
DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate the conditions in this Appendix will form the conditions of development consent.

APPLICANT:	UPG EDMONDSON PARKLAND PTY LTD
LAND:	LOTS 1, 2, 3, 4 AND 5 IN DP 1275478 (KNOWN AS 'SITES 1-3') 1-3 BEZENTIN RIDGE ROAD AND 4-5 BUCHAN AVENUE, EDMONDSON PARK NSW 2174
PROPOSED DEVELOPMENT:	Construction Of A Multi-dwelling Housing Development Including 178 Townhouses And Associated Landscaping Across 3 Sites with Community Title Subdivision: Construction Of 43 Residential Townhouses At Site 1, Including: <ul style="list-style-type: none">- 32x 4-bedroom Townhouses.- 11x 3-bedroom Townhouses. Construction Of 63 Residential Townhouses At Site 2, Including: <ul style="list-style-type: none">- 33x 4-bedroom Townhouses.- 30x 3-bedroom Townhouses. Construction Of 72 Residential Townhouses At Site 3, Including: <ul style="list-style-type: none">- 40x 4-bedroom Townhouses.- 32x 3-bedroom Townhouses The Application Is Identified As Nominated Integrated Development Under The Water Management Act 2000

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.

Voluntary Planning Agreement

Any monetary contributions payable, any actions or works to be undertaken, or any other requirements of the VPA are to be in accordance with the executed Voluntary Planning Agreement applying to this site. The VPA is to be in accordance with Conditions 14 and 103 in this determination.

ATTACHMENT 1 – DRAFT CONDITIONS OF APPROVAL

A. THE DEVELOPMENT

Approved Plans

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

- (a) Plans prepared by Cox Architecture, including the following:

Plan Name	Revision	Drawing No.	Prepared by	Date
Site Plan	B	DA-11-01	COX Architecture	18.03.2024
Terrace Typical, Location Plan	B	DA-11-02	COX Architecture	18.03.2024
Proposed Plan of Subdivision – Community	B	DA-11-03	COX Architecture	18.03.2024
Ground Floor Plans – Zone A	B	DA-21-10	COX Architecture	18.03.2024
Level 1 Floor Plans – Zone A	B	DA-21-11	COX Architecture	18.03.2024
Level 2 Floor Plans – Zone A	B	DA-21-12	COX Architecture	18.03.2024
Level 3 & Rooftop Floor Plans – Zone A	B	DA-21-13	COX Architecture	18.03.2024
Ground Floor Plans – Zone B	B	DA-21-20	COX Architecture	18.03.2024
Level 1 Floor Plans – Zone B	B	DA-21-21	COX Architecture	18.03.2024
Level 2 Floor Plans – Zone B	B	DA-21-22	COX Architecture	18.03.2024
Level 3 Floor Plans & – Zone B	B	DA-21-23	COX Architecture	18.03.2024
Roof Plan – Zone B	B	DA-21-24	COX Architecture	18.03.2024
Elevations Site 1-2	B	DA-30-00	COX Architecture	18.03.2024
Elevations Site 1-2	B	DA-30-01	COX Architecture	18.03.2024
Elevations Site 1-2	B	DA-30-02	COX Architecture	18.03.2024
Elevations Site 1-2	B	DA-30-03	COX Architecture	18.03.2024
Elevations Site 1-2	B	DA-30-04	COX Architecture	18.03.2024
Elevations Site 3	B	DA-30-05	COX Architecture	18.03.2024
Elevations Site 3	B	DA-30-06	COX Architecture	18.03.2024
Elevations Site 3	B	DA-30-07	COX Architecture	18.03.2024
Sections	B	DA-40-00	COX Architecture	18.03.2024
Sections 1	B	DA-40-01	COX Architecture	18.03.2024
Typical Terrace Plans	B	DA-50-00	COX Architecture	18.03.2024
Typical Terrace Plans	B	DA-50-01	COX Architecture	18.03.2024
Typical Terrace Plans	B	DA-50-02	COX Architecture	18.03.2024
3D Visualization Plans	B	DA-85-00	COX Architecture	18.03.2024
3D Visualization Plans	B	DA-85-01	COX Architecture	18.03.2024
Proposed Plan of Subdivision (Community Title)	A			

- (b) Landscaping Plans prepared by Environmental Partnership, Project Job No Ref. 3848-PR, including the following:

Plan Name	Revision	Drawing No.	Date
Cover Sheet	B	3848-PR	22.03.2024
Legends & Schedules	B	3848-PR-LD-G01	22.03.2024
Planting Aspect Schedule 1	B	3848-PR-LD-G02	22.03.2024
Planting Aspect Schedule 2	B	3848-PR-LD-G03	22.03.2024
Private Domain – Key Plan	B	3848-PR-LD-KP01	22.03.2024
Private Domain – General Arrangement Plan, Ground Floor: Area 1	B	3848-PR-LD-GA01	22.03.2024
Private Domain – General Arrangement Plan, Ground Floor: Area 2	B	3848-PR-LD-GA02	22.03.2024
Private Domain – General Arrangement Plan, Ground Floor: Area 3	B	3848-PR-LD-GA03	22.03.2024
Private Domain – General Arrangement Plan, First Floor: Area 1	B	3848-PR-LD-GA04	22.03.2024
Private Domain – General Arrangement Plan, First Floor: Area 2	B	3848-PR-LD-GA05	22.03.2024
Private Domain – General Arrangement Plan, First Floor: Area 3	B	3848-PR-LD-GA06	22.03.2024
Private Domain – General Arrangement Plan, Second Floor: Area 1	B	3848-PR-LD-GA07	22.03.2024
Private Domain – General Arrangement Plan, Second Floor: Area 2	B	3848-PR-LD-GA08	22.03.2024
Private Domain – General Arrangement Plan, Second Floor: Area 3	B	3848-PR-LD-GA09	22.03.2024
Private Domain – General Arrangement Plan, Third Floor: Area 1	B	3848-PR-LD-GA10	22.03.2024
Private Domain – General Arrangement Plan, Third Floor: Area 2	B	3848-PR-LD-GA11	22.03.2024
Private Domain – General Arrangement Plan, Third Floor: Area 3	B	3848-PR-LD-GA12	22.03.2024
Private Domain – Planting Plan, Ground Floor: Area 1	B	3848-PR-LD-PL01	22.03.2024
Private Domain – Planting Plan, Ground Floor: Area 2	B	3848-PR-LD-PL02	22.03.2024
Private Domain – Planting Plan, Ground Floor: Area 3	B	3848-PR-LD-PL03	22.03.2024
Private Domain – Hard Landscape Details	B	3848-PR-LD-DE01	22.03.2024
Private Domain – Soft Landscape Details	B	3848-PR-LD-DE02	22.03.2024

- (c) Public Domain Plans prepared by Environmental Partnership, Project Job No Ref. 3848-PD, including the following:

Plan Name	Revision	Drawing No.	Date
Cover Sheet	B	3848-PD	22.03.2024
Public Domain – Legends & Schedules	B	3848-PD-LD-G01	22.03.2024
Masterplan	B	3848-PD-LD-MP01	22.03.2024
Public Domain – Key Plan	B	3848-PD-LD-KP01	22.03.2024
Public Domain – Alignment Plan: Area 1	B	3848-PD-LD-AP01	22.03.2024
Public Domain – Alignment Plan: Area 2	B	3848-PD-LD-AP02	22.03.2024
Public Domain – Alignment Plan: Area 3	B	3848-PD-LD-AP03	22.03.2024
Public Domain – Soil Plan: Area 1	B	3848-PD-LD-SL01	22.03.2024
Public Domain – Soil Plan: Area 2	B	3848-PD-LD-SL02	22.03.2024
Public Domain – Soil Plan: Area 3	B	3848-PD-LD-SL03	22.03.2024
Public Domain – Street Tree Masterplan	B	3848-PD-LD-PL01	22.03.2024

Public Domain – Planting Plan: Area 1	B	3848-PD-LD-PL02	22.03.2024
Public Domain – Planting Plan: Area 2	B	3848-PD-LD-PL03	22.03.2024
Public Domain – Planting Plan: Area 3	B	3848-PD-LD-PL04	22.03.2024
Public Domain – Street Cross Sections 1	B	3848-PD-LD-CR01	22.03.2024
Public Domain – Street Cross Sections 2	B	3848-PD-LD-CR02	22.03.2024
Public Domain – Elevations 1	B	3848-PD-LD-EL01	22.03.2024
Public Domain – Elevations 2	B	3848-PD-LD-EL02	22.03.2024
Public Domain – Elevations 3	B	3848-PD-LD-EL03	22.03.2024
Public Domain – Hard Landscape Details	B	3848-PD-LD-DE01	22.03.2024
Public Domain – Soft Landscape Details	B	3848-PD-LD-DE02	22.03.2024

(d) Supporting Documentation

Report Name	Date	Reference	Prepared By
Clause 4.6 Variation - Height Variation	28 March 2024	210922	Ethos Urban
Noise and Vibration Impact Assessment	13 December 2022	P00404	E-Lab Consulting
Bushfire Assessment Report	12 December 2022	21UPG05	Travers Bushfire & Ecology
Environmental Site Assessment	26 July 2022	63384/146,510, Rev 0	JBS&G
Transport Impact Assessment	13 December 2022	1978r03v2	AsonGroup
Operational Waste Management Plan	12 December 2022	4549, Rev C	Elephants Foot Consulting
BASIX Compliance Report	13 December 2022	P00404, Rev: 1	E-Lab Consulting
BASIX Certificate	13 December 2022	1360802M	E-Lab Consulting

Rural Fire Service (RFS) Requirements

- All conditions issued by **Rural Fire Service** shall be complied with, as required in accordance with their correspondence dated 28 February 2023. A copy of the correspondence is attached to this determination notice.

Sydney Water Requirements

- All conditions issued by **Sydney Water** shall be complied with, as required in accordance with their correspondence dated 2 February 2023. A copy of the correspondence is attached to this determination notice.

Endeavour Energy Requirements

- All conditions issued by **Endeavour Energy** shall be complied with, as required in accordance with their correspondence dated **6 January 2023**. A copy of the correspondence is attached to this determination notice.

Fulfilment of BASIX commitments

- It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

- (i) BASIX development,
- (ii) 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.

Comply with EP&A Act

6. 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.

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

7. 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*.
- a) 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.
 - b) 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*.
 - c) 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.
 - d) 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.
 - e) This section does not apply—
 - (i) 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

- (ii) 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.

Notification of Home Building Act 1989 requirements

- 8. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
 - a) 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—
 - (i) for work that requires a principal contractor to be appointed—
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - b) 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.
 - c) 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.
 - d) 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.

National Code Construction

- 9. In accordance with section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 69 of the Environmental Planning & Assessment Regulation 2021, 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).

Works at no cost to Council

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

Condition - Reason:

To ensure fairness, transparency and probity.

Erection of signs

11. This section applies to a development consent for development involving building work, subdivision work or demolition work.

- a) 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—
 - (i) showing the name, address and telephone number of the principal certifier for the work, and
 - (ii) 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
 - (iii) stating that unauthorised entry to the work site is prohibited.
- b) 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.
- c) This section does not apply in relation to—
 - 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.

Land Development Engineering

12. Prior to the issue of any Occupation Certificate, all conditions of DA-1070/2021 must be satisfied.

Condition - Reason

To ensure fairness, transparency and probity.

Traffic and Transport - No Stopping Signs

13. Install No Stopping signs along the narrow laneways.

Condition - Reason

To ensure fairness, transparency, and probity.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Voluntary Planning Agreement (VPA) Letter of Offer

14. The VPA Letter of offer with the terms of the agreement is to be provided to Liverpool City Council's Contributions Teams prior to the issue of a Construction Certificate.

Wayfinding Plans

15. A detailed Wayfinding and Signage Strategy is to be provided prior to the issue of a Construction Certificate.

Design Amendments

16. Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:
 - a) Revised plans including new roofing and cladding material/colour utilising lighter colours for the roof and wall cladding to address the urban heat island effect. This is to include a revised Material and Finishes Schedule and elevations with materials noted.
 - (i) The following units are to incorporate Skylights to improve solar access:
 - 1.38 – 1.42
 - 2.32 – 2.41
 - 2.56 – 2.63
 - 3.41 – 3.48
 - b) Revised Street sections through Buchan Avenue and Bezentin Ridge Road are required to be submitted to the Council for review. The revised plans are to address inconsistencies with references to Buchan Avenue and Bezentin Ridge Road footpath widths and the lack of bike lanes shown in sections. The plans should include the following:

- (i) Buchan Avenue required a 2.5m wide shared path on the southern side, 2 separate one-way cycle lanes, two parking lanes, two travel lanes, and a vacant verge on the northern roadside.
- (ii) Bezentin Ridge Road requires a 2.5m shared path on either side of the road. The western side is aligned to the back of kerb and the eastern side is setback approximately 1.4m from the kerb.

Note: It is noted that the shared path along the western side connects to a wider shared path network, whilst the eastern side does not.

- (iii) Revised plans are required for re-designing dwellings with a secondary street frontage to improve the corner interface with the public domain and provide improved visual surveillance. The following plans are to be amended:

1. All corner dwellings with a secondary interface with Secondary Road 01, Secondary Road 02, and Secondary Road 03. This should include a mix of improvements to the facade with a mix of openings, articulation, and materials.
2. Fencing details are to be provided with dimensions. This can be shown on elevations or as separate plans.
3. Amend the first-floor glass balustrades to either solid and/or visually opaque balustrades (for first-floor POS).

- (iv) Ceiling Plans be included in the living area and bedrooms

- (v) PVC Panels are to be installed on the roof. This is necessary as the development proposes height exceedance and future occupants will not be able to install solar panels without exceeding the height further which may require a DA.

- (vi) Revised Public Domain plans are required that provide further details of the public domain interfaces indicating raised thresholds at various road and pedestrian footpath intersections (where pedestrian authority is implied). The revised plans should include but not limited to:

1. Typically, where a footpath and driveway intersect within the public domain, treatments such as changes in materials, colour and texture, as well as the addition of line marking, signage and/or raised thresholds

should be incorporated to support the priority of the pedestrians and promote vehicle calming and safety within the public domain.

2. Revised Tree Street tree masterplan, that includes more native species and increased canopy cover street trees. This should include street tree species that align with the species delivered by Landcom along Buchan Avenue. A Street Tree strategy was developed by Taylor Brammer for the surrounding street network the alignment of the street on Buchan Avenue.
3. The revised street tree and landscape plan should include the small garden islands in the laneways as rain gardens and additional landscaping are to be provided through the development with consideration to wall planting and alike to be included.
4. Include Public Art. Assistance with the Public Art Strategy and scale of Public Art can be given by the Council's Public Art Officer to align with Council's Art Policy. The applicant is to consult with the Public Arts Officer

Condition - Reason

To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

Fee Payments

17. 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:
 - a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
 - b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve. These fees are reviewed annually and will be calculated accordingly.

Condition - Reason

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

Site Development Work

18. 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.

S138 Roads Act - Minor Works in the public road

19. Prior to the issue of the relevant Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
- b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
- c) Road occupancy or road closures.

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

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

S138 Roads Act - roadworks requiring approval of civil drawings

20. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Roads and Drainage in Buchan Avenue and Bezentin Ridge Road.

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

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

Stormwater Discharge - Minor Development

21. Stormwater drainage from the site shall be discharged to the:

- (a) Street drainage system,
- (b) Common drainage line,
- (c) Liverpool City Council's trunk drainage system within the property,
- (d) Existing site drainage system,
- (e) Level spreader system, or

(f) Other

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

Civil Plans Design

15. Proposed development shall be in accordance with following DA documentation:

- Civil Engineering Plans, Rev A dated 09/12/2022 by enscape studio
- Stormwater Management Plan, Sites 1-3 dated November 2022 by enscape studio
- Response to Request for Additional Information dated 27 March 2024 by enscape studio.

Notification

16. In the event that Council is not the Principal Certifier (PC), the PC must advise Council, in writing of:

- a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- b) The name and permit of the owner-builder who intends to do the work.

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

Condition - Reason

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

Products banned under the Building Products (Safety) Act 2017

17. 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.

Provision of Services - Street Lighting

18. 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 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

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

Access, Car Parking and Manoeuvring - General

20. 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

21. The Certifying Authority shall ensure and certify that:

- a) Off street access and parking complies with AS2890.1,
- b) Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid/ Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2,
- c) Sight distance at the street frontage has been provided in accordance with AS 2890.1,
- d) All vehicles can enter and exit the site in a forward direction, and/or
- e) Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

Condition - Reason

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

Recommendations of Acoustic Report

22. Before the issue of the relevant 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.

Condition – Reason

To mitigate potential intrusive noise and amenity impacts.

Construction Environmental Management Plan (CEMP)

23. 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:
- a) Asbestos Management Plan;
 - b) Project Contact Information;
 - c) Site Security Details;

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

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

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

24. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report titled "Edmonson Park Site 1-3 Noise and Vibration Assessment" (Ref: P00404 Rev:002) prepared by Teresa Nguyen and reviewed by Tom Candalepas dated 13th December 2022".

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

Environmental Health condition

25. The following documentation is to be provided prior to the release of the relevant construction certificate:
 - a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.
Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - i) The requirements of the *Telecommunications Act 1997*;
 - ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Waste Management Plan requirements

26. Before the issue of a subdivision works certificate, a revised waste management plan for the development must be prepared and provided to the Liverpool City Council to the satisfaction of the Waste Management team. The plan must be prepared in accordance with;

- (i) the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
- (ii) 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

The plans shall include the following information at minimum;

- (i) the contact details of the person removing waste,
- (ii) an estimate of the type and quantity of waste,
- (iii) whether waste is expected to be reused, recycled or sent to landfill,
- (iv) the address of the disposal location for waste,
- (v) Revised building plans indicate the waste storage areas on site and the pathway of travel of the waste bins to the street. The bins are to be stored in the area of the yard, not in an enclosed area, and on hard surfaces, and the path of travel should be to the street without traveling through the dwelling interior or garage. The pathway of travel must be an outdoor area.

An updated Waste Management Plans stating the following:

- a FOGO waste service will be introduced in future, but at present the organics bins are for garden waste only.
 - in case of illegal dumping cases the residents are to inform the council instead and it will be Council's job to manage it, and
 - amend sections of WMP that is only relevant to MFB to suit the current proposal.
- (vi) A copy of the Strata By-Laws stating:
- a) Strata will be managing and enforcing on any non-compliances and or complaint reported from Council, and that all the residents are inducted to

the expectation of waste management standards, along with residents' responsibilities and entitlements with regards to waste management.

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.

Construction Traffic Management Plan

27. Prior to the issue of a Subdivision Works Certificate, a construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Liverpool City Council's Traffic & Transport Section. The CTMP is to be submitted via an application form available on Council's website.

All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.

The construction sites must install shakers to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.

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

Retaining Walls on Boundary

29. 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.

No Loading on Easements

30. Prior to the issue of a Subdivision Works 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.

Provision of Services – Sydney Water

31. 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, 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

32. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA, prior to the issue of a Construction Certificate.

Provision of Services – Telecommunications

33. Prior to the issue of the relevant Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the *Telecommunications Act 1997*:

- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
- (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Road Works

34. 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.

C. PRIOR TO WORKS COMMENCING

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

Residential Building Work

35. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates has been given written notice of the

following

information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that *Home Building Act 1989*,
- (b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that *Home Building Act 1989*, the number of the owner-builder permit.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

- 36. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Construction Traffic Management Plan (CTMP)

- 37. 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.

Construction Certificates

- 38. 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.

Construction Certificates

39. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
40. Any CC 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.
41. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.

Commencement of work

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

Site Facilities

43. 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

44. To ensure the required site management measures are implemented before the commencement of building work. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

"DIAL BEFORE YOU DIG"

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

Condition - Reason

To ensure building works do not impact local underground assets.

Waste Classification and Disposal of Contaminated Soil and Material

46. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Traffic Control Plan

47. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Erosion and sediment controls in place

48. 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.

Environmental Management

49. 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:
- a) Siltation fencing;
 - b) Protection of the public stormwater system; and
 - c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Cladding

50. Prior to issue of the relevant 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.

Dilapidation report

51. 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 **principal 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 **principal certifier**, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 14 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.

Site Facilities

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

Facilities

53. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Work Zone

54. 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.

Road Occupancy Permit

55. 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

Notification/Principal Certifying Authority

56. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.12 of the EP&A Act.
57. The PCA must advise Council of the intended date to commence work which is the subject of the consent, by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
58. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
 - (a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.

Environmental Management

59. 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:
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Site Notice Board

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

Road Works

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

D. DURING CONSTRUCTION

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

Compliance with the National Construction Code

62. All aspects of construction shall comply 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).

Inspections

63. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and *Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
64. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

65. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA 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 PCA, a copy of the survey shall be provided to Council within three (3) working days.

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

Implementation of the site management

67. While site work is being carried out:

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

Construction Requirements

68. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

69. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Drainage Connection

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

Hours of Construction Work and Deliveries

71. 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 5:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Construction Noise and Vibration

72. 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 Environmental Management Plan (CEMP).

73. The approved site-specific Construction Noise, Vibration Assessment and Management Plan shall be implemented, adhered to and maintained at all times during the construction period.

Removal of dangerous and/or hazardous waste

74. 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.

Contamination

75. The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act, 1997*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and *Managing Land Contamination – Planning Guidelines* (Planning NSW/EPA 1998).

Imported Fill Material

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

Certificates proving that the material imported is ENM or VENM must be provided to the Principal 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

77. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:

- a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
- b) Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
- c) the results of any chemical testing undertaken on fill material.

Soil management

78. While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be:
 - (i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - (j) a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - (k) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Unidentified Contamination

79. 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.

General Site Works

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

Condition - Reason

To ensure environmental impacts and impacts to neighbouring properties are minimised.

General Site Works

81. Stormwater pipeline connections to the street kerb shall be constructed in the following manner:
1. the kerb shall be sawcut on both sides of the proposed pipe outlet.
 2. an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter.
 3. the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.

Condition - Reason

To ensure any alteration to Council infrastructure is to a suitable standard.

General Site Works - Existing Hydrology

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

Condition - Reason

To minimise impacts to adjacent vegetation and habitat.

General Site Works - Runoff

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

Condition - Reason

To minimise impacts to adjacent vegetation and habitat.

General Site Works - Sediment

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

Condition – Reason

To minimise impacts to adjacent vegetation and habitat

Removal of dangerous and/or hazardous waste

85. 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.

Waste Management

86. While site work is being carried out:

- (a) all waste management must be undertaken in accordance with the waste management plan, and
- (b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Waste

87. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
88. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.
89. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
90. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind

conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Discovery of relics and Aboriginal objects

91. While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:
- a. the work in the area of the discovery must cease immediately;
 - b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

1. for a relic – the Heritage Council; or
2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Condition - Reason

To ensure the protection of objects of potential significance during works.

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

Erosion Control – Measures

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

Water Quality

95. 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

96. 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

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

Pollution Control - Site Operations

97. 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

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

Construction Noise and Vibration

98. 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 Environmental Management Plan (CEMP)

Major Filling/ Earthworks

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

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

Car Parking Areas

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

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

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

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

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

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

Conditions – Reason

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

Public Domain Works

101. 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.

Public Domain Works

102. 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.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Voluntary Planning Agreement

103. Prior to issue of the Final Occupation Certificate, the items are to be completed as per the executed Voluntary Planning Agreement with Liverpool City Council and payment is to be made to Liverpool City Council.

Condition - Reason

To ensure any planning agreement is finalised at the specified time.

Landscaping

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

Certificates

105. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (in accordance with the relevant provisions of the EP&A Act).
106. The proposed Stage/s of the subdivision associated with the housing must be completed and registered prior to the issue of the final Occupation Certificate for that Stage.
107. Prior to the issue of an Occupation Certificate for the dwellings, evidence is to be submitted to the PCA indicating the registration of the approved lots with the NSW Land Registry Services, on which the dwellings were approved, as shown on approved plans.
108. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
109. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

Completion of public utility services

110. 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.

Recommendations of Acoustic Report

111. Upon completion of works and prior to the issue of the 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 titled "Edmonson Park Site 1-3 Noise and Vibration Assessment" (Ref: P00404 Rev:002) prepared by Teresa Nguyen and reviewed by Tom Candalepas dated 13th December 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 is employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Validation Report

112. Before the issue of any occupation certificate, a detailed Validation report must be submitted to the certifier. The Report must be prepared in accordance with:
1. NSW Contaminated Land Planning Guidelines (1998);
 2. Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and
 3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The Validation Report must be prepared or reviewed and approved by a suitably qualified environmental consultant.

The report's cover or title page of the document must include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan.

Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

Condition - Reason

To ensure the suitability of land, mitigate potential risks to human health and the environment and facilitate compliance with legislative requirements.

Decommissioning of On-Site Sewage Management System/s

113. Following the decommissioning of any on-site sewage management system, a certificate certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF), shall be submitted to Council. A template decommissioning certificate can be found on Councils website www.liverpool.nsw.gov.au

Works as Executed - General

114. Prior to the issue of the relevant 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.

Dilapidation Report

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

Liverpool City Council Clearance – Roads Act/Local Government Act

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

Acoustic Report

117. Confirmation in writing that the recommended measures were incorporated as required by the report.

Removal of waste upon completion

118. Before the issue of a subdivision certificate:
- (a) 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
 - (b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

Recommendations of Acoustic Report

119. Upon completion of works and before the issue of any occupation certificate, written certification prepared by a suitably qualified acoustic consultant must be

submitted to and approved by the certifier. The written certification prepared by the suitably qualified acoustic consultant must confirm that the development complies with all requirements and recommendations detailed within the approved "Edmonson Park Site 1-3 Noise and Vibration Assessment" (Ref: P00404 Rev:002) prepared by Teresa Nguyen and reviewed by Tom Candalepas dated 13th December 2022 .

The acoustic consultant must confirm that the development or use is capable of operating in accordance with the design criteria.

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.

Rectification of Damage

120. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works fronting the dwelling sites, or within Livestock Avenue, Crop Avenue and Fifth Avenue will require a *Roads Act* application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Street Lighting in New Subdivisions

121. 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.

Conditions – Reason

To ensure adequate street lighting is provided for the development.

Site Preparation

122. Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:

- (a) Protective fencing and any hoardings to the perimeter on the site
- (b) Access to and from the site
- (c) Construction traffic management measures
- (d) Protective measures for on-site tree preservation and trees in adjoining public domain
- (e) Onsite temporary toilets
- (f) A garbage container with a tight-fitting lid

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:

Special Infrastructure Contribution (SIC)

123. 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 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a subdivision certificate, is issued in relation to any part of the development to which this consent relates.

Condition - Reason

To ensure any SIC is finalised at the specified time.

Linen Plans and 88B Instruments

124. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).

Linen Plans and 88B Instruments

125. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.

Linen Plans and 88B Instruments

126. The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

Liverpool City Council clearance - Roads Act/ Local Government Act

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

Service Providers

128. The following documentation must be provided before the issue of a subdivision certificate:

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

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

Rectification of Damage

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

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

Condition - Reason

To promote orderly development supported by adequate infrastructure.

Rectification of Damage

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

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

G. CONDITIONS RELATING TO USE

Parking Spaces– Assessment Planner

130. The following parking spaces should be used solely for the purpose it has been provided.
- a) Unrestricted resident car parking
 - b) Visitor car parking
 - c) Accessible car parking
 - d) Motorcycle parking
 - e) Cycle parking
 - f) Delivery area
 - g) Garbage pick-up area
 - h) Washing bay

Conditions – Reason

To ensure that adequate parking and loading are provided.

Car Parking Management

131. 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.

Vehicle Access

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

Conditions – Reason

To ensure safety.

Unreasonable Noise and Vibration

133. 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.

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 an acoustic report must be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Liverpool City Council must be implemented.

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.

Lighting

134. 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.

Use of air conditioner/s on residential premises

135. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
- a) 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):
 - i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7:00am or after 10:00pm on any other day; or
 - b) cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or
 - c) 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).

Use of pump/s on residential premises

136. Any pump/s used on the residential premises including but not limited to swimming pool pumps, spa pumps, solar water pumps, rainwater tank pumps and associated equipment 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 8:00pm on any Saturday, Sunday or public holiday; or

2. ii. before 7:00am or after 8:00pm 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

137. 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
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.

Environment

138. 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.

Waste Collection and Management

139. Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins.

Waste

140. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
141. Waste bins must be kept within the curtilage of each dwelling. Bins must not be stored or allowed to overflow into landscaped areas or the rear lanes, must not obstruct the entry/exit of the driveway, and must not leave the site onto neighbouring, public or private properties.
142. Once Occupation Certificates have been issued for the new residences, but prior to residents moving in, Council is to be contacted to arrange delivery of the domestic waste bins. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins.
143. Under current collection arrangements, each dwelling will be issued with a 140 litre general waste bin, a 240 litre recycling bin and a 240 litre green waste (garden) bin. These arrangements may be subject to change in future, for example, if Council introduces a FOGO waste service.
144. The residents of each household must present the waste bins to the kerbside of their street frontage for emptying, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection. All residents are to store the bins in the rain gard of their lot, behind the building line.
145. All waste bins are to be presented for emptying with the lids fully closed. No bin is to be permitted to drop waste or litter on public roads, nature strips or footpaths, or adjacent private properties. Bin storage areas on all lots are to be kept tidy and free of accumulated waste materials.
146. No builder's or trades wastes, car parts or hazardous materials are permitted to be placed in the general waste bins of any household.
147. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials must be loose, unbagged and easily seperable.
148. All bulky household wastes must be kept within their residence of origin. Residents will be responsible for making their own pre-booked waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside for collection the afternoon before the booked date of the collection. The amounts and types of materials that are acceptable for collection, will be as per the conditions of Council at the time.

Responsibility of Environmental Health

149. Any liquid discharge from air handling systems resulting from operation, maintenance and/or cleaning are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

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) Section 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).

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 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 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.

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