subdivision plan will include 78 residential lots and 4 residual lots.

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 contact 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 are consistent with the approved concept plan/s prepared by Calibre, reference number 21-000381, revision 2, dated 29.07.2022, 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.

16. Prior to the issue of a Subdivision Works Certificate for subdivision works the Certifying Authority shall ensure that engineering plans make provision for the delivery of the local road connection to the boundary of the adjoining land to the north (Lot 10 in DP 771080).
17. Prior to the issue of a Subdivision Works Certificate the Certifying Authority shall ensure that where TransGrid's easement access has been impacted, an alternate access track shall be proposed by the proponent which provides continuous access along the easement to each structure and capable to withstand the loads of a 40t maintenance vehicle.

Parks and Recreation Areas

18. Prior to issue of a Subdivision Works Certificate, any areas within the development that are set aside for future use as parks/recreation areas for the community, are to be fully detailed and submitted to Council for approval of the location of, and access to, any litter or waste disposal points that may be provided within those areas.

Road works

19. 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.
20. Subject to approval by TfNSW, the shared zones need to have appropriate signage and be capable of self-enforcing.

S138 Roads Act – Minor Works in the public road

21. 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.

22. 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 Seoul 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

23. 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	5.5m	Varies	1.5m right side and 2.5m sharepath left side	3 x 10 ⁵
Road No.2	Varies	4.0m	Varies	-	3 x 10 ⁵
Road No. 3	13.5m	5.5m	Varies	-	3 x 10 ⁵
Road No. 4	13.6m	5.5m	Varies	-	3 x 10 ⁵
Road No. 5	7m	5.5m	0.73m/0.77m	-	3 x 10 ⁵
Road No. 6	13.6m	5.5m	Varies	-	3 x 10 ⁵
Road No. 7	Varies	4.0m	Varies	-	3 x 10 ⁵
Road No. 8	13.6m	5.5m	Varies	-	3 x 10 ⁵
Road No. 9	13.6m	5.5m	Varies	-	3 x 10 ⁵

Road Safety Audit

24. 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

25. 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

26. 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.

Flooding and stormwater

27. A flood impact assessment shall be undertaken considering the 1% Annual Exceedance Probability (AEP) storm event to demonstrate that the proposed development will not have any adverse flooding impact in the vicinity. TUFLOW hydraulic modelling software shall be used for the flood impact assessment of the proposed development. The flood impact assessment and TUFLOW modelling shall ensure the following.
 - a) TUFLOW model of the proposed development shall be based on Council's TUFLOW model for Austral and Kemps Creek catchment (Jacobs 2019).
 - b) Model results from the pre-development scenario shall be consistent with the results from Council's model.
28. A flood impact assessment report shall be submitted to Council. The report shall consider and include the following.
 - a) Cutoff Depth for the flood mapping shall not be higher than 50mm.
 - b) Pre- and post-development flood level, depth, and velocity maps for the 1% AEP event.
 - c) Flood depth and velocity difference maps for the 1% AEP event.
 - d) Pre- and post-development 1% AEP flood level contours.

- e) Details of storm durations and temporal storm patterns used in the TUFLOW modelling.
 - f) Reference to TUFLOW Control files (tcf) for both pre- and post-development scenarios.
 - g) Reference to batch files used for the pre- and post-development model simulations.
 - h) Reference to TUFLOW Utility files used for the generation of maximum results from various model simulations.
29. Electronic copies of pre- and post-development TUFLOW modelling, and result files shall be submitted to Council including the following.
- a) TUFLOW model set-up and simulation log files or both pre- and post-development simulations.
 - b) Batch files used for the pre- and post-development model simulations.
 - c) Batch files used for the processing of maximum results from various model simulations.
 - d) Result files obtained from obtained for pre- and post-development simulations.
30. Lot levels of the proposed subdivision and the road levels adjacent to the basin and drainage channel (SP2 land) shall be no lower than the 1% AEP flood.
31. There shall be no loss of flood storage by the proposed development. Interim flood compensatory excavation shall be undertaken to confirm that there is no net loss of flood storage volume below the 1% AEP flood. The interim flood compensatory excavation shall be maintained at the site until Basin 27 is constructed.
32. During the 1% AEP storm event, the depth of flooding and velocity*depth on the road shall not be higher than 0.2m and 0.4 m²/s respectively.
33. Interim on-site detention (OSD) basin shall be provided to limit the post-development flow to the pre-development level (Ref: 16-003012.W1; Stormwater Concept Plan and Flood Study - 75 Gurner Ave, Austral EAST; Issue: 4; dated: 06/12/2022, Calibre Consulting Pty Ltd). The basin shall provide adequate flow attenuation to ensure that the peak post-development discharges from the development site do not exceed peak pre-development discharges for the 20%, 5% and 1% AEP storm events. The interim OSD shall be maintained at the site until Basin 27 and its trunk drainage are constructed.
34. Interim on-site water quality treatment facilities shall be incorporated in the proposal to ensure that stormwater runoffs leaving the site comply with Council's water quality standards (Ref: 16-003012.W1; Stormwater Concept Plan and Flood Study - 75 Gurner Ave, Austral EAST; Issue: 4; dated: 06/12/2022, Calibre Consulting Pty Ltd). Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link. Water quality modelling report and electronic copies of MUSIC model shall be submitted to Council. Interim water quality basin/measures shall be maintained at the site until Basin 27 and its trunk drainage are constructed.
35. Gross pollutant trap (GPT) shall be provided at the stormwater outlets leaving the site. The GPT shall comply with Council standards.

36. Permanent bio-swale/bio-retention basin (in place of streetscape raingardens) shall be provided on the drainage channel (Ref: 16-003012.W1; Stormwater Concept Plan and Flood Study - 75 Gurner Ave, Austral EAST; Issue: 4; dated: 06/12/2022, Calibre Consulting Pty Ltd).

The development has included bio-swale/bio-retention basin on the drainage channel. Therefore, the proposed box culvert along the drainage channel shall have the capacity to convey the 1% AEP flow.

On-site detention

37. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Calibre reference number 21-000381 revision 2 dated 29-07-2021.

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

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

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

Inter-allotment drainage

38. 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

39. 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

40. 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 2, dated 29.07.2022. 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 2, dated 29.07.2022. 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.
41. 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

42. 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.
43. 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.
44. 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.

Provision of Services – Street Lighting

45. 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.

The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief.

Public Domain Works – Street Lighting

46. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.

All street lighting must comply with the 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.

Construction Environmental Management Plan (CEMP)

47. 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

48. 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

49. 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

50. 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.

Dilapidation Report

51. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Seoul 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)

52. 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.

Access, Car Parking and Manoeuvring - General

53. 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 Council's Development Control Plan.

Note: Per the approved Urban Design Report, the parking lane widths within the road carriageways are permitted to exceed the requirements of Council's Development Control Plan.

Access, Car Parking and Manoeuvring – Detail

54. The Certifying Authority shall ensure and certify that:
- Off street access and parking complies with AS2890.1,
 - Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, being Council's 9.9m long waste collection vehicle, in accordance with AS2890.2,
 - Sight distance at the street frontage has been provided in accordance with AS 2890.1, and/or
 - All vehicles can enter and exit the site in a forward direction.

Detailed Design Drawings

55. The applicant is to discuss with Council's Traffic Management Section of the traffic requirements prior to undertaking the detailed design of traffic facilities, signs and linemarking in the existing and/or proposed public domain.

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.

56. The applicant is to submit detailed design plans of the proposed road network for the development, including the following:

Carriageway width

The typical cross sections are to be implemented as proposed are to be reflected in the detailed design plan as proposed by the applicant:

- The submitted swept path diagrams show trucks occupying a wide area of the carriageway. The applicant is to submit revised plans that minimises the narrowing of carriageways via chicane and the bends in roads that impact on two-way vehicular movements in particular where trucks are involved.
- The applicant is to be required to fully comply with the requirements of Council's Waste Collection Section relating to the proposed roads and their ability to accommodate Council's waste collection trucks (being a 9.9m long Rigid Truck) and associated swept turning paths.

Intersection Treatments

The applicant is to review intersection treatments as indicated below and where necessary include these treatments in the detailed design plans:

- The intersection of Seoul Avenue and Road No. 08 in relation to proximity to and potential interaction with Cortina Avenue and Seoul Avenue. The applicant is to investigate appropriate intersection treatment to ensure safe operation of the intersection.
- Appropriate treatment at the four-way intersection of Road 01 / Road 04 / Oslo Road and Seoul Avenue. In this regard, it is noted that a roundabout is not warranted at the intersection of local roads.
- Appropriate sign controls at other four-way intersections within the development site.
- Speed hump at every 100m spacing.

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

57. 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

58. 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.
59. 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

60. Prior to the commencement of works, a Vegetation Management Plan is to be prepared and submitted to Council's Environmental Unit for approval.
61. 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

62. 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

63. 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

64. 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

65. 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.

Site Facilities

66. 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

67. 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

68. 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

69. 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

70. 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.

Work Zone

71. 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.

Road Occupancy Permit

72. 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

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

73. 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.
74. 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.
75. 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

76. 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.
77. 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.
78. 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.
79. 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

80. 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

81. 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

82. 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

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

Erosion and Sediment Control

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

Waste management

86. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.
87. All demolition, excavation and construction wastes must be separated into their different types as they are generated, and kept in separate spoil piles, bays, builder's site bins and/or skips. No waste materials, other than those specifically noted in the approved waste management plan as being re-used on site, are to remain on site after the completion of the works.
88. 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.
89. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Drainage connection

90. 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.

General Site Works

91. 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.
92. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
93. 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.

94. 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.
95. 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.

96. 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.
97. 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.
98. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- 99.

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

Tree Removal

100. 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.

Site Remediation Works

101. 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).
102. The site must be remediated in accordance with:
 - (b) Remediation Action Plan (required by Condition 46 and 52);
 - (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

103. 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

104. 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

105. 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

106. 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

107. 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

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

Traffic Management

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

Public Domain Works

110. All works within the road reserve, including the approved 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'.

Public Domain Works – Street Lighting

111. Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction.

Waste Management Plan

112. 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.

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

Vegetation

114. 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.

115. Any works or activities shall adhere to the recommendations outlined in the approved Vegetation Management Plan prepared for the site.
116. 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.
117. 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.
118. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
119. 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.

Aboriginal Heritage

120. 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.

121. 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.
122. 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

123. The developer shall engage an accredited service provider to submit a Public Lighting Design Brief to Council's Transport Management Section, to specify design requirements for the provision of street lighting on all new public roads dedicated to Council.

A street lighting design plan prepared by an accredited service provider is to be submitted to and approved by Council's Transport Management Section and the electricity service provider (currently Endeavor Energy), prior to construction.

The street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy. Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction.

Street Trees

124. 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	Eucalyptus Creba	Narrow Leaved Ironbark
	Eucalyptus moluccana	Grey Box
	Harpullia pendula	Tulipwood
	Waterhousea floribunda	Sweeper Waterhousea
Road No. 2 and 7	Eucalyptus tereticornis	Forest Red Gum
	Eucalyptus amplifolia	Cabbage Gum
	Tristaniopsis laurina	Water Gum Luscious
	Angophra floribunda	Rough-barked apple
	Melaleuca decora	White Cloud Tree
Road No. 3, 4, 6, 8 and 9	Eucalyptus tereticornis	Forest Red Gum
	Eucalyptus amplifolia	Cabbage Gum
Road No. 5	Pyrus calleryana	Callery Pear
	Magnolia grandiflora	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

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

Completion of subdivision works

125. Stage 1 of the subdivision approved in DA-1295/2021 is to be registered prior to, or concurrently with, the issue of a Subdivision Certificate for this DA.
126. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all 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.

Special Infrastructure Contribution

127. 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.
128. 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

129. 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 \$2,340,000 and is to be paid prior to the issue of the Subdivision Certificate for 78 residential lots.

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au. Payment must be accompanied by the attached form.

130. 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 120.

Confirmation of Waste disposal

131. Prior to issue of a Subdivision Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that all waste materials from the project, have been deposited at the waste facilities nominated in the approved waste management plan.

Public domain works – street lighting

132. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. Endeavour Energy pole numbers and the date poles were energised are to be submitted to Council's Traffic Management Section prior to subdivision certificate.

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

Liverpool City Council clearance – Roads Act/ Local Government Act

133. 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

134. 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

135. 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

136. 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 Exceedance 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

137. 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

138. 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

139. 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.
140. The applicant shall pay the standard fee for purpose of Subdivision Certificate administration of plan checking and release.
141. 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. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant.

142. 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).
143. 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. 1298/2021.
144. For the residue lots required by Condition 9, the final plan of subdivision must be supported by an 88B Instrument. This instrument must burden the lots with a restriction as to user the requires any further development of the lots to be subject to development consent. Such matters to be resolved in future development applications include:
 - Finalisation of a Safe Management Strategy to be approved by Landcom and Jemena.
145. 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.
146. Residual parcels of land which contain non-impacted portions of the recorded Aboriginal sites subdivision must be supported by an 88B instrument requiring the applicant 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).
147. An 88B instrument is required to be placed on titles of lots created that may become affected by a transmission line easement.
148. 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

149. 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

150. 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

151. 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

152. 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

153. 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

154. Prior to the issue of a Subdivision Certificate a maintenance bond is to be lodged with Liverpool City Council for Roads and Drainage Works.

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

155. 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.