

UPG EDMONDSON PARKLAND PTY LTD  
10/11-15 DEANE ST  
BURWOOD NSW 2134

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council has granted consent to your Development Application, described as follows:

**APPLICANT:** UPG EDMONDSON PARKLAND PTY LTD

**LAND:** LOT 101 BUCHAN AVENUE, EDMONDSON PARK NSW 2174, PART LOT 101 BUCHAN AVENUE, EDMONDSON PARK NSW 2174  
LOT 101 DP 1275550, PART LOT 101 DP 1275550

**PROPOSED DEVELOPMENT:** Construction Of An 8 Storey Residential Flat Building Comprising Of 131 Apartments Consisting Of 2 Towers Above A 2-storey Podium And 30 X 3 Storey Townhouses Over A Joined Basement Being Lots 6 And 7 Part Of Proposed Plan Of Subdivision Of Lot 101 Dp 1275550. The Proposal Is Identified As Nominated Integrated Development Requiring Approval From The Department Of Planning And Environment - Water Under The Water Management Act 2000

**DETERMINATION:** (Delegated Authority, Liverpool Local Planning Panel / Sydney Western City Planning Panel at its meeting of TBA)

**CONSENT TO OPERATE FROM:** TBA

**CONSENT TO LAPSE ON:** <ENTER LAPSE DATE HERE>

**ATTACHMENTS:**

1. Conditions of Approval
2. Contributions Payment Form
3. General Terms of Approval issued by (NSW RFS)



4. **General Terms of Approval issued by (NSW DPE-Water)**
5. **Requirements TfNSW – Sydney Trains**
6. **Requirements of Sydney Water**
7. **Requirements of Endeavor Energy**



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**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

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

AEP	Annual Exceedance Probability
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
CC	Construction Certificate
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	Land Registry Services
NCC	National Construction Code (formerly Building Code of Australia)
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
TfNSW	Transport for NSW
TBA	To Be Advised

## CONDITIONS

The following conditions have been imposed on the development to ensure all relevant planning requirements are met.

## SPECIAL INFRASTRUCTURE CONTRIBUTION

A special infrastructure contribution is required, under the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011*.

Information about this contribution is available on the NSW Department of Planning and Environment website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) Please contact the Department to make this payment.



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# ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

## A. THE DEVELOPMENT

### Approved plans and supporting documentation

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise

(a) Architectural Plans

Plan number	Revision number	Plan Title	Drawn by	Date of Plan
A-DA-01-00	3	Cover Sheet	COX Architecture	18.04.2024
A-DA-11-00	3	Site Plan	COX Architecture	18.04.2024
A-DA-20-B1	3	Basement Plan	COX Architecture	18.04.2024
A-DA-21-00	3	Ground Floor Plan	COX Architecture	18.04.2024
A-DA-21-01	3	Level 1 Plan	COX Architecture	18.04.2024
A-DA-21-02	3	Level 2 Plan	COX Architecture	18.04.2024
A-DA-21-03	3	Level 3 Plan	COX Architecture	18.04.2024
A-DA-21-04	3	Level 4 Plan	COX Architecture	18.04.2024
A-DA-21-05	3	Level 5 Plan	COX Architecture	18.04.2024
A-DA-21-06	3	Level 6 Plan	COX Architecture	18.04.2024
A-DA-21-07	3	Level 7 Plan	COX Architecture	18.04.2024
A-DA-21-08	3	Roof Plan	COX Architecture	18.04.2024
A-DA-22-01	3	Typical Townhouse Plan	COX Architecture	18.04.2024
A-DA-30-00	3	Elevation North	COX Architecture	18.04.2024
A-DA-30-01	3	Elevation South	COX Architecture	18.04.2024



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A-DA-30-02	3	Elevation West – Tower A	COX Architecture	18.04.2024
A-DA-30-03	3	Elevation East – Tower B	COX Architecture	18.04.2024
A-DA-30-04	3	Elevation East – Tower A	COX Architecture	18.04.2024
A-DA-30-05	3	Elevation West – Tower B	COX Architecture	18.04.2024
A-DA-30-06	3	Elevation East & West – Townhouses Front	COX Architecture	18.04.2024
A-DA-30-07	3	Elevation East & West – Townhouses Rear	COX Architecture	18.04.2024
A-DA-30-08	3	Elevation Townhouses Types – Sheet 1	COX Architecture	18.04.2024
A-DA-30-09	3	Elevation Townhouses Types – Sheet 2	COX Architecture	18.04.2024
A-DA-40-10	3	Sections – Sheet 1	COX Architecture	18.04.2024
A-DA-40-11	3	Sections – Sheet 2	COX Architecture	18.04.2024
A-DA-40-12	1	Sections – Sheet 3	COX Architecture	18.04.2024
A-DA-40-13	1	Sections – Sheet 4	COX Architecture	18.04.2024
A-DA-40-14	1	Sections – Sheet 5	COX Architecture	18.04.2024
A-DA-40-15	1	Sections – Sheet 6	COX Architecture	18.04.2024
A-DA-80-10	3	Adaptable Apartment Layouts – Sheet 1	COX Architecture	18.04.2024
A-DA-80-11	3	Adaptable Apartment Layouts – Sheet 2	COX Architecture	18.04.2024
A-DA-80-12	3	Adaptable Apartment Layouts – Sheet 3	COX Architecture	18.04.2024
A-DA-80-13	3	Adaptable Apartment Layouts – Sheet 4	COX Architecture	18.04.2024
A-DA-80-14	3	Adaptable Apartment Layouts – Sheet 5	COX Architecture	18.04.2024
A-DA-80-15	3	Silver Apartment Layouts – Sheet 1	COX Architecture	18.04.2024
A-DA-80-16	3	Silver Apartment Layouts – Sheet 2	COX Architecture	18.04.2024
A-DA-80-20	3	ADG Compliance – Solar & Cross Ventilation – Sheet 1	COX Architecture	18.04.2024
A-DA-80-21	3	ADG Compliance – Solar & Cross Ventilation –	COX Architecture	18.04.2024



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		Sheet 2		
A-DA-80-30	3	GFA Calculations – Sheet 1	COX Architecture	18.04.2024
A-DA-80-31	3	GFA Calculations – Sheet 1	COX Architecture	18.04.2024
A-DA-80-40	1	ADG Compliance – Storage – Sheet 1	COX Architecture	18.04.2024
A-DA-80-41	1	ADG Compliance – Storage – Sheet 2	COX Architecture	18.04.2024
A-DA-80-42	1	ADG Compliance – Storage – Sheet 3	COX Architecture	18.04.2024
A-DA-85-01	3	Artist Impression – View from Buchan Avenue	COX Architecture	18.04.2024

(b) Civil and Stormwater Plans

Plan number	Revision number	Plan Title	Drawn by	Date of Plan
0182 C-11	A	Stormwater Management Plan – Ground Floor	Enscape Studio	12.09.2022
0182 C-05	A	Bulk Earthworks Plan	Enscape Studio	12-09-2022
0182 C-03	A	Stormwater & Erosion Control Details	Enscape Studio	12-09-2022
0182 C-02	A	Sediment & Erosion Control Plan	Enscape Studio	12-09-2022
0182 C-01	A	Cover Sheet	Enscape Studio	12-09-2022
0182 C-10	A	Stormwater Management Plan – Basement Level	Enscape Studio	12-09-2022

(c) Reports

Document Title	Version number	Prepared by	Date of document
Traffic Report	P1978r02v1 DA TA, Rev. I	ASON Group	19 Sep 2022
Traffic Response to Additional Information Letter	--	ASON Group	02 May 2024
Stormwater Engineering Response to Additional Information Letter	0182	Enscape Studio	22 April 2024
Stormwater Management Plan	0182	Enscape Studio	22 Aug 2022
Clause 4.6 – Height of Building Variation Request			
Bushfire Report	21UPG04	Travers Bushfire &	14 Sep 2022



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		Ecology	
Acoustic Report	P00343, Rev.003	E-LAB Consulting	15 June 2023
Access Report	22-065, Rev. C	Access Link Consulting	21 Sep 2022
BASIX Certificate	1337581M	Greenworld Architectural Drafting	19 Sep 2022
Design Verification Statement	--	Ethos Urban	16 Sep 2022
Pedestrian Wind Assessment	2300073	RWDL	12 Sep 2022
Statement of Environmental Effects	1801407_DA01	Ethos Urban	21 Sep 2022
Operations Waste Management Plan	4156, Rev. E	EF Consulting	20 Sep 2022
Environmental Site Assessment	63384/146,510, Rev. 0	JBS&G	26 July 2022

In the event of any inconsistency between the approved plans and documents, the approved **Plans** prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

#### **Condition - Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

- The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, must be fully complied with at all times.

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

#### **Condition - Reason**

This condition is imposed to ensure compliance with legislative requirements.

#### **Works at no cost to Council**

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

#### **Condition - Reason**



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This condition is imposed to ensure compliance with legislative requirements

### **Council Assets**

4. Council's on-street assets and local road network are to be protected and kept in a serviceable state at all times. At the direction of Council, the applicant/project manager shall undertake remediation works, at no cost to Council and to Council's satisfaction.

### **NSW Rural Fire Service (RFS) - General Terms of Approval**

5. All General Terms of Approval issued by NSW RFS on 4 January 2023 shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval is attached to this decision notice.

#### **Condition – Reason**

To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.

### **NSW Department of Planning and Environment-Water (DPE) - General Terms of Approval**

6. All General Terms of Approval issued by NSW DPE - Water on 27 June 2023, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval is attached to this decision notice.

#### **Condition – Reason**

To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.

### **Requirements TfNSW – Sydney Trains**

7. The comments provided by Transport for NSW - Sydney Trains shall be complied with prior to, during and at the completion of construction, as required in accordance with their correspondence dated 2 March 2023. A copy of the correspondence is attached.

### **Requirements of Sydney Water**

8. The comments and conditions provided by Sydney Water shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 17 January 2023. A copy of the correspondence is attached.

### **Requirements of Endeavor Energy**



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9. The comments and conditions provided by Endeavour Energy shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 8 June 2023. A copy of the correspondence is attached.

#### **Fulfilment of BASIX commitments**

10. It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—
1. BASIX development,
  2. BASIX optional development, if the development application was accompanied by a BASIX certificate.

#### **Condition - Reason**

Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

#### **11. Shoring and adequacy of adjoining property**

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
  1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
  2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
3. This section does not apply if—
  1. the person having the benefit of the development consent owns the adjoining land, or
  2. the owner of the adjoining land gives written consent to the condition not applying.

#### **Condition - Reason**

Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021



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12. **Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
4. In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
5. In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6. This section does not apply—
  1. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
  2. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

**Condition - Reason**

Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

13. **Notification of Home Building Act 1989 requirements**

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
  1. for work that requires a principal contractor to be appointed—



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1. the name and licence number of the principal contractor, and
  2. the name of the insurer of the work under the Home Building Act 1989, Part 6,
2. for work to be carried out by an owner-builder—
  1. the name of the owner-builder, and
  2. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

#### **Condition - Reason**

Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

#### **14. Erection of signs**

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  1. showing the name, address and telephone number of the principal certifier for the work, and
  2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  3. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
  1. maintained while the building work, subdivision work or demolition work is being carried out, and
  2. removed when the work has been completed.
4. This section does not apply in relation to—



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1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
2. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

#### **Condition - Reason**

Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

#### **Public Art**

15. Public art shall be designed to activate and enhance the development for users of the site as well as active and passive audiences from the public domain. Public art within the Liverpool LGA is to be designed and delivered in accordance with Council's endorsed Public Art Policy and;
1. Aligns with required planning instruments relevant to the site;
  2. Employ appropriate scale and size in relation to the built form;
  3. Address bulk facades visible from the public domain;
  4. Utilise endemic narratives;
  5. Engage local artists, through lead or collaborative commission, in the design and development of public art;
  6. Are designed and fabricated as permanent, lasting the lifetime of the construction;
  7. Consider specific recommendations and or benchmarking provided by Council or negotiate alternative deliverables.

#### **Traffic and Transport**

16. Future road on the eastern boundary of the site to be constructed.  
The applicant is to be requested to ensure that the future road on the eastern boundary is constructed and opened to traffic prior to OC.

#### **Condition - Reason:**

To ensure fairness, transparency and probity.

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



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

**Prescribed condition (General)**

17. In accordance with Section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

**Condition – Reason**

To ensure the Performance Requirements of the National Construction Code are met.

**Fee Payments**

18. 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. The following fees are applicable and payable:
- 1. 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.
  - 2. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.

These fees are reviewed annually and will be calculated accordingly.

**Condition - Reason**

To ensure statutory or associated fees are paid prior to construction commencing.

**Long Service Levy**

19. Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works. The required Long Service Levy payment, under section 34 of the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of the relevant Construction Certificate.



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### **Condition - Reason**

To ensure the long service levy is paid

### **Payment of Special Infrastructure Contribution (SIC)**

20. The applicant is to make a Special Infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979. The applicant is to provide written evidence from the Department of Planning, Industry and Environment that payment of the special infrastructure contribution has been made in accordance with the EP&A Act and provided to the certifier.

### **Condition - Reason**

To ensure any SIC is finalised at the specified time

### **Detailed Design Drawings - City Design and Public Domain**

21. Prior to the issue of a Construction Certificate, amended Architectural Plans, Landscape Plans, and Public Domain Plans are to be provided to the satisfaction of **Council's** Principal Planner that include the following:
- (a) Amended Landscaping and Public Domain plans with layered planting in the public domain and increased deep soil areas to comply with Apartment Design Guidelines (ADG),
  - (b) Improved integration of the substation,
  - (c) Improved screening and integration of the Hydrant booster, water, and gas meters in the street,
  - (d) Improved Communal Open Space (COS) areas to comply with the Apartment Design Guidelines,
  - (e) Improved lighting within COS areas,
  - (f) Redesign of the vehicle access point to reduce its two-storey appearance and reduce its overall visual appearance,
  - (g) Provide at least one (1) additional lift to service each building to comply with the ADG and better service residents.
  - (h) Revised plans are to specify the storage requirements in the basements and ensure that adequate storage is provided for each apartment as per the ADG, and
  - (i) Provide the public art location in conjunction with the Public Art Strategy in this consent within the public domain, landscaping, and on elevations.

### **Detailed Design Drawings – Traffic**



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22. The applicant is to undertake 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.

NOTE: It is advised that the applicant discuss with Council's Traffic Management Section of the traffic requirements prior to preparation of the detailed design drawings.

#### **Condition - Reason**

To ensure that detailed design of the required traffic facilities is submitted and approved.

#### **Flood Plain Management Requirements**

23. Interim stormwater quality treatment measures must be provided to manage stormwater pollutants of the development until the regional water quality basins are constructed. These measures must meet Council's stormwater treatment performance targets and be designed using MUSIC modelling. The treatment performance must be validated using Council's MUSIC-link tool.
24. The interim water quality treatment measures must remain operational until the regional water quality basins along Maxwells Creek and the associated stormwater system are constructed. The interim measures shall not decommission without Council written approval.
25. Sediment control measures including sediment basins, must be implemented within the site during the construction phase to manage sediment discharge from the site.
26. Submit detailed design plans and drawings at CC stage showing the proposed interim water quality and sediment control measures for Council's review and approval.
27. Provide a MUSIC model analysis, MUSIC-link report, and an electronic copy of the model at CC stage for Council's review.

#### **Waste Storage Area and Truck Access**

28. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Liverpool City Council's Waste Management Officer for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:



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1. Access to the site for waste trucks is to be via a PIN code pad, not by a key or access fob.
2. Show a minimum, 3.9 m clear head-height for the entire path of travel of the waste truck into and out of the building.
3. Maximum driveway gradient must be no more than 1:6, a waste truck with a full load on will not be able to exit the basement with a driveway slope of 1:4 gradient.
4. Ensure that the 1.1m concrete median strip at the top of the curving driveway down into the basement from Faulkner Way is cut back in its dimensions as much as possible, as this is likely to create impediment to the waste truck, and may cause damage to the truck's tyres/wheels.
5. Sufficient space for access by residents, storage and easy manoeuvring of bins;
6. The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls coved to the floor;
7. A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
8. Adequate ventilation to the external air by natural or mechanical means;
9. The door to the room must be tight fitting and self-closing;
10. A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
11. Sufficient lighting to permit usage at night; and
12. Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

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

### **Condition - Reason**

To ensure that the waste rooms are of adequate design for the proposal and are accessible by the required collection vehicles.

### **Waste Management Plan requirements**

29. Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the principal certifier. The plan must be prepared in accordance with
  1. the Environment Protection Authority's waste Classification Guidelines as in force from time to time; and
  2. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and
  3. include the following information -



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- the contact details of the person removing waste;
- an estimate of the type and quantity of waste;
- whether waste is expected to be reused, recycled or sent to landfill;
- the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

#### **Condition - Reason**

To ensure resource recovery is promoted and local amenity protected during construction.

#### **Site Development Work**

30. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.

#### **Condition - Reason**

To prevent unauthorised commencement of building works.

#### **Substation**

31. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

The proposed substation has not been supported by the energy supplier. The developer is to consult with Endeavor Energy to ensure the substation location and design is approved by Endeavour Energy. Should the amended design require changes to the building design, a modification application under section 4.55 of the Environmental Planning and Assessment Act 1979 is to be lodged with the council for assessment and approval.

#### **Condition - Reason**

To ensure electrical substations are designed in accordance with the relevant utility and service providers requirements.

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



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

**Condition - Reason**

To ensure no banned products are used for a building's external cladding.

**Notification**

33. In the event that Council is not the Principal Certifier (PC), the PC must advise Council, in writing of:
1. The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  2. 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.

**Condition - Reason**

To advise Council of the details of licensed contractors or owner-builder for the approved development.

**Retaining Walls on Boundary**

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

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

**Condition - Reason**

To ensure retaining walls are constructed to be structurally sound and are structurally engineered.

**Cladding**



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35. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2G2 of BCA Volume 1 for all products/systems proposed.

**Condition - Reason**

To ensure that the external cladding installed on a building is compliant.

**Erosion and sediment control plan**

36. Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to <Insert the certifier or Council (where a certifier is not required)>:

1. Council's relevant development control plan,
2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

**Condition - Reason**

To ensure no substance other than rainwater enters the stormwater system and waterways.

**Design Verification Statement**

37. In accordance with the EP&A Regulation and State Environmental Planning Policy (Housing) 2021, chapter 4 – Design of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the Principle Certifier (PC). The PC shall ensure that the statement prepared by the qualified designer provides the following:

1. a valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW),
2. that the qualified designer has designed or directed the design of the subject development, and



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3. that the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

**Condition - Reason**

To require details of the qualified designer (registered architect) in accordance with SEPP 65.

**Crime Prevention Through Environmental Design**

38. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:
  1. back to base alarm system (only if commercial near residential),
  2. basement parking areas shall be painted a light colour,
  3. CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building,
  4. 'way finding' signage should be utilised at all major interchanges such as lifts and stair wells,
  5. lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting,
  6. corrugated ramps to prevent skate boarding activities,
  7. glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders,
  8. any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details, and
  9. access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

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

**Condition - Reason**



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To require details of crime prevention (CPTED) measures to protect the amenity of the surrounding area.

### **Provision of Services - Sydney Water**

39. Prior to the issue of a Construction 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](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA, prior to the issue of a Subdivision Works Certificate.

### **Provision of Services - Endeavour Energy**

40. 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 Principal Certifier.

### **Provision of Services - Telecommunications**

41. Prior to the issue of a Subdivision Works Certificate or Construction Certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
1. For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation, and
  2. 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.



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

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

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

Note: Approvals may also be required from the Transport for NSW for classified roads.

### **Stormwater Concept Plan**

43. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Enscape Studio, reference number 0182 C, Revision A, dated 12.09.2022.
1. 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.
  2. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
  3. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### **Stormwater Discharge - Basement Car parks**

44. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in



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accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

### **No Loading on Easements**

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

### **Access, Car Parking and Manoeuvring - General**

46. 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.

#### **Condition - Reason**

To ensure that the design of the facilities is in accordance with the required specifications.

### **Access, Car Parking and Manoeuvring - Detail**

47. The Certifying Authority shall ensure and certify that:
1. Off street access and parking complies with AS2890.1,
  2. Sight distance at the street frontage has been provided in accordance with AS 2890.1,
  3. All vehicles can enter and exit the site in a forward direction, and/or

#### **Condition - Reason**

To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.

### **Dilapidation report**

48. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in **Buchan Avenue** is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend **10m** either side of the development.



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### **Relationship with Previous Development Consent for the site**

- 49. All conditions of DA-386/2021 must be satisfied prior to the issue of any Construction Certificate.
- 50. All conditions of DA-504/2021 must be satisfied prior to the issue of any Construction Certificate.
- 51. All conditions of DA-1070/2021 must be satisfied prior to the issue of any Construction Certificate.

### **Erosion and sediment controls in place**

- 52. Before any site work commences, **the principal certifier**, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

### **Condition - Reason**

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

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

- 53. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:
  - 1. Asbestos Management Plan;
  - 2. Project Contact Information;
  - 3. Site Security Details;
  - 4. Timing and Sequencing Information;
  - 5. Site Soil and Water Management Plan;
  - 6. Noise and Vibration Control Plan;
  - 7. Dust Control Plan;



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8. Air Monitoring;
9. Odour Control Plan;
10. Health and Safety Plan;
11. Waste Management Plan;
12. Incident management Contingency; and
13. 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

**Condition - Reason**

To require details of measures that will protect the public, and the surrounding environment, during site works and construction

**Mechanical Plant and Equipment**

54. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report Edmonson Park Site 4, Noise and Vibration Impact Assessment, report reference P00343 prepared by E-Lab Consulting dated 15 September 2022.

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

**Condition - Reason**

To mitigate potential intrusive noise and amenity impacts.

**Provision of Services - Street Lighting**

55. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider who shall request Council's Transport Management Team's endorsement of a Public Street Lighting Design Brief.

The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and should be lodged online.

Once endorsed, the Designer is to carry out assessment of the existing street lighting and carry out a street lighting improvement design. This is to be submitted to and



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approved by Endeavour Energy.

The upgrade may 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.

#### **Condition - Reason**

To ensure adequate street lighting is provided for the development

#### **Road Safety Audit**

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

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

#### **Road Works**

57. 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.

#### **Condition - Reason**

To ensure that works on the public road reserve are approved prior to commencement of works

#### **Provision for Electric Vehicle Charging**

58. Prior to the issue of a construction certificate, an electrical plan is to be submitted to the principal certifier indicating the provision of a dedicated 32-amp circuit provided in the electricity distribution board for the purpose of vehicle charging and:

- (a) a minimum of one (1) 7 kW (32 A) type 2 electric vehicle charger located in the garage, carport or other parking area, Or



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- (b) That the electrical distribution board is adjacent to the garage, carport or other parking area, Or
- (c) In instances where the electrical distribution board is not on the wall adjacent to a garage, carport or other parking area, an electrical conduit, pull-string and cover-plate is provided between the electrical distribution board and the vehicle parking area in a manner which permits a vehicle charger to be installed without penetrating any wall, ceiling or floor

### **Condition - Reason**

This condition is imposed to ensure the adoption of sustainable transportation practices by the integration of electric vehicle charging infrastructure in all new dwellings.

### **Design of the Substation Requirements**

- 59. Electrical substations located outside the building envelope are to be designed in accordance with Endeavour Energy Document No MCI 0006 (Current Version). Endeavour Energy has not supported the location of the substation and the redesign of the substation must be approved by Endeavour Energy prior to the issuing of the first Construction Certificate.

### **Construction Site Management Plan**

- 60. Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:
  - 1. The location and materials for protective fencing and hoardings on the perimeter of the site;
  - 2. Provisions for public safety;
  - 3. Pedestrian and vehicular site access points and construction activity zones;
  - 4. Details of construction traffic management including:
    - (a) Proposed truck movements to and from the site;
    - (b) Estimated frequency of truck movements; and
    - (c) Measures to ensure pedestrian safety near the site;
    - (d) Details of bulk earthworks to be carried out;
    - (e) The location of site storage areas and sheds;
    - (f) The equipment used to carry out works;
    - (g) The location of a garbage container with a tight-fitting lid;



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- (h) Dust, noise and vibration control measures;
- (i) The location of temporary toilets;
- (j) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:

- (i) AS 4970 – Protection of trees on development sites;
- (ii) An applicable Development Control Plan;
- (iii) An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

### **Compliance with the National Construction Code**

61. In accordance with section 4.17 of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
  - (i) Complying with the Deemed to Satisfy Provisions; or
  - (ii) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
62. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority
63. A fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of construction certificate, demonstrating that all proposed external wall cladding materials used for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.
64. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

The schedule must distinguish between the measures that are currently implemented in the building premises; and



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- (i) The measures that are to be proposed to be implemented in the building premises; and
- (ii) The minimum standard of performance for each measure.

### **Recommendations of the Acoustic Report**

- 65. The noise control recommendations as stipulated within the approved Acoustic Reports shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.
- 66. Documentary evidence is to be provided to the satisfaction of PCA to demonstrate that appropriate measures are to be taken to ensure that the following LAeq levels are not exceeded as specified within Clause 87 of State Environmental Planning Policy (Infrastructure) 2007:
  - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- 67. Mechanical plant shall be selected in consultation with a suitably qualified and experienced acoustic consultant to ensure compliance with the approved Acoustic Reports.
- 68. Before the issue of a construction certificate, the certifier must be satisfied that the recommendations provided in the approved acoustic report are implemented and incorporated into the design and construction of the development, and shown on plans accompanying the construction certificate application.

The construction methodology and plans accompanying the construction certificate application must be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant must be submitted to and approved by the certifier before issue of the construction certificate.

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

### **Recommendations of the Wind Report**

- 69. The recommendations as stipulated within the approved Wind Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.



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## C. PRIOR TO WORKS COMMENCING

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

### Construction Certificates

70. Prior to the commencement of any building works, the following requirements must be complied with:
1. Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,
  2. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
  3. A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
  4. A Principal Certifier (PC) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
  5. The PC must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

### Condition - Reason

To require approval to proceed with building work.

### Survey Requirements

71. Prior to the commencement of building works the proposed building works shall be pegged out by a registered surveyor. For reference during construction, a benchmark shall be identified at the site, preferably on the kerb and gutter where it exists. The peg out report prepared by the registered surveyor shall be forwarded to the Principal Certifier prior to the first inspection. Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall.



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**Note:** In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall.

**Condition - Reason**

To ensure the development is carried out in accordance with relevant approvals and land restrictions.

**Construction Certificates**

72. Any Construction 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.

**Condition - Reason**

To ensure details and plans for CC are consistent with the approved DA.

**Commencement of building works**

73. Building work shall not commence prior to the issue of a Construction 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.

**Condition - Reason**

To require approval to proceed with building work.

**Residential Building Work**

74. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act,

**Condition - Reason**

To require approval to proceed with building work.



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## **Sydney Water**

75. Development plans must be processed and approved by Sydney Water.

### **Condition - Reason**

To require Sydney Water approval to proceed with building work.

## **Erosion and sediment controls in place**

76. Before any site work commences, the principal certifier or Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

### **Condition - Reason**

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

## **Site Facilities**

77. 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.

### **Condition - Reason**

To ensure the required site management measures are implemented before the commencement of building work.

## **"DIAL BEFORE YOU DIG"**

78. Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.



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### Condition - Reason

To ensure building works do not impact local underground assets.

### Public Art

79. Prior to the commencement of any building works the following requirements are to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement. The Public Art Plan is to be updated to include the following details:
1. Commissioned artist/s;
  2. Concept designs; and
  3. Artwork dimensions and materials.

### Erosion and sediment controls in place

80. Before any site work commences, **the principal certifier** must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

### Condition - Reason

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

### Erosion and sediment control plan

81. Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to **the certifier**.
1. Council's relevant development control plan,
  2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
  3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

### Condition - Reason



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To ensure no substance other than rainwater enters the stormwater system and waterways.

### **Environmental Management**

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

### **Dilapidation report**

83. Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the **principle certifier**.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the **principle certifier** that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 28 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.

### **Condition - Reason**

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

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

84. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related



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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.

### **Environmental Management**

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

### **Work Zone**

86. 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.

### **Condition – Reason**

To ensure that road occupancy is approved by council to minimise traffic impacts on the road.

### **Construction Traffic Management Plan (CTMP)**



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87. 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.

**Condition – Reason**

To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.

**Road Occupancy Permit**

88. 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

**Condition - Reason**

To ensure that road occupancy is approved by council to minimise traffic impacts on the road.

## D. DURING CONSTRUCTION

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

**Identification Survey Report**

89. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifier has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor



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levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the Principal Certifier has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifier, a copy of the survey shall be provided to Council within three (3) working days.

#### **Condition - Reason**

To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.

#### **Identification Survey Report**

90. On placement of the concrete, works again shall not continue until the Principal Certifier has issued a letter stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

#### **Condition - Reason**

To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.

#### **Inspections**

91. The building works must be inspected by the principal certifier, in accordance with section 6.5(1)(b) of the Environmental Planning & Assessment Act 1979 and section 61 of the Environmental Planning & Assessment Regulation (Development Certification and Fire Safety) Regulation 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The principal certifier must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the principal certifier, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

#### **Car Parking Areas**

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

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

The design of these spaces must comply with Council's DCP 2008, and Australian



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## Standard 2890.1 Parking Facilities – Off-Street Car Parking.

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

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

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

### **Condition - Reason**

To ensure the facilities are constructed appropriately to comply with the DCP and AS2890.

### **Directional Signage**

93. Directional signage indicating the location of customer parking, “in” and “out”, crossings and directional arrows are to be provided in accordance with the Council approved stamped plans.

### **Condition - Reason**

To ensure that appropriate signs are installed.

### **Public Domain Works**

94. 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’.

### **Condition - Reason**

To ensure that the development covers all required costs associated with the development.

### **Council On Street Assets**

95. Council’s on-street assets and local road network are to be protected and kept in a serviceable state at all times. At the direction of Council, the applicant/project manager shall undertake remediation works, at no cost to Council and to Council’s satisfaction.

### **Condition - Reason**



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To ensure that the development covers all required costs associated with the development.

### **Sign Notice Board**

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

### **Condition - Reason**

To ensure that the relevant details of the contractors and certifier are displayed and following the conditions of consent.

### **Hours of Construction Work and Deliveries**

97. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

### **Condition – Reason**

To protect the amenity of the surrounding area.

### **Excavation**

98. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.



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- (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly by the manufacturer's details or by a practicing structural engineer.

#### **Condition - Reason**

To ensure that the relevant details of the contractors and certifier are displayed and in accordance with the conditions of consent.

#### **Toilet Facilities**

99. 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:
1. be a standard flushing toilet connected to a public sewer, or
  2. have an on-site effluent disposal system approved under the Local Government Act 1993, or
  3. be a temporary chemical closet approved under the Local Government Act 1993.

#### **Condition - Reason**

To ensure the required site management measures are implemented during construction.

#### **Security Fence**

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

**Note:** Fencing is not to be located on Council's reserve area.

#### **Condition - Reason**

To ensure the required site management measures are implemented during construction.

#### **Refuse Disposal**



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101. 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.

**Condition - Reason**

To ensure the required site management measures are implemented during construction.

**Craning and Hoardings**

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

**Condition - Reason**

To ensure the required traffic management measures are implemented during construction.

**Public Art**

103. While building work is being carried out the following requirements are to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement.
1. The site architectural and landscape plans are to be submitted identifying the endorsed public art concept designs.
  2. Notification on commencement of artwork fabrication, delivery, and installation.
  3. The Public Art Plan is to be finalised to include:
    1. Artist/s and artwork statement;
    2. Maintenance Schedule; and
    3. Approved final design.

**Disabled Access**

104. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code (NCC/BCA).

**Condition - Reason**



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To require any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, National Construction Code (NCC/BCA) and Australian Standard.

### **General Site Works - Surface Contours**

105. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

#### **Condition - Reason**

To protect the amenity of the neighbourhood.

### **General Site Works**

106. All roofwater is to be connected to an approved stormwater system.

### **Unidentified Contamination**

107. Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.

A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.

#### **Condition - Reason**

To ensure the suitability of land for the development.

### **Air Quality – Dust Screens**

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

### **Air Quality - Stabilisation**

109. During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent



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airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.

**Condition - Reason**

To ensure site works are managed appropriately and do not result in air pollution.

**Implementation of the site management plans**

110. While site work is being carried out:

1. the measures required by the construction site management plan
- 2.
3. and the erosion and sediment control plan (plans) must be implemented at all times; and
4. a copy of these plans must be kept on site at all times and made available to Council officers upon request.

**Condition - Reason**

To ensure site management measures are implemented during the carrying out of site work.

**Erosion Control - Stabilisation**

111. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

**Condition - Reason**

To ensure the required site management measures are implemented during construction.

**Erosion Control - Measures**

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

**Condition - Reason**

To ensure the required site management measures are implemented during construction.



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### **Erosion Control - Maintenance**

113. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

#### **Condition - Reason**

To ensure the required site management measures are implemented during construction.

### **Erosion Control**

114. 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.

#### **Condition - Reason**

To ensure the required site management measures are implemented during construction.

### **Water Quality**

115. During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.

#### **Condition - Reason**

To ensure site works are managed appropriately and do not result in water pollution.

### **Pollution Control - Site Operations**

116. During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

#### **Condition - Reason**



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To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.

### **Pollution Control - Truck Movements**

117. 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.

#### **Condition - Reason**

To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.

### **Ventilation**

118. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

### **Removal of dangerous and/or hazardous waste**

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

#### **Condition - Reason**

To ensure safe removal and disposal of dangerous and/or hazardous material.

### **Imported Fill Material**

120. Filling material must be limited to the following:
1. Virgin excavated natural material (VENM)
  2. Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or



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3. 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**

121. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:
  1. 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,
  2. Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
  3. the results of any chemical testing undertaken on fill material

### **Unidentified Contamination**

122. Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.

A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.

### **Condition - Reason**

To ensure the suitability of land for the development.



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## Construction Noise and Vibration

123. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

### Condition - Reason

To protect the amenity of the neighbourhood during construction.

## Aboriginal Cultural Heritage – Staff and Contractors

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

## Aboriginal Cultural Heritage – Unexpected Finds

125. As required by the *National Parks and Wildlife Service Act 1974* in the event that Aboriginal cultural heritage objects or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and 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 *National Parks and Wildlife Service Act 1974* to obtain the necessary approvals/permits from the OEH



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

### **Skeletal Remains**

126. 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 recommencing must be developed in consultation with relevant Aboriginal stakeholders.

### **Public Domain Works - Street Lighting**

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

### **Condition - Reason**

To ensure that the development covers all required costs associated with the development.

### **Waste Management Plan**

128. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.
129. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

### **Complaints Register**

130. The Applicant must keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
  - (b) the means by which the complaint was made (telephone, mail or email);



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- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- (g) allocate an individual “complaint number” to each complaint received.

## E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to the issue of Final Occupation Certificate by the Principal Certifier (PC):

### Payment of developer contributions

131. Before the issue of the occupation certificate for any building work, the applicant must pay a total contribution in association with condition 1.8B of the *Modified Minister's Approval, dated 14 February 2025*.

In conjunction with condition 1.8B(a) and (b), a planning agreement is to be entered into within 12 months of the date of the Minister's Consent in accordance with section 7.7(3) of the Environmental Planning and Assessment Act 1979.

In accordance with condition 1.8(c), should the proposal be approved prior to the execution of the planning agreement, contributions under the relevant contributions plan are to be imposed. In accordance with section 1.8(c), the current contributions scheme is The Liverpool Contributions Plan 2008 – Edmondson Park.

A total of **\$TBA** as calculated at the date of this consent to Council under section 7.11 of the EP&A Act in accordance with the City of Liverpool's Edmondson Park s7.11 Contributions Plan 2008.

The applicant must pay the following contributions to council for:

The cost (and consequently the levy amount) must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

Indexed development cost (\$) = (\$Co X Current PPI) / Base PPI



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Where:

<b>\$Co</b>	<i>is the original development cost estimate assessed at the time of the issue of the development consent</i>
<b>Current PPI</b>	<i>is the Producer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment</i>
<b>Base PPI</b>	<i>is the Consumer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution</i>

Payment of section 7.11 contributions must be made directly to Liverpool City Council.

Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment.

Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing.

A copy of the development contributions plan is available on the Council's website.

### **Occupation Certificates**

132. The premises must not be occupied until an Occupation Certificate (OC) is issued by the Principal Certifier. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council via the NSW Planning Portal.

#### **Condition - Reason**

To ensure the development is in accordance with the approval and the use meets health, safety and amenity provisions.

### **Completion of public utility services**

133. Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

#### **Condition - Reason**

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.



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

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

### **Works as executed plans and any other documentary evidence**

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

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

#### **Condition - Reason**

To confirm the location of works once constructed that will become council assets.

### **BASIX**

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

#### **Condition - Reason**

To ensure the development meets energy and water conservation requirements.

### **Completion of landscape and tree works**

137. Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

#### **Condition - Reason**

To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).



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## **Landscaping**

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

### **Condition - Reason**

To help ensure landscaping works have been carried to a high standard and in accordance with the original design plans.

## **Public Art**

139. Prior to the issue of an Occupation Certificate the following requirements are to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement.
- Upon completion of the approved public art associated with the development and prior to the issue of any Occupation Certificate, high resolution images are to be provided. These images:
1. Are taken once the approved landscape works have been completed;
  2. Include a selection of full artwork images and detail, taken from various perspectives;
  3. Include images taken from key sightlines from the public domain;
  4. Are JPEG or PNG files at a minimum of 2 mega pixels.

## **Design Verification Statement**

140. In accordance with the Environmental Planning and Assessment Regulation 2021 and State Environmental Planning Policy (Housing) 2021, Chapter 4, "Design of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the Principle Certifier (PC) assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PC shall ensure that the statement prepared by the qualified designer provides the following:
1. a valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW), and
  2. that the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in schedule 8 of SEPP Housing.



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### **Condition - Reason**

To ensure required building works are completed, in accordance with the approved development and design verification statement as required under SEPP Housing, before occupation.

### **Stormwater Compliance**

141. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

1. Basement Carpark pump-out system:

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

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

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

142. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

1. Basement Carpark pump-out system:

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

### **Rectification of Damage**

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



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

### **Dilapidation Report**

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

### **Recommendations of Acoustic Report**

145. Upon completion of works and prior to the issue of an Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report Edmonson Park Site 4, Noise and Vibration Impact Assessment, report reference P00343 prepared by E-Lab Consulting dated 15 September 2022. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

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

### **Condition - Reason**

To mitigate potential acoustic impacts by ensuring that the development or use complies with the specified design criteria.

### **Street Lighting in New Subdivisions**

146. 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 submitting OC or SC application.

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



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### **Condition – Reason**

To ensure adequate street lighting is provided for the development.

### **Bonds**

147. A maintenance bond in the form of a bank guarantee, insurance bond or cash bond (\$TBA), shall be lodged with Council. 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's acceptance of final works. The amount of the bond is to be determined in accordance with the Council's schedule of fees and charges in force at the time of payment.

### **Completion of Landscape Work**

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

## **F. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

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

Not applicable

## **G. OCCUPATION AND ONGOING USE**

### **Unreasonable Noise and Vibration**

149. The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.



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Should an offensive noise complaint be received and verified by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and a report must be submitted to Liverpool City Council for review upon request. Any noise attenuation recommendations approved by Liverpool City Council must be fully implemented and verified in writing by a suitably qualified acoustic consultant.

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

#### **Condition - Reason**

To mitigate potential offensive noise and amenity impacts.

#### **Waste Management**

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

#### **Lighting**

151. Illumination of the site must be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

#### **Condition - Reason**

To mitigate potential lighting impacts and protect the amenity of the surrounding area.

#### **Noise - Silent Building Intruder Alarm System**

152. Any building intruder alarm installed at the site must be a "silent back to base" type.

#### **Condition - Reason**

To mitigate potential acoustic impacts and protect the amenity of the surrounding area.

#### **Use of building intruder alarm/s**



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153. Any building intruder alarm/s associated with the development must only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.

**Condition - Reason**

To mitigate potential acoustic impacts and facilitate compliance with legislative requirements.

**Noise - General**

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

**Condition - Reason**

To mitigate potential intrusive noise and amenity impacts.

**Environment**



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

**Condition - Reason**

To mitigate potential risks to human health and the environment.

**Use of air conditioner/s on residential premises**

156. Any air conditioner/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:
1. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
    1. i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
    2. ii. before 7:00am or after 10:00pm on any other day; or
  2. cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or
  3. emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

**Condition - Reason**

To protect the residential amenity of neighbouring properties.

**Use of heat pump water heater/s on residential premises**

157. Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:
1. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
    1. i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
    2. ii. before 7:00am or after 10:00pm on any other day; or



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2. cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
3. emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

**Condition - Reason**

To protect the residential amenity of neighbouring properties.

**Parking Spaces**

158. The following parking spaces should be used solely for the purpose it has been provided.

1. Unrestricted resident car parking
2. Visitor car parking
3. Accessible car parking
4. Motorcycle parking
5. Cycle parking
6. Delivery area
7. Garbage pick-up area
8. Washing bay

**Condition - Reason**

To ensure that adequate parking and loading are provided.

**Car Parking/Loading Provisions - Multi-Dwelling Units**

159. A total of (insert number) off street car parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:

A total of 243 off street car parking spaces including 18 accessible spaces (includes 13 visitors parking spaces) must be provided in accordance with Council's requirements. It is also to provide 131 bicycle and 7 motorcycle parking spaces.

**Condition - Reason**

To ensure that adequate parking and loading are provided.



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### **Car Parking Management**

160. All parking areas shown on the approved plans must be used solely for this purpose.

#### **Condition - Reason**

To ensure that adequate parking and loading are provided.

### **Loading Areas**

161. All loading and unloading must take place from the designated loading dock/bay. This area is to be clearly marked/signposted for use by delivery vehicles only.

#### **Condition - Reason**

To ensure that adequate parking and loading are provided.

### **Vehicle Access**

162. Vehicles entering or leaving the development site should be in forward direction, if practicable.

#### **Condition - Reason**

To ensure safety.

## **H. ON COMPLETION OF WORK**

### **Preservation of survey marks**

163. After completion of all site work, documentation must be submitted by a registered surveyor to the **principal certifier**, which demonstrates that:
1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

#### **Condition - Reason**

To protect the State's survey infrastructure



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### **Removal of Waste upon completion**

164. After completion of all site work:

1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste management plan; and
2. written evidence of the Waste removal must be provided to the satisfaction of the **principal certifier**.

#### **Condition - Reason**

To ensure Waste material is appropriately disposed or satisfactorily stored

### **Repair of infrastructure**

165. After completion of all site work:

1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, Waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or
2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

#### **Condition - Reason**

To ensure any damage to public infrastructure is rectified.

## **H. ADVISORY**

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- b) 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).



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An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- g) “DIAL BEFORE YOU DIG”

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- h) 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



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

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.

- i) 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 has been made by Council. 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.
- j) 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.
- k) 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.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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If you have any further enquiries, please contact Nabil Alaeddine on the abovementioned contact details.

**Nabil Alaeddine**  
**PRINCIPAL PLANNER**  
**DEVELOPMENT ASSESSMENT**



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