

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-1099/2022

Development: Demolition of existing structures, and the staged construction of a mixed use development comprising 669 apartments (including 81 affordable housing apartments), retail space, basement parking accommodating 1030 car parking spaces, landscaping and associated structures

Site: Lot 25 and Lot 26 in Deposited Plan 228850 and known as 164-170 Croatia Avenue, Edmondson Park, NSW, 2174

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

Date of determination: 12 March 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 25 and Lot 26 in Deposited Plan 228850 and known as 164-170 Croatia Avenue, Edmondson Park, NSW, 2174.

The conditions of consent are as follows:

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

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

A. GENERAL CONDITIONS

Approved Plans

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

Plan Name	Plan Number	Date	Revision	Prepared by
Overall Site Plan	A109	20.01.2025	E	HCKL Architecture
Overall Site Plan 0 – Lot 4 Basement 4	A110	20.01.2025	E	HCKL Architecture
Overall Site Plan 1 – Lot 4 Basement 3	A110-A	20.01.2025	A	HCKL Architecture
Overall Site Plan 2 – Basement 2	A111	20.01.2025	E	HCKL Architecture
Overall Site Plan 3 – Basement 1	A112	20.01.2025	E	HCKL Architecture
Overall Site Plan 4	A113	20.01.2025	E	HCKL Architecture
Overall Site Plan 5	A114	20.01.2025	E	HCKL Architecture
Overall Site Plan 6	A115	20.01.2025	E	HCKL Architecture
Overall Site Plan 7	A116	20.01.2025	E	HCKL Architecture
Overall Level 3	A117	20.01.2025	E	HCKL Architecture
Overall Level 4	A118	20.01.2025	E	HCKL Architecture
Overall Level 5-7	A118-A	20.01.2025	B	HCKL Architecture
Overall Level 8	A119	20.01.2025	E	HCKL Architecture
Overall Level 9	A119-A	20.01.2025	E	HCKL Architecture
Overall Level 10	A120	20.01.2025	E	HCKL Architecture
Overall Level 11-12	A121	20.01.2025	E	HCKL Architecture

Overall Roof Level	A122	20.01.2025	E	HCKL Architecture
Overall Upper Roof Level	A123	05.12.2024	C	HCKL Architecture
Lot 2 _ Site Plan	A200	20.01.2025	E	HCKL Architecture
Lot 2 Basement 2	A201	20.01.2025	D	HCKL Architecture
Lot 2 Basement 1	A202	20.01.2025	D	HCKL Architecture
Lot 2 Lower Ground & Ground	A203	20.01.2025	E	HCKL Architecture
Lot 2 Ground & Level 1	A204	20.01.2025	E	HCKL Architecture
Lot 2 - Level 1	A205	20.01.2025	E	HCKL Architecture
Lot 2 Typical Level 2-3	A206	20.01.2025	D	HCKL Architecture
Lot 2 - Level 4	A206-A	20.01.2025	B	HCKL Architecture
Lot 2 – Level 5-7	A206-B	20.01.2025	C	HCKL Architecture
Lot 2 – Level 8	A206-C	20.01.2025	C	HCKL Architecture
Lot 2 – Level 9	A207	20.01.2025	D	HCKL Architecture
Lot 2 – Roof Plan	A208	20.01.2025	D	HCKL Architecture
Lot 2 Upper Roof Plan	A208-A	20.01.2025	E	HCKL Architecture
Lot 3 Plan Site Plan	A300	05.12.2024	D	HCKL Architecture
Lot 3 - Basement 2	A301	05.12.2024	D	HCKL Architecture
Lot 3 - Basement 1	A302	05.12.2024	D	HCKL Architecture
Lot 3 - Ground	A303	20.01.2025	E	HCKL Architecture
Lot 3 - Typical Level 1 to 3	A304	05.12.2024	C	HCKL Architecture
Lot 3 - Level 4	A304-A	05.12.2024	A	HCKL Architecture
Lot 3 - Typical Level 5 to 7	A304-B	05.12.2024	B	HCKL Architecture
Lot 3 - Level 8	A305	05.12.2024	C	HCKL Architecture
Lot 3 - Level 9	A305-A	05.12.2024	A	HCKL Architecture
Lot 3 - Roof Plan	A306	05.12.2024	C	HCKL Architecture
Lot 3 - Upper Roof	A307	05.12.2024	A	HCKL Architecture
Lot 4 Plan Site Plan	A400	05.12.2024	D	HCKL Architecture
Lot 4 Basment 4	A401	05.12.2024	D	HCKL Architecture

Lot 4 Basement 3	A402	05.12.2024	D	HCKL Architecture
Lot 4 Basement 2	A403	05.12.2024	D	HCKL Architecture
Lot 4 Basement 1	A404	05.12.2024	D	HCKL Architecture
Lot 4 Lower Ground	A405	05.12.2024	D	HCKL Architecture
Lot 4 Ground	A406	05.12.2024	D	HCKL Architecture
Lot 4 - Level 1	A406-A	05.12.2024	A	HCKL Architecture
Lot 4 - Typical Level 2 to 3	A407	05.12.2024	D	HCKL Architecture
Lot 4 Level 4	A408	05.12.2024	D	HCKL Architecture
Lot 4 Typical level 5 to 10	A408-A	05.12.2024	A	HCKL Architecture
Lot 4 - Level 11	A409	05.12.2024	D	HCKL Architecture
Lot 4 - Level 12	A409-A	05.12.2024	A	HCKL Architecture
Lot 4 - Roof Plan	A410	05.12.2024	D	HCKL Architecture
Level 4 - Upper Roof	A410-A	05.12.2024	A	HCKL Architecture
Cover Sheet	L/00	23.01.2025	D	ATC
Overall Landscape Plan	L/01	23.01.2025	D	ATC
Street Tree Planting Plan	L/02	23.01.2025	D	ATC
Landscape Lot 4 Overall Site Plan	L/03	23.01.2025	D	ATC
Landscape Lot 4 Landscape Plan	L/04	23.01.2025	D	ATC
Landscape Lot 4 L1 & 4 Landscape Plan	L/05	23.01.2025	D	ATC
Landscape Lot 4 L11 & Roof Landscape Plan	L/06	23.01.2025	D	ATC
Landscape Lot 2 Overall Site Plan	L/07	23.01.2025	D	ATC
Landscape Lot 2 Landscape Plan	L/08	23.01.2025	D	ATC
Landscape Lot 2 L 9, 10 & Roof Landscape Plan	L/09	23.01.2025	D	ATC

Landscape Lot 3 Overall Site Plan	L/10	23.01.2025	D	ATC
Landscape Lot 3 Landscape Plan	L/11	23.01.2025	D	ATC
Landscape Lot 3 L 8 & Roof Landscape Plan	L/12	23.01.2025	D	ATC
Planting Palette	L/13	23.01.2025	D	ATC
Planting Palette	L/14	23.01.2025	D	ATC
Landscape Details	L/19	23.01.2025	D	ATC
Landscape Specification	L/20	23.01.2025	D	ATC
Cover Sheet and Drawing Schedule	220096-03-DA-C01.01	01.10.2024	Rev 2	Enspire Solutions
General Arrangement Plan	220096-03-DA-C01.41	10.05.2024	Rev 1	Enspire Solutions
Erosion and Sedimentation Control Plan	220096-03-DA-C03.01	01.10.2024	Rev 2	Enspire Solutions
Erosion and Sedimentation Control Details	220096-03-DA-C03.21	10.05.2024	Rev 1	Enspire Solutions
Sediment Basin Plan and Details – Sheet 01	220096-03-DA-C03.31	10.05.2024	Rev 1	Enspire Solutions
Sediment Basin Plan and Details – Sheet 02	220096-03-DA-C03.32	10.05.2024	Rev 1	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 2 – Ground Floor	220096-03-DA-C05.01	24.01.2025	Rev 3	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 2 – Ground + Basement 01	220096-03-DA-C05.02	24.01.2025	Rev 3	Enspire Solutions
Siteworks and Stormwater Management	220096-03-DA-C05.03	24.01.2025	Rev 3	Enspire Solutions

Plan Lot 2 – Basement 02				
Siteworks and Stormwater Management Plan Lot 2 – Basement 03	220096-03- DA-C05.04	24.01.2025	Rev 3	Enspire Solutions
Driveway Longitudinal Sections Lot 2	220096-03- DA-C05.06	01.10.2024	Rev 2	Enspire Solutions
Stormwater Tank Details Lot 2 – Sheet 01	220096-03- DA-C05.07	24.01.2025	Rev 3	Enspire Solutions
Stormwater Tank Details Lot 2 – Sheet 02	220096-03- DA-C05.08	24.01.2025	Rev 3	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 3 – Ground Floor	220096-03- DA-C05.11	24.01.2025	Rev 3	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 3 – Basement 01	220096-03- DA-C05.12	24.01.2025	Rev 3	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 3 – Basement 03	220096-03- DA-C05.13	24.01.2025	Rev 3	Enspire Solutions
Driveway Longitudinal Section Lot 3	220096-03- DA-C05.16	01.10.2024	Rev 2	Enspire Solutions
Stormwater Tank Details Lot 3 – Sheet 01	220096-03- DA-C05.17	24.01.2025	Rev 3	Enspire Solutions
Stormwater Tank Details Lot 3 – Sheet 02	220096-03- DA-C05.18	24.01.2025	Rev 3	Enspire Solutions
Stormwater Tank Details Lot 3 – Sheet 03	220096-03- DA-C05.19	01.10.2024	Rev 2	Enspire Solutions
Siteworks and Stormwater	220096-03- DA-C05.21	24.01.2025	Rev3	Enspire Solutions

Management Plan Lot 4 – Ground Floor				
Siteworks and Stormwater Management Plan Lot 4 – Lower Ground Floor	220096-03-DA-C05.22	07.06.2024	Rev 2	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 4 – Basement 01	220096-03-DA-C05.23	10.05.2024	Rev 1	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 4 – Basement 02	220096-03-DA-C05.24	10.05.2024	Rev 1	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 4 – Basement 03	220096-03-DA-C05.25	10.05.2024	Rev 1	Enspire Solutions
Siteworks and Stormwater Management Plan Lot 4 – Basement 04	220096-03-DA-C05.26	10.05.2024	Rev 1	Enspire Solutions
Driveway Longitudinal Section Lot 4	220096-03-DA-C05.27	07.06.2024	Rev 2	Enspire Solutions
Stormwater Tank Details Lot 4 – Sheet 01	220096-03-DA-C05.28	01.10.2024	Rev 2	Enspire Solutions
Stormwater Tank Details Lot 4 – Sheet 02	220096-03-DA-C05.29	01.10.2024	Rev 2	Enspire Solutions
Stormwater Details	220096-03-DA-C18.01	01.10.2024	Rev 2	Enspire Solutions
Pre-development Stormwater Catchment Plan	220096-03-DA-C20.01	10.05.2024	Rev 1	Enspire Solutions
Post Development Stormwater Catchment Plan	220096-03-DA-C20.11	01.10.2024	Rev 2	Enspire Solutions

Safety in Design	220096-03-DA-C23.01	10.05.2024	Rev 1	Enspire Solutions
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Report Name	Date	Reference	Prepared by
Detailed Site Investigation	26 Oct 2020	E24744.E02_REV 0	EI Australia
Additional Site Investigation	08 Dec 2022	E24744.E03_REV 0	EI Australia
Remediation Action Plan	23 Jan 2023	E24744.E06_REV 0	EI Australia
Site Contamination Response letter	31 July 2024	E24744_Ltr	EI Australia
Plan of Management	19 Dec 2024	M210102	Planning Ingenuity
Noise Management Plan	25 Oct 2024	240571 Revision R0	PWNA
LEC Acoustic Assessment	29 January 2025	240127 Revision R6	PWNA

General Terms of Approval

- All General Terms of Approval issued by, NSW RFS, Water NSW, DPI - Water, Heritage NSW shall be complied with prior to, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated attached to this consent. A copy of the General Terms of Approval are attached to this decision notice.

Condition - Reason

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

General Concurrences

- All General Concurrences issued by, Sydney Water, Endeavour Energy, and Sydney Trains shall be complied with prior to, during, and at the completion of construction, as required in accordance with the requirements. A copy of the requirements are attached to this decision notice.

Condition - Reason

To ensure the relevant matters are fulfilled in accordance with the relevant agency requirements.

STAGING

- Demolition of the existing structures and construction of a mixed-use development comprising 669 apartments, 1483sqm of retail space, basement parking accommodating 1030 car parking spaces, landscaping and associated structures in Stages as follows.

Staging- LOT 2; including the following substages

Stage 1: Construction of (BASEMENT & GROUND FLOOR SLAB)

Stage 2: Construction of 2 x 9-storey residential flat building containing 156 apartments.

Stage 3: Construction of 2 x 10-storey residential flat building containing 184 apartments.

Staging- LOT 3; including the following substages

Stage 1: Construction of (BASEMENT & GROUND FLOOR SLAB)

Stage 2: Construction of 1 x 8-storey and 1 x 10-storey residential flat building containing 189 apartments.

Staging- LOT 4; including the following substages:

Stage 1: Construction of (BASEMENT AND GROUND LEVEL RETAIL)

Stage 2: Construction of 1 x 11-storey and 1 x 12-storey residential flat building containing 140 apartments.

The lot stages can occur in any sequence.

Fulfilment of BASIX commitments

5. It is a condition of a development consent for the following that each commitment listed in BASIX certificate 1747548M_02 and 1747541M_02 is fulfilled—
- a) BASIX development,
 - b) BASIX optional development, if the development application was accompanied by a BASIX certificate.
 - c) Any updated or requested plans must include and amended or adapted 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.

7. Shoring and adequacy of adjoining property

This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

1. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
2. This section does not apply if—
 1. the person having the benefit of the development consent owns the adjoining land, or
 2. the owner of the adjoining land gives written consent to the condition not applying.

Condition – Reason

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

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

8. 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.

This section does not apply—

1. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
2. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Condition - Reason

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

9. Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - i. for work that requires a principal contractor to be appointed
 - ii. the name and licence number of the principal contractor, and
 - iii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - iv. for work to be carried out by an owner-builder—
 1. the name of the owner-builder, and
 2. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition - Reason

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

In-fill affordable housing

10. For the portion of the development that is approved for affordable housing (being 12% of the total number of units), the following sections apply:
 1. It is a condition of the development consent that before the issue of an occupation certificate for the development—
 1. a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
 2. evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
 3. evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.
 2. It is a condition of the development consent that during the relevant period—
 1. the affordable housing component must be used for affordable housing, and
 2. the affordable housing component must be managed by a registered community housing provider, and
 3. notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and

4. the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

3. In this section—

affordable housing component has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 21.

relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

Condition - Reason

Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.

Erection of signs

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

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

1. showing the name, address and telephone number of the principal certifier for the work, and
2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
3. stating that unauthorised entry to the work site is prohibited.

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.

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.

Works at no Const to Council

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

Completion of related Consent

13. All conditions of DA-458/2022 must be satisfied prior to the issue of any Occupation Certificate.

B. BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

SPECIAL INFRASTRUCTURE CONTRIBUTION

14. A special infrastructure contribution is required, under the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011* prior to the issue of the relevant construction certificate.

Information about this contribution is available on the NSW Department of Planning and Environment website www.planning.nsw.gov.au Please contact the Department to make this payment.

Adaptable units

15. Before the issue of the relevant construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that

any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.

Condition - Reason

To ensure adaptable units are designed in accordance with the Australian Standard.

Provision of detailed plans for construction certificate application

16. Before the issue of a construction certificate, detailed plans must be prepared by a suitably qualified person and provided to Liverpool City Council that address the following matters:
- (a) Updated Landscape and Public Domain Plans that address but are not limited to the location of trees, driveways, vegetation species, walkways, wayfinding, deep soil locations, and location of compliant planter beds.
 - (b) Amended Architectural plans with an updated material finishes schedule addressing blank wall façades, north-facing wall treatments, glazing for staircase facing north on Block B.

Condition – Reason

To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation

Provision of detailed Engineering plans for construction certificate application

17. Before the issue of a construction certificate, amended Engineering and civil plans are to be provided to Liverpool Council for review. Where referred to engineering and civil plans in this consent, the amended Engineering and Civil Plans to be provided for Council's review will take precedence. The plans should include:
- (a) Revised design of the Driveways and basement entry access for Lots 2 and 3 to reduce the impact of the length of the driveways (if possible) and/or increase the extent of the green roof over the driveway (if possible).

Condition – Reason

To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation

Provision for Electric Vehicle Charging

18. Prior to the issue of a construction certificate, an electrical plan is to be submitted indicating the provision of a dedicated 32-amp circuit provided in the electricity distribution board for the purpose of vehicle charging and:
- 1. a minimum of one (1) 7 kW (32 A) type 2 electric vehicle charger in each basement proposed located in the garage, carport or other parking area, Or

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

Condition - Reason

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

Equal access to the premises

19. Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.

Condition - Reason

To ensure safe and easy access to the premises for people with a disability

Preparation of mechanical ventilation plans

20. Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.

The detailed plans must be in accordance with the following and submitted to the certifier:

1. Australian Standard 1668: - The use of ventilation and air-conditioning in buildings;
and
2. ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 1. cause a nuisance to persons within or nearby to the premises, or
 2. cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997

Condition - Reason

To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate

Performance Bond

- 21.** If required, prior to the issue of any Construction Certificate, a performance bond is to be lodged with Liverpool City Council. Detail of the performance bond can be found by contacting Council's customer service and requesting performance bond information and amount.

The value of the bond shall be determined and administered by Liverpool City Council's Bond Policy.

Note: Contact Council's Land Development Section for further information relating to bond requirements.

Utilities and services

- 22.** Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier:
1. a letter from the relevant electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity;
 2. a response from relevant water supply authority as to whether the plans accompanying the application for a Construction Certificate would affect any water supply authority infrastructure, and whether further requirements need to be met;
 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Condition - Reason

To ensure relevant utility and service providers requirements are provided to the certifier.

Retaining Walls on Boundary

- 23.** 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.

S68 Local Government Act - Stormwater drainage works

- 24.** If required, prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for adjoining public roads.

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

Fee Payments

25. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. The following fees are applicable and payable:

1. Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
2. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.

These fees are reviewed annually and will be calculated accordingly.

Condition – Reason

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

Site Development Work

26. 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.

Long Service Levy

27. Before the issue of a Construction Certificate, the long service levy of 0.25% of the total cost of building and construction work, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to **the certifier**.

Condition - Reason

To ensure the long service levy is paid.

Products banned under the Building Products (Safety) Act 2017

- 28.** 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.

Cladding

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

Condition - Reason

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

Erosion and sediment control plan

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

Condition - Reason

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

Crime Prevention Through Environmental Design

- 31.** The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:
1. back to base alarm system (only if commercial near residential),
 2. basement parking areas shall be painted a light colour,

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

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

Condition - Reason

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

Provision of Services - Sydney Water

- 32.** 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.

Provision of Services - Endeavour Energy

- 33.** Prior to the issue of a Construction Certificate, a 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 Principal Certifier.

Provision of Services - Telecommunications

34. Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:

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

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

Sewage Connection

35. If required, before the issue of a construction certificate, an application under Section 68 of the Local Government Act 1993 for an Approval to carry out sewerage work and connect to the Council's sewerage system must be submitted to Liverpool City Council for consideration and approval.

The application for Section 68 approval must be accompanied by a Wastewater Report prepared by a suitably qualified consultant and must be designed in accordance with Liverpool City Council's On-site Sewage Management Standard (2021).

The relevant approval must be submitted to the certifier before the issue of a construction certificate.

Waste Storage Room

36. Prior to the issuing of a construction certificate, the principal certifier shall be satisfied that the designated garbage/waste storage areas within each building shall comply with the following requirements:

1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.

Please refer to AS4674-2004 - Design, construction and fit-out of food premises and the

Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas.

Condition - Reason

To ensure compliance with construction requirements and to mitigate risks to human health and the environment.

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.

Recommendations of Acoustic Report

38. Before the issue of a construction certificate, the certifier must be satisfied that the recommendations provided in the approved acoustic report are implemented and incorporated into the design and construction of the development, and shown on plans accompanying the construction certificate application.

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

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

Condition - Reason

To mitigate potential intrusive noise and amenity impacts.

Construction Environmental Management Plan (CEMP)

- 39.** Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:

1. Asbestos Management Plan;
2. Project Contact Information;
3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;
7. Dust Control Plan;
8. Air Monitoring;
9. Odour Control Plan;
10. Health and Safety Plan;
11. Waste Management Plan;
12. Incident management Contingency; and
13. Unexpected Finds Protocol.

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

Condition - Reason

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

Construction Site Management Plan

- 40.** Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:

1. The location and materials for protective fencing and hoardings on the perimeter of the site;

2. Provisions for public safety;
3. Pedestrian and vehicular site access points and construction activity zones;
4. Details of construction traffic management including:
 1. Proposed truck movements to and from the site;
 2. Estimated frequency of truck movements; and
 3. Measures to ensure pedestrian safety near the site;
5. Details of bulk earthworks to be carried out;
6. The location of site storage areas and sheds;
7. The equipment used to carry out works;
8. The location of a garbage container with a tight-fitting lid;
9. Dust, noise and vibration control measures;
10. The location of temporary toilets;
11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - a. AS 4970 – Protection of trees on development sites;
 - b. An applicable Development Control Plan;
 - c. An arborist's report approved as part of this consent

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

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

41. Before the issue of a construction certificate, the certifier must be satisfied that mechanical plant and equipment were selected in consultation with a suitably qualified acoustic consultant.

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

Condition - Reason

To mitigate potential intrusive noise and amenity impacts.

Access, Car Parking and Manoeuvring - General

- 42.** 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

Condition - Reason

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

Access, Car Parking and Manoeuvring - Detail

- 43.** The Certifying Authority shall ensure and certify that:
1. Off street access and parking complies with AS2890.1,
 2. Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid/ Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2,
 3. Sight distance at the street frontage has been provided in accordance with AS 2890.1,
 4. All vehicles can enter and exit the site in a forward direction, and/or
 5. 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.

No Loading on Easements

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

Stormwater Concept Plan

- 45.** A stormwater drainage system shall be provided generally in accordance with the concept plan/s prepared by Enspire, reference number 220096-03-DA revision 1,2 and 3 dated 10/05/2024. 1/10/2015 and 24/1/2025. The detailed design drawings should include the following:

1. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
2. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
3. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

On-Site Detention

- 46.** On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Enspire, reference number 220096-03-DA revision 1,2 and 3 dated 10/05/2024. 1/10/2015 and 24/1/2025: The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

Waste Management Plan requirements

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

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

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

Condition - Reason

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

Stormwater Discharge - Basement Car Parks

- 48.** Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

49. Modification of Development Consent DA-458/2022

Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979 (EPA Act), the applicant is to provide written Notice to the Council in accordance with section 67 of the Environmental Planning and Assessment Regulation 2021, that development consent DA-458/2022 is modified as follows:

- (i) Insert new condition 1A as follows:

Interim creek realignment works to Maxwells Creek are approved under this consent and are to be carried out in accordance with the following plans:

Drawing No: 220096-01-DA-C01.01, Revision 2	Cover Sheet and Drawing Schedule	Enspire Solutions	April 2024
Drawing No: 220096-01-DA-C01.41, Revision 2	General Arrangement Plan		April 2024

Drawing No: 220096-01-DA-C03.01, Revision 2	Erosion and Sedimentation Control Plan		April 2024
Drawing No: 220096-01-DA-C03.21, Revision 1	Erosion and Sedimentation Control Details		11 Sept 2023
Drawing No: 220096-01-DA-C04.01, Revision 2	Earthworks - Cut and Fill Plan		April 2024
Drawing No: 220096-01-DA-C04.21, Revision 2	Earthworks - Cut and Fill Sections - Sheet 01		April 2024
Drawing No: 220096-01-DA-C04.22, Revision 2	Earthworks - Cut and Fill Sections - Sheet 02		April 2024
Drawing No: 220096-01-DA-C05.01, Revision 2	Siteworks and Stormwater Management Plan		April 2024
Drawing No:	Creek Longitudinal Sections		11 Sept 2023

220096-01- DA- C07.01, Revision 1			
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(ii) Insert new condition 45A as follows:

- (a) The proposed development shall be consistent with Council's detailed design of Raingardens D13 and D14 (Reference: Project No. 2125, Edmondson Park Raingardens - Detailed Design by Civile Pty Ltd).
- (b) The proposed works for the interim realignment of Maxwells Creek shall not cause any adverse impacts in the surrounding area. The interim realignment of Maxwells Creek shall be carried out as indicated in the flood impact assessment report by Civile Pty Ltd (Reference: Project number: 2125, Maxwell Creek Realignment: 164-170 Croatia Ave, Revision: 3, dated: 01 February 2023), and design plans by Enspire Solutions Pty Ltd (Reference: 164-170 Croatia Avenue Edmondson Park, Civil Engineering Works, Development Application – Riparian, Revision: 1 and Revision 2, dated: 11/9/2023 and X/04/2024). Electronic copies of the TUFLOW modelling and result files for the proposed Maxwells Creek interim realignment works shall be submitted to Council.

Flooding Matters

- 50.** The levels of the proposed Macdonald Road shall align with the Council's design to ensure maintenance access to Raingardens D13 and D14, as specified in the Council's design. Accordingly, the levels of private road on Lot 3 should match those indicated in the site plan by HCKL Architecture Pty Ltd (Reference: Drawing No. A109, Revision: E, dated: 20/01/2025).
- 51.** The proposed development shall not involve any loss of flood storage below the 1% AEP flood (Reference: Earthworks - Cut and Fill Plan, Drawing No. 220096-01-DA-C04.01, Revision: 2, dated: X/04/2024, Enspire Solutions Pty Ltd).
- 52.** Building floor levels, excluding the basement floor levels but including any openings to the basement, of Block A, B and E shall be no lower than the 1% AEP flood plus half a metre freeboard.
- 53.** The structure of Block A, B and E shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard.
- 54.** Interim on-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The interim water quality basin shall be maintained at the site until Raingarden D13 is constructed, and stormwater connections are established. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link (Reference: Project No. 220096, 164-170 Croatia Avenue Edmondson Park – Residential Flat Buildings, Civil Engineering / Stormwater Management Report – Development Application, Revision: 1, dated: 10 May 2024).

Note: The Maxwell Creek final / ultimate realignment works do not form part of this development application and the final alignment works will be undertaken by others.

C. PRIOR TO WORKS COMMENCING

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

Bush fire asset protection zones

- 55.** Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.

Condition - Reason

To provide a buffer to protect life and property from bush fire attack.

Construction Certificates

- 56.** Prior to the commencement of any building works, the following requirements must be complied with:

Building work shall not commence prior Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,

- (a) 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,
- (b) 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,
- (c) A Principal Certifier (PC) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- (d) The PC must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Condition - Reason

To require approval to proceed with building work.

Survey Requirements

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

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

Condition - Reason

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

Construction Certificates

- 58.** Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Condition - Reason

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

Commencement of building works

- 59.** Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Condition - Reason

To require approval to proceed with building work.

Construction Requirements

- 60.** 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. Retaining walls on any

boundary are to be of masonry construction or if treated timber is used, all vertical support members (soldiers) shall be of galvanised steel.

Condition - Reason

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

Demolition Works

61. Demolition works shall be carried out in accordance with the following:

- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- (c) The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements.

Condition - Reason

To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.

Disconnection of services before demolition work

- 62.** Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition - Reason

To protect life, infrastructure and services

Hazardous material survey before demolition

- 63.** Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

1. the location of all hazardous material throughout the site
2. a description of the hazardous material
3. the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
4. an estimation of the quantity of each hazardous material by volume, number, surface area or weight
5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
6. identification of the disposal sites to which the hazardous materials will be taken

Condition - Reason

To require a plan for safely managing hazardous materials

Notice of commencement for demolition

64. At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. name
2. address,
3. contact telephone number,
4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
5. the contact telephone number of council and
6. the contact telephone number of SafeWork NSW (4921 2900).

Condition - Reason

To advise neighbours about the commencement of demolition work and provide contact details for enquiries

Site preparation

65. 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:

1. Protective fencing and any hoardings to the perimeter on the site
2. Access to and from the site
3. Construction traffic management measures
4. Protective measures for on-site tree preservation and trees in adjoining public domain
5. Onsite temporary toilets
6. A garbage container with a tight-fitting lid

Condition - Reason

To protect workers, the public and the environment

Site Facilities

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

Condition - Reason

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

Sydney Water

- 67.** Development plans must be processed and approved by Sydney Water.

Condition - Reason

To require Sydney Water approval to proceed with building work.

"DIAL BEFORE YOU DIG"

- 68.** 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.

Vegetation - Existing Vegetation

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

Condition - Reason

To minimise impacts to adjacent vegetation and habitat.

Erosion and sediment controls in place

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

Condition - Reason

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

Erosion and sediment control plan

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

Condition - Reason

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

Environmental Management

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

Driveway Crossing Application

73. If the internal roads to the subdivision are dedicated as a public road before the construction of the driveways, then in accordance with S138 Roads Act an application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 2. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 3. Road occupancy or road closures

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

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

Condition – Reason

To ensure that all construction work is undertaken to an approved standard and related approvals.

Work Zone

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

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

Condition – Reason

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

Construction Traffic Management Plan (CTMP)

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

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

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

Condition - Reason

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

Road Occupancy Permit

76. 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.

Traffic Control Plan

77. 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.

Notification

78. Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried

out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event.

Condition - Reason

To advise neighbours of the commencement of building works.

Dilapidation report

79. 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.

D. DURING CONSTRUCTION

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

Building Work

80. The building works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Condition - Reason

81. To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.

Building Work

82. The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Condition – Reason

To require approval to proceed with building work following each critical stage inspection.

Ventilation

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

Surveys by a registered surveyor

84. While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:
1. All footings / foundations in relation to the site boundaries and any registered and proposed easements
 2. At other stages of construction – any marks that are required by the principal certifier.

Condition - Reason

To ensure buildings are sited and positioned in the approved location.

Waste Management Plan

85. 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.

Identification Survey Report

- 86.** The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifier has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the Principal Certifier has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

Condition - Reason

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

Identification Survey Report

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

Condition - Reason

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

Responsibility for changes to public infrastructure

- 88.** While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition - Reason

To ensure payment of approved changes to public infrastructure.

Security and Safety

- 89.** Adequate lighting is required to be provided at the entrance and main foyer of the building, basement carpark, and mailbox area.

Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.

All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Condition - Reason

To contribute to the safety of the public domain.

Toilet Facilities

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

Condition - Reason

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

Procedure for critical stage inspections

- 91.** While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Condition - Reason

To require approval to proceed with building work following each critical stage inspection.

Hours of Construction Work and Deliveries

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

Security Fence

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

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

Condition - Reason

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

Refuse Disposal

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

Condition - Reason

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

Craning and Hoardings

95. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.

Condition - Reason

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

Craning and Hoardings

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

Condition - Reason

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

Notification of Damage

- 97.** The applicant/ builder shall be responsible to report to the Council of 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 and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost.

Condition - Reason

To ensure any damage to public infrastructure is rectified.

Demolition Inspections

- 98.** The following inspections are required to be undertaken by Council in relation to approved demolition works:
1. immediately prior to the commencement of the demolition work, or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works, Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and
 2. immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

Condition - Reason

To require approval to proceed with demolition work following each stage inspection.

Handling of asbestos during demolition

- 99.** While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;

2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

Condition - Reason

To ensure that the removal of asbestos is undertaken safely and professionally

Site maintenance

100. While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

1. Protective fencing and any hoardings to the perimeter on the site
2. Access to and from the site
3. Construction traffic management measures
4. Protective measures for on-site tree preservation and trees in adjoining public domain
5. Onsite temporary toilets
6. A garbage container with a tight-fitting lid

Condition - Reason

To protect workers, the public and the environment

Disabled Access

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

Condition - Reason

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

General Site Works

102. 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

103. 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 - Runoff

104. 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

105. 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

106. 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.

Car Parking Areas

- 107.** 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.

Condition - Reason

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

Directional Signage

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

Condition - Reason

To ensure that appropriate signs are installed.

Public Domain Works

- 109.** All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW/RMS ‘Delineation Guidelines’.

Condition - Reason

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

Council On Street Assets

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

Condition - Reason

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

Waste management

- 111.** While site work is being carried out:

1. all waste management must be undertaken in accordance with the waste management plan; and
2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following:
 - The contact details of the person(s) who removed the waste;
 - The waste carrier vehicle registration;
 - The date and time of waste collection;
 - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;
 - The address of the disposal location(s) where the waste was taken;
 - 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.

Condition - Reason

To require records to be provided, during site work, documenting the lawful disposal of waste.

Discovery of relics and Aboriginal objects

- 112.** While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

1. the work in the area of the discovery must cease immediately;
2. the following must be notified
 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.

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.

Tree protection during work

113. While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

1. the construction site management plan <Insert required/approved> under this consent;
2. the relevant requirements of AS 4970 Protection of trees on development sites; and
3. any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Condition - Reason

To protect trees during the carrying out of site work.

Vegetation - Tree Removal

114. No trees are to be removed without the prior approval of Council.

Condition - Reason

To help promote the retention of healthy established trees.

Vegetation - Existing Vegetation

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

Condition - Reason

To minimise impacts to adjacent vegetation and habitat.

Hygiene and contamination

- 116.** Imported mulch and soils will be certified and free of any disease and pathogens and tested to ensure they meet the standards of drainage, particle size, purity, and consistency.

Condition - Reason

To minimise the spread of disease and pathogens.

Fauna Protection

- 117.** To minimise the risk of fauna entrapment, digging and trenching shall be undertaken and completed on the same day where possible. If holes, pits, trenches, or other cavities must be left overnight, they will all be covered with secure boards to ensure that fauna does not get trapped. Before commencing work each day, all excavated areas will be inspected and if fauna is encountered a licenced ecologist or wildlife handler will be utilised to safely remove the trapped fauna and relocate it to a suitable location. Works can continue when the fauna has been safely removed.

Condition - Reason

To minimise harm caused to fauna during excavation.

Fencing

- 118.** Any gate associated with a front fence shall swing inwards from the property boundary.

Condition - Reason

To preserve pedestrian and vehicle safety in the vicinity of the site.

Switchboards

- 119.** Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

Condition - Reason

To ensure switchboards are sited and positioned away from the public domain.

External Lighting

- 120.** Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

Condition - Reason

To protect the amenity of the neighbourhood.\

Glass Reflectivity

- 121.** The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Condition - Reason

To restrict the reflection of sunlight from buildings to surrounding areas and buildings.

Air Conditioning Plant

- 122.** The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the Principle Certifier.

Condition - Reason

To protect the amenity of the neighbourhood.

Site Remediation Works

- 123.** The site must be remediated in accordance with:

1. Remediation Action Plan (insert ref) prepared by (insert name of consultant), dated (insert date);
2. State Environmental Planning Policy (Resilience and Hazards) 2021;
3. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
4. The guidelines in force under the Contaminated Land Management Act 1997.

A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved Remediation

Action Plan.

Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/ recommencement of works.

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 for the proposed development.

Soil management

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

1. 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 **principal certifier**.
2. All fill material imported to the site must be:
 1. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or
 2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or
 3. 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.

Condition - Reason

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

Unidentified Contamination

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

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

Condition - Reason

To ensure the suitability of land for the development.

Air Quality

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

Air Quality

- 127.** During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.

Condition - Reason

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

Salinity

- 128.** The development shall be carried out in accordance with 'Appendix B' of the Liverpool Growth Precincts Development Control Plan 2013.

The development shall be carried out in accordance with Part 1, Section 11 'Salinity Risk' of the Liverpool Development Control Plan 2008.

Condition - Reason

To ensure that all construction work is undertaken to an approved standard.

Imported Fill Material

- 129.** During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes.

Air Conditioning

- 130.** The plant associated with any air conditioning system shall not cause any offensive noise as defined under the Protection of the Environment Operations Act 1997.

Imported Fill Material

- 131.** During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes.

Condition - Reason

To ensure soils introduced onsite do not result in drainage issues.

Acoustic Report

- 132.** 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.

Condition - Reason

To ensure human health and amenity is maintained by ensuring the development is not impacted by noise.

Implementation of the Biodiversity Management Plan

- 133.** While work is being carried out, the commitments and measures set out in the approved Biodiversity Management Plan must be implemented at all times. Works must not encroach into areas of retained native vegetation and habitat.

A copy of the approved plan is kept on site at all times and made available to council officers upon request.

Condition – Reason

To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during site works, demolition and construction

Implementation of the site management plans

134. While site work is being carried out:

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

Condition - Reason

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

Erosion & Sediment Control

135. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

Erosion & Sediment Control

136. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.

Erosion Control - Maintenance

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

Condition - Reason

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

Erosion Control

138. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other

than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Condition - Reason

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

Water Quality

- 139.** 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

- 140.** 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 - Truck Movements

- 141.** The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

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

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

Condition - Reason

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

Ventilation

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

Historic Archaeology

- 143.** Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*

Aboriginal Cultural Heritage - Staff and Contractors

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

Aboriginal Cultural Heritage - Unexpected Finds

- 145.** The National Parks and Wildlife Act 1974 protects all Aboriginal Cultural Heritage in New South Wales. Where a proposal has the potential to impact on Aboriginal Cultural Heritage objects and places, whether the presence is known or not, a permit is to be sought from Heritage NSW.

In the event that Aboriginal Cultural Heritage objects or places are encountered/discovered, works must cease immediately and Council and Heritage NSW notified.

The finds are to be investigated by an experienced archaeologist and no works are to recommence onsite until approved by Heritage NSW and Liverpool City Council.

Skeletal Remains

- 146.** 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.

Public Domain Works - Street Lighting

- 147.** 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.

Drainage Connection

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

Major Filling/ Earthworks

- 149.** 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.

Soil testing - Subdivisions

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

Correct waste separation and removal

- 151.** 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.

Condition - Reason

To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.

Containment of site wastes during building

- 152.** All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Condition - Reason

To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.

Noise and vibration - an approved document of this consent

- 153.** While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.

Condition - Reason

To protect the amenity of the neighbourhood during construction.

Noise and Vibration requirements

- 154.** While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of **less than 5dB** (A) above background noise, when measured at a lot boundary of the site.

Condition - Reason

To protect the amenity of the neighbourhood during construction.

Construction Noise and Vibration

- 155.** 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).

Condition - Reason

To protect the amenity of the neighbourhood during construction.

Contamination

- 156.** 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, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Record Keeping of Imported Fill

- 157.** Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
1. The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 2. The results of a preliminary contamination assessment carried out on any fill material used in the development.
 3. The results of any chemical testing of fill material.

Traffic Management

- 158.** Applications must be made to Council's Traffic & Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Construction Traffic Management Plan

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

Certificates

- 160.** All required documentary evidence for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.

Condition - Reason

To ensure the use meets health, safety and amenity provisions.

Occupation Certificates

- 161.** Prior to the issue of an Occupation Certificate the Principal Certifier must be satisfied that the development complies with all the restrictions of any associated registered 88B instrument.

Condition - Reason

To ensure the impact on private and public infrastructure is managed, that benefits/burdens to land are not impacted and preserve amenity.

Occupation Certificates

- 162.** No Whole Occupation Certificate shall be issued until such time as the proposed lot of the subdivision is endorsed by a subdivision certificate from council and the plan of subdivision is registered with the Land and Property Information Service.

Condition - Reason

To ensure the property is a legal lot and provided with adequate services prior to use.

Retaining Walls

- 163.** The construction of the retaining wall/s shown on the approved plans must be completed to the satisfaction of the Principal Certifier, prior to the release of the Whole Occupation Certificate.

The required retaining walls shall be completed within 3 months of the initial occupation of the building or part of the building.

Condition - Reason

To ensure the development is in accordance with relevant standards.

Street Tree

- 164.** Prior to the issue of an Occupation Certificate the PC must be satisfied that the existing street tree is relocated to a new position within the road reserve in the property frontage to the satisfaction of the supervising arborist.

Condition - Reason

To protect and maintain Council infrastructure.

Acoustic Report

- 165.** Confirmation in writing that the recommended measures were incorporated as required by the report.

Condition - Reason

To ensure the use meets health and amenity provisions to occupants and/or neighbouring properties.

Certificates

- 166.** The Principal Certifying Authority (Building) 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.

Security Fence

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

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

Graffiti

- 168.** A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

Erosion Control – Stabilisation

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

Environment

- 170.** Prior to the commencement of Construction, the Applicant must ensure that the following is available for the life of the Development:

- (a) a postal address to which written complaints may be sent;
 - (b) an email address to which electronic complaints may be transmitted; and
 - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.
- A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and include the following:
 - (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;

- (d) the nature of the complaint;
- (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
- (g) allocate an individual “complaint number” to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

- The approved Construction Environmental Management Plan shall be complied with at all times during construction of the development.
- The unloading and loading of all trucks, trailers, goods and materials used in conjunction with the development must take place only on the subject site.

- **Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
 - b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Section 7.11 Payment (Liverpool Contributions Plan 2008 Edmondson Park)

- 171.** As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2008 Edmondson Park as amended.

The total contribution is **\$6,549,546**, comprising the following stages:

Stage 1 – Lot 2, Buildings A and B

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Community Facilities - Land	\$54,033	GL.10000001870.10174
Community Facilities - Works	\$52,627	GL.10000001870.10175
Open Space and Recreation - Land	\$652,972	GL.10000001869.10176
Open Space and Recreation - Works	\$129,860	GL.10000001869.10177
Transport and Access - Land	\$420,306	GL.10000001865.10178
Transport and Access - Works	\$134,400	GL.10000001865.10179
Drainage - Land	\$18,481	GL.10000001866.10180
Drainage - Works	\$43,022	GL.10000001866.10181
Technical Study Fees Recoverable	\$2,523	GL.10000001872.10182
Professional Fees	\$8,233	GL.10000001872.10183
<u>TOTAL</u>	<u>\$1,516,457</u>	

Stage 2 – Lot 2, Building C and D

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Community Facilities - Land	\$54,033	GL.10000001870.10174
Community Facilities - Works	\$52,627	GL.10000001870.10175
Open Space and Recreation - Land	\$652,972	GL.10000001869.10176
Open Space and Recreation - Works	\$129,860	GL.10000001869.10177
Transport and Access - Land	\$420,306	GL.10000001865.10178
Transport and Access - Works	\$134,400	GL.10000001865.10179
Drainage - Land	\$18,481	GL.10000001866.10180
Drainage - Works	\$43,022	GL.10000001866.10181
Technical Study Fees Recoverable	\$2,523	GL.10000001872.10182
Professional Fees	\$8,233	GL.10000001872.10183
<u>TOTAL</u>	<u>\$1,516,457</u>	

Stage 3 – Lot 3

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Community Facilities - Land	\$82,155	GL.10000001870.10174
Community Facilities - Works	\$80,018	GL.10000001870.10175
Open Space and Recreation - Land	\$992,819	GL.10000001869.10176
Open Space and Recreation - Works	\$197,447	GL.10000001869.10177
Transport and Access - Land	\$639,059	GL.10000001865.10178
Transport and Access - Works	\$204,350	GL.10000001865.10179
Drainage - Land	\$28,100	GL.10000001866.10180
Drainage - Works	\$65,414	GL.10000001866.10181
Technical Study Fees Recoverable	\$3,836	GL.10000001872.10182
Professional Fees	\$12,517	GL.10000001872.10183
<u>TOTAL</u>	<u>\$2,305,715</u>	

Stage 4 – Lot 4

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Community Facilities - Land	\$43,123	GL.10000001870.10174
Community Facilities - Works	\$42,001	GL.10000001870.10175

Open Space and Recreation - Land	\$521,130	GL.10000001869.10176
Open Space and Recreation - Works	\$103,640	GL.10000001869.10177
Transport and Access - Land	\$335,442	GL.10000001865.10178
Transport and Access - Works	\$107,263	GL.10000001865.10179
Drainage - Land	\$14,750	GL.10000001866.10180
Drainage - Works	\$34,336	GL.10000001866.10181
Technical Study Fees Recoverable	\$2,014	GL.10000001872.10182
Professional Fees	\$6,570	GL.10000001872.10183

TOTAL **\$1,210,268**

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney).

Prior to the release of the occupation certificate stages for each lot.

Works-as-executed plans and any other documentary evidence

172. Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

1. All stormwater drainage systems and storage systems; and
2. The following matters that Council requires to be documented:
 - a. Public Arts strategy to be executed and incorporated into the design which should include blank walls and communal open space.
3. A copy of the plans must be provided to Council with the **OCCUPATION CERTIFICATE**

Condition - Reason

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

Compliance of works as executed for mixed use within approved Lot 4

173. Before the issue of an occupation certificate, certification from a suitably qualified person must be provided to the principal certifier that the following works as executed are consistent with the plans and specifications approved under this consent:

1. Car parking facilities
2. Acoustic report
3. Disability access plan
4. Pedestrian access
5. Signage location and structures

6. Mechanical ventilation
7. Amended landscape and Public Domain Strategy.
8. Design Amendments as noted in the design amendment as conditions.
9. Public Art Strategy

Condition - Reason

To ensure work has been completed in accordance with the development consent

Occupation Certificates

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

Condition – Reason

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

Post-construction dilapidation report

- 175.** Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the **principal certifier and submitted to Council** detailing whether:
1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and
 3. a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

Condition – Reason

To identify any damage to adjoining properties resulting from site work on the development site.

Preservation of survey marks

- 176.** Before the issue of an Occupation Certificate, documentation must be submitted by a registered surveyor to the **principal certifier** which demonstrates that:

1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure

Condition - Reason

To protect the State's survey infrastructure.

Removal of waste upon completion

177. Before the issue of an Occupation Certificate:

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

Condition - Reason

To ensure waste material is appropriately disposed or satisfactorily stored.

Water authority certification

178. Before the issue of an occupation certificate, a certificate of compliance must be obtained in relation to the proposed use(s) from the **Water supply authority**.

Condition - Reason

To ensure compliance with the water supply authority's requirements

Section 73 Sydney Water Certificate

179. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted to the Principal Certifier prior to issue of Occupation Certificate.

Condition - Reason

To ensure relevant utility and service providers requirements are provided to the certifier.

Pedestrian safety signage

180. Before the issue of an occupation certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.

Condition - Reason

To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway

Cladding

- 181.** Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, BCA and relevant Australian Standards.

Condition - Reason

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

Completion of public utility services

- 182.** 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.

Liverpool City Council clearance - Roads Act/ Local Government Act

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

Display of Street Numbers

- 184.** Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

Condition - Reason

To ensure street number of the site is displayed in accordance with the Local Government Act.

BASIX

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

Condition - Reason

To ensure the development meets energy and water conservation requirements.

Completion of landscape and tree works

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

Condition - Reason

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

Landscaping

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

Condition - Reason

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

Road Works

- 188.** All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a standard driveway with standard integral kerb and gutter shall be subject of a driveway application to Council and works supervised by that driveway inspection process.

Condition - Reason

To protect and maintain Council infrastructure to an appropriate standard.

Design Verification Statement

- 189.** In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Housing Design Quality of Residential Flat Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifier (PC) assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PC shall ensure that the statement prepared by the qualified designer provides the following:
1. a valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW), and
 2. that the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP Housing .

Condition - Reason

To ensure required building works are completed, in accordance with the approved development and design verification statement as required under SEPP 65, before occupation.

Certification of acoustic measures

- 190.** Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent

Condition - Reason

To protect the amenity of the local area

Recommendations of Acoustic Report

- 191.** 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 acoustic report titled LEC Acoustic Assessment report reference (Project Number/Job Number 240127Revision R6) prepared by PWNAdated 29 January 2025. 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.

Condition - Reason

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

Residential Car Park

- 192.** Before the issue of an occupation certificate the principal certifier must be satisfied that the proposed garage/security door fitted to the underground car parking entrance must be independently mounted on rubber pads or otherwise installed to prevent noise and the transmission of noise and vibration through the concrete walls and/or columns.

Condition - Reason

To mitigate potential offensive noise and amenity impacts.

Registration of Lots

- 193.** Prior to the issue of any Occupation Certificate for any of the approved dwellings, evidence is to be submitted to the Principal Certifier for the dwelling construction, that a Subdivision Certificate has been issued for each individual approved allotment, and that each of these allotments has been registered with the Land Registry Service NSW, on which the dwellings were approved, as shown on approved plans the subject of this Development Consent No. DA-458/2022.

Condition - Reason

To ensure required construction and registration of new residential lots are completed, in accordance with Council's requirements, before the issue of an Occupation Certificate.

Waste Storage Room

- 194.** Prior to the issuing of an occupation certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:
1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.

Please refer to AS4674-2004 - Design, construction and fit-out of food premises and the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas.

Condition - Reason

To ensure compliance with construction requirements and to mitigate risks to human health and the environment.

Regulated Systems

- 195.** Before the issue of any occupation certificate, the certifier must be satisfied that the installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) comply with the Public Health Act 2010, Public Health Regulation 2022, AS/NZS 3666:2011 Air handling and water systems of buildings and the NSW Guidelines for Legionella Control in Cooling Water Systems published by Health Protection NSW and any subsequent revision endorsed by NSW Health.

The certifier must ensure an approved registration form is completed and submitted to Liverpool City Council with any relevant fee for the system.

Condition - Reason

To facilitate compliance with legislative requirements.

Validation Report

- 196.** 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.

Site Audit Statement

- 197.** If an unexpected contamination find is made during the course of works, before the issue of any occupation certificate, a Site Auditor accredited under the Contaminated Land Management Act 1997 must be engaged to issue a Section A1 / A2 Site Audit Statement in accordance with the Contaminated Land Management Act 1997 and approved Guidelines made thereunder including the 'Guidelines for the NSW Site Auditor Scheme' (3rd Edition) published by the NSW Environment Protection Authority dated October 2017.

The Site Audit Statement and Site Audit Report must certify the suitability of the land for the use / suitability of the land for the use subject to compliance with either an active or passive environmental management plan. Conditions on the Site Audit Statement must form part of the consent. The Section A1 / A2 Site Audit Statement and Site Audit Report must be submitted to Liverpool City Council, certifier and Appropriate Regulatory Authority for their acceptance before the issue of any occupation certificate.

Condition - Reason

To provide greater certainty for the consent authority by requiring the independent review of contaminated site assessments, remediation and validation reports by an accredited site auditor.

Mechanical Ventilation Certification

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

Condition - Reason

To facilitate compliance with legislative requirements.

Hanging of Washing on Balconies

- 199.** Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property and any future strata subdivision:

The hanging of washing, including any clothing, towels, bedding or other article of a similar type of any balcony is not to be visible from any street.

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

Condition - Reason

To ensure required restriction on use is registered on the title (the site), in accordance with Council's requirements, before occupation.

Common Amenities

- 200.** Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property and any future strata subdivision:

All amenity areas nominated within the proposed buildings are to be maintained as common property and accessible for all residents, .

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

Stormwater Compliance

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

1. On-site detention system/s,
2. Stormwater pre-treatment system/s,
3. Overland flowpath works,
4. Flood control works, and/or
5. Basement Carpark pump-out system:
 - a. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 - b. Have met the design intent with regard to any construction variations to the approved design, and
 - c. Any remedial works required to been undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

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

1. On-site detention system/s,
2. Stormwater pre-treatment system/s,
3. Basement Carpark pump-out system:

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

Repair of infrastructure

203. Before the issue of an Occupation Certificate:

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

Condition - Reason

To ensure any damage to public infrastructure is rectified.

Rectification of Damage

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

Any rectification works within adjoining 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.

Entry/ Exit Signage

- 205.** Prior to the issue of an Occupation Certificate Entry/Exit signage which is clearly visible from the public road shall be placed within the development site.

Directional Signage

- 206.** Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Dilapidation Report

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

Certificates - Telecommunications

- 208.** Prior to the issue of an Occupation Certificate or Subdivision Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the 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

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:

BLANK

G. OCCUPATION AND ONGOING USE

Separate Application for Use

- 209.** Separate development consent is required for the fit-out, construction and use of all commercial and retail premises.

Washing on Balconies

- 210.** The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street.

Goods in Building

- 211.** All materials and goods associated with the use shall be contained within the building at all times.

Graffiti

- 212.** Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Unreasonable Noise and Vibration

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

Should an offensive noise complaint be received and verified by Council, an acoustic assessment is to be undertaken by a suitably qualified acoustic consultant and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations approved by Council must be implemented.

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

Parking Spaces

- 214.** The following parking spaces should be used solely for the purpose it has been provided.
1. Unrestricted resident car parking
 2. Visitor car parking

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

Condition - Reason

To ensure that adequate parking and loading are provided.

Car Parking/Loading Provisions – Mutli-Dwelling Units

215. A total of **1014** off street car parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:

- (a) 804 spaces relating to the residential apartments.
- (b) 134 spaces designated for visitor parking relating to the residential units
- (c) 74 spaces relating to the retail component

Overall	Parking			Bicycle		
Lot	Resident	Visitor		Resident	Visitor	
2	416	68	485.0	220	34	
3	221	38	259	116	19	
4	166	28	195	89	14	
Retail	74		75	72		
Totals			1014	498	67	564

Car Parking Management

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

Vehicle Access

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

Landscaping

- 218.** Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

Location of mechanical ventilation

- 219.** During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.

Condition - Reason

To protect the residential amenity of neighbouring properties.

Waste Collection and Management

- 220.** 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.

Condition - Reason

To mitigate potential risks to human health and the environment.

Waste Storage Area

- 221.** Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

Condition - Reason

To mitigate potential risks to human health and the environment.

Waste

- 222.** All waste products associated with the use of the development are to be placed in containers and stored within the building.

Loading Areas

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

Condition - Reason

To ensure that adequate parking and loading are provided

Delivery hours and vehicles (as amended)

- 224.** Deliveries, service vehicles and waste collection for the development are limited to:
Monday to Saturday: 7.00am to 10.00pm, Sunday: 8.00am to 10.00pm

The loading dock may operate on Public Holidays between the hours specified for Sundays.

Lighting

- 225.** Illumination of the site is to 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.

Noise – Spruiking

- 226.** No persons, such as those commonly known as ‘spruikers’ shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.

Noise - Silent Alarm System

- 227.** Any alarm installed on the site is to be “silent back to base” type.

Noise - General

- 228.** Noise associated with the use of the premises, including mechanical plant and equipment, must not give rise to any one or more of the following:

1. The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment must not give rise to the emission of ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997.

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

Condition - Reason

To mitigate potential intrusive noise and amenity impacts.

Noise Management Plan

229. The approved Noise Management Plan must be complied with at all times.

Acoustic Report

230. An acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to Council for its assessment and approval within three (3) months of occupation/completion of the development. The report shall include but not be limited to the following information:

- a) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled 164-170 Croatia Avenue, Edmondson Park LEC Acoustic Assessment The Bathla Group Report Reference: 240127- 164-170 Croatia Avenue, Edmondson Park- LEC Acoustic Assessment- R4, Project Number: 240127 prepared by Pulse White Noise Acoustics Pty Ltd dated 16th May 2024;

- b) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the operation of the premises/development; and
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Liverpool City Council, recommendations provided under point d) above shall be implemented fully.

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

Environment

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

Use of air conditioner/s on residential premises

- 232.** 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:
- 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):
 - 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

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).

Use of pump/s on residential premises

233. 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 shall 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):
 - i. before 8:00am or after 8:00pm on any Saturday, Sunday or public holiday; or
 - 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).

Use of heat pump water heater/s on residential premises

234. 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 shall 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):
 - 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
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).

H. ADVISORY

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

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.
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