

FIFTH AVENUE ESTATES NO 1 PTY LTD
SUITE 702/50 BERRY ST
NORTH SYDNEY NSW 2060

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

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

APPLICANT: FIFTH AVENUE ESTATES NO 1 PTY LTD

LAND: 280 FIFTH AVENUE, AUSTRAL NSW 2179, 62 KELLY STREET, AUSTRAL NSW 2179
LOT 1125 DP 2475, LOT 3 Sec 1 DP 2756

PROPOSED DEVELOPMENT: Demolition All Existing Structures, Dam Dewatering, Tree And Vegetation Removal, Bulk Earthworks, Remediation Works, Civil And Road Works, And Torrens Title Subdivision Into 58 Lots With Integrated Housing To Construct A Mix Of 54 Two Storey Dwellings. The Development Is Identified As Nominated Integrated Under The Water Management Act 2000 Requiring Approval From The Nsw Department Of Planning And Environment - Water. The Development Is Identified As Integrated Development Under The Rural Fires Act 1997 Requiring Approval From Nsw Rural Fire Service

DETERMINATION: Delegated Authority, Sydney Western City Planning Panel at its meeting of 15 April 2024.

CONSENT TO OPERATE FROM: 15 April 2024

CONSENT TO LAPSE ON: 15 April 2029

ATTACHMENTS:

1. Conditions of Approval
2. Section 7.11 Payment Form (*Pending calculation*)



from Contributions Team)

3. **General Terms of Approval issued by NSW Rural Fire Services**
4. **Sydney Water Advice**
5. **Endeavour Energy Advice**
6. **NSW Natural Resource Access Regulator Advice**
7. **Water NSW Advice**



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

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

DEFINITIONS

AEP	Annual Exceedance Probability
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
LRS	Land Registry Services
NCC	National Construction Code (formerly Building Code of Australia)
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
TfNSW	Transport for NSW
TBA	To Be Advised

CONDITIONS

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

SECTION 7.11 PAYMENT

(Liverpool Contributions Plan 2014 Austral)

Because this development will result in increased demand for public amenities and public services, you are required to make a payment under the Liverpool Contributions Plan as amended.

The total contribution is **\$ Pending**

The attached payment form contains a breakdown of the required contribution.

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

SPECIAL INFRASTRUCTURE CONTRIBUTION

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



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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.



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ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

STAGED APPROVAL

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development works	Part Reference	Condition Reference
1	10) and 1 residue lot. This will only occur once the temporary APZ over Lot 10 is removed (i.e. when the adjoining property to the south has been developed). Following registration of Lot 10, a detached dwelling in accordance with the approved plans will be constructed over Lot 10. Stage 2B – Subdivision of the residue lot created in Stage 2A to create 1 residential lot (Lot 8 and 9. This subdivision will dedicate Road 4. Following registration of the subdivision, a detached dwelling house is to be constructed over Lot 9 in accordance with the approved plans. It will be necessary for the temporary easement to maintain Lot 8 as an APZ to continue until the bushfire hazard to the immediate west is removed (i.e. under DA118/2022). Stage 2C – When there is no longer a requirement to maintain the APZ over Lot 8, the easement will be extinguished, and a detached dwelling house will be constructed over Lot 8 in accordance with the approved plans.	All Parts	All conditions as relevant to the stage
1A	When Council has delivered the regional stormwater management basin for this catchment and connection is available, the temporary basin will then be decommissioned and made good to accommodate dwelling houses. The subdivision to create 4 residential lots (Lot 54-57) and will be registered.	All Parts	All conditions as relevant to the stage
2	Subdivision of the western part of the Site contained within the residue lot created in Stage 1 to create 20 residential lots and 1 residue lot for future Lots 8, 9 and 10. This subdivision will dedicate roads including the western section of Fifth Avenue, Road 5 and Laneway 2. Following registration of lot integrated housing to construct 20 detached dwelling in accordance with the approved plans.	All Parts	All conditions as relevant to the stage



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2A	Subdivision of the residue lot created in Stage 2 to create 1 residential lot (Lot 10) and 1 residue lot. This will only occur once the temporary APZ over Lot 10 is removed (i.e. when the adjoining property to the south has been developed). Following registration of Lot 10, a detached dwelling in accordance with the approved plans will be constructed over Lot 10.	All Parts	All conditions as relevant to the stage
2B	Subdivision of the residue lot created in Stage 2A to create 1 residential lot (Lot 8 and 9. This subdivision will dedicate Road 4. Following registration of the subdivision, a detached dwelling house is to be constructed over Lot 9 in accordance with the approved plans. It will be necessary for the temporary easement to maintain Lot 8 as an APZ to continue until the bushfire hazard to the immediate west is removed (i.e. under DA118/2022).	All Parts	All conditions as relevant to the stage
2C	When there is no longer a requirement to maintain the APZ over Lot 8, the easement will be extinguished, and a detached dwelling house will be constructed over Lot 8 in accordance with the approved plans.	All Parts	All conditions as relevant to the stage

Approved Plans

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

(a) Plans prepared by, including the following:

Plan Name	Revision	Drawing No.	Date
Staging Plan	00	KF114065	24.11.2023
Subdivision Plan Sheet 1, Stage 1	00	KF114065	24.11.2023
Subdivision Plan Sheet 2, Stage 1	00	KF114065	24.11.2023
Subdivision Plan, Residue Lot, Stage 1A	00	KF114065	24.11.2023
Subdivision Plan, Residue Lot, Stage 2	00	KF114065	24.11.2023
Subdivision Plan, Residue Lot, Stage 2A	00	KF114065	24.11.2023
Subdivision Plan, Residue Lot, Stage 2B (includes Stage 2C on Plan)	00	KF114065	24.11.2023



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- (b) Architectural Plans prepared by New Living Homes, Project Job No Ref. 0000, including the following:

Plan Name	Revision	Drawing No.	Date
Cover Page	D	DA000	16.10.2023
Overall Site Plan - Pad Levels	D	DA001	16.10.2023
Overall Ground Floor Plan	D	DA002	16.10.2023
Overall First Floor Plan	D	DA003	16.10.2023
Streetscape Elevations	D	DA008	16.10.2023
Schedule of External Finishes	D	DA008	22.01.2023
Lot 1 – Site Plan, Floor Plans, Elevations & Schedules	D	DA009	16.10.2023
Lot 1 – Double Garage/Bed 5, Sections & Schedules	D	DA010	16.10.2023
Lot 2 – Site Plan, Floor Plans, Elevations & Schedules	D	DA011	16.10.2023
Lot 2 – Sections & Schedules	D	DA012	16.10.2023
Lot 3 – Site Plan, Floor Plans, & Schedules	D	DA013	16.10.2023
Lot 3 – Elevations, Sections & Schedules	D	DA014	16.10.2023
Lot 4 – Site Plan, Floor Plans, & Schedules	D	DA015	16.10.2023
Lot 4 – Elevations, Sections & Schedules	D	DA016	16.10.2023
Lot 5 – Site Plan, Floor Plans, & Schedules	D	DA017	16.10.2023
Lot 5 – Elevations, Sections, Detached Double Garage	D	DA018	16.10.2023
Lot 6 – Site Plan, Floor Plans, & Schedules	D	DA019	16.10.2023
Lot 6 - Detached Double Garage	D	DA-1004	31/10/23
Lot 7 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 7 – Elevations, Sections, Detached Double Garage, & Schedules	D		16.10.2023
Lot 8 – Site Plan, Floor Plans, & Schedules	D		16.10.2023
Lot 8 – Elevations, Sections, & Schedules	D		16.10.2023
Lot 9 – Site Plan, Floor Plans, & Schedules	D		16.10.2023
Lot 9 – Elevations, Sections, & Schedules	D		16.10.2023
Lot 10 – Site Plan, Floor Plans, & Elevations	D		16.10.2023
Lot 10 – Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 11 – Site Plan, Floor Plans, Elevations, & Schedules	D		16.10.2023
Lot 11 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 12 – Site Plan, Floor Plans, Elevations, & Schedules	D		16.10.2023
Lot 12 - Floor Plans, Elevations, Sections,	D		16.10.2023



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& Schedules			
Lot 13 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 13 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 14 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 14 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 15 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 15 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 16 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 16 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 17 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 17 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 18 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 18 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 19 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 19 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 20 - Site Plan, Floor Plans, Elevations & Schedules			16.10.2023
Lot 20 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 21 – Site Plan, Floor Plans, Elevations & Schedules	D		16.10.2023
Lot 21 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 22 – Site Plans, Floor Plans, Double Garage Plan & Elevations.	D		16.10.2023
Lot 22 - Floor Plans, Elevations, Sections, & Schedules	D		16.10.2023
Lot 23 – Site Plans & Floor Plans	D		16.10.2023
Lot 23 - Elevations, Sections, & Schedules	D		16.10.2023

Architectural Plans prepared by Creation Homes, Project Job No Ref. 0000, including the following:

Plan Name	Revision	Drawing No.	Date
Cover Page	D	DA000	25.10.2023
Overall Site Plan - Ground Floor	D	DA002	25.10.2023



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Overall Site Plan – 1F	D	DA003	25.10.2023
Benching Site Plan - GF	D	DA004	25.10.2023
External Colors and Material Schedule	D	DA005	25.10.2023
Lot 24-27 Floor Plans - GF	D	DA006	25.10.2023
Lot 24-27 Floor Plans - 1F	D	DA007	25.10.2023
Lot 24-27 Floor Plans - Roof	D	DA008	25.10.2023
Lot 24-27 Elevations	D	DA009	25.10.2023
Lot 24-27 Sections	D	DA010	25.10.2023
Lot 28-31 Floor Plans - GF	D	DA011	25.10.2023
Lot 28-31 Floor Plans - 1F	D	DA012	25.10.2023
Lot 28-31 Floor Plans - Roof	D	DA013	25.10.2023
Lot 28-31 Elevations	D	DA014	25.10.2023
Lot 28-31 Sections	D	DA015	25.10.2023
Lot 32-35 Floor Plans - GF	D	DA016	25.10.2023
Lot 32-35 Floor Plans - 1F	D	DA017	25.10.2023
Lot 32-35 Floor Plans - Roof	D	DA018	25.10.2023
Lot 32-35 Elevations	D	DA019	25.10.2023
Lot 32-35 Sections	D	DA020	25.10.2023
Lot 36-39 Floor Plans - GF	D	DA021	25.10.2023
Lot 36-39 Floor Plans - 1F	D	DA022	25.10.2023
Lot 36-39 Floor Plans - Roof	D	DA023	25.10.2023
Lot 36-39 Elevations	D	DA024	25.10.2023
Lot 36-39 Sections	D	DA025	25.10.2023
Lot 40-44 Floor Plans - GF	D	DA026	25.10.2023
Lot 40-44 Floor Plans - 1F	D	DA027	25.10.2023
Lot 40-44 Floor Plans - Roof	D	DA028	25.10.2023
Lot 40-44 Elevations	D	DA029	25.10.2023
Lot 40-44 Sections	D	DA030	25.10.2023
Lot 45-47 Floor Plans - GF	D	DA031	25.10.2023
Lot 45-47 Floor Plans - 1F	D	DA032	25.10.2023
Lot 45-47 Floor Plans - Roof	D	DA033	25.10.2023
Lot 45-47 Elevations	D	DA034	25.10.2023
Lot 45-47 Sections	D	DA035	25.10.2023
Lot 48-50 Floor Plans - GF	D	DA036	25.10.2023
Lot 48-50 Floor Plans - 1F	D	DA037	25.10.2023
Lot 48-50 Floor Plans - Roof	D	DA038	25.10.2023
Lot 48-50 Elevations	D	DA039	25.10.2023
Lot 48-50 Sections	D	DA040	25.10.2023
Lot 51-53 Floor Plans - GF	D	DA041	25.10.2023
Lot 51-53 Floor Plans - 1F	D	DA042	25.10.2023
Lot 51-53 Floor Plans - Roof	D	DA043	25.10.2023
Lot 51-53 Elevations	D	DA044	25.10.2023
Lot 51-53 Sections	D	DA045	25.10.2023
Lot 58 Floor Plans - GF	D	DA046	25.10.2023
Lot 58 Floor Plans - 1F	D	DA047	25.10.2023
Lot 58 Floor Plans - Roof	D	DA048	25.10.2023
Lot 58 Elevations	D	DA049	25.10.2023
Lot 58 Sections	D	DA050	25.10.2023
Streetscape Elevation	D	DA051	25.10.2023



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- (c) Public Domain Plans and Landscape Plans prepared by Conzept Landscape Architects, Project Job No Ref. LPDA 23 - 198 including the following:

Plan Name	Revision	Drawing No.	Date
Site Plan/Title Plan	C	LPDA 23 - 198	18.10.2023
Public Domain Plan 1	C	LPDA 23 - 198	18.10.2023
Public Domain Plan 2	C	LPDA 23 - 198	18.10.2023
Public Domain Plan 3	C	LPDA 23 - 198	18.10.2023
Typical Road Sections	C	LPDA 23 - 198	18.10.2023
Specifications & Details	C	LPDA 23 - 198	18.10.2023
Landscape Plan Masterplan – New Living Homes	D	LPDA 23-235/1	01.11.2023
Landscape Plan Details – New Living Homes	D	LPDA 23-235/2	01.11.2023
Landscape Plan Planting Pallets – New Living Homes	D	LPDA 23-235/3	01.11.2023
Landscape Plan Specification – New Living Homes	D	LPDA 23-235/4	01.11.2023
Lot 1 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/5	01.11.2023
Lot 1 - Landscape Plan – New Living Homes	D	LPDA 23-235/6	01.11.2023
Lot 2 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/7	01.11.2023
Lot 2 - Landscape Plan – New Living Homes	D	LPDA 23-235/8	01.11.2023
Lot 3 & 4 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/9	01.11.2023
Lot 3 & 4 - Landscape Plan – New Living Homes	D	LPDA 23-235/10	01.11.2023
Lot 5 & 6 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/11	01.11.2023
Lot 5 & 6 - Landscape Plan – New Living Homes	D	LPDA 23-235/12	01.11.2023
Lot 7 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/13	01.11.2023
Lot 7 - Landscape Plan – New Living Homes	D	LPDA 23-235/14	01.11.2023
Lot 8 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/15	01.11.2023
Lot 8 - Landscape Plan – New Living Homes	D	LPDA 23-235/16	01.11.2023
Lot 9 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/17	01.11.2023
Lot 9 - Landscape Plan – New Living Homes	D	LPDA 23-235/18	01.11.2023
Lot 10 & 11 - Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/19	01.11.2023
Lot 10 & 11 - Landscape Plan – New Living Homes	D	LPDA 23-235/20	01.11.2023
Lot 12 & 13 - Landscape Plan Hardscape	D	LPDA 23-235/21	01.11.2023



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– New Living Homes			
Lot 12 & 13 - Landscape Plan – New Living Homes	D	LPDA 23-235/22	01.11.2023
Lot 14 & 15 Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/23	01.11.2023
Lot 14 & 15 - Landscape Plan – New Living Homes	D	LPDA 23-235/24	01.11.2023
Lot 16 & 17 Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/25	01.11.2023
Lot 16 & 17 - Landscape Plan – New Living Homes	D	LPDA 23-235/26	01.11.2023
Lot 18 & 19 Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/27	01.11.2023
Lot 18 & 19 - Landscape Plan – New Living Homes	D	LPDA 23-235/28	01.11.2023
Lot 20 & 21 Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/29	01.11.2023
Lot 20 & 21 - Landscape Plan – New Living Homes	D	LPDA 23-235/30	01.11.2023
Lot 22 Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/31	01.11.2023
Lot 22 - Landscape Plan – New Living Homes	D	LPDA 23-235/32	01.11.2023
Lot 23 Landscape Plan Hardscape – New Living Homes	D	LPDA 23-235/33	01.11.2023
Lot 23 - Landscape Plan – New Living Homes	D	LPDA 23-235/34	01.11.2023

(d) Supporting Documentation

Report Name	Date	Reference	Prepared By
Waste Management Plan	1 March 2023	22-512-DA-C300	IDC
BASIX Certificate	21 February 2023	1374931S 1374928S 1374939S 1374953S 1369559S 1369560S-02 1369564S 1370302S 1370305S 1370646S 1370652S-02 1370653S 1369565S 1369567S 1369566S 1370603S-02	Frys Energywise



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		1370608S 1370609S 1370613S-02 1369282S 1369568S-02 1370655S 1370661S	
Detailed Site Investigation	18 September 2023	20175/1-AAR1	Geotechnique Pty Ltd
Remedial Action Plan	19 September 2023	20175/3-AAR1	Geotechnique Pty Ltd
Geotechnical Investigation	9 June 2022	20175/2-AA	Geotechnique Pty Ltd
Acoustic Assessment	18 August 2023	R220669R1, Rev. 5	Rodney Stevens Acoustics
Aboriginal Heritage Due Diligence Assessment	14 February 2023	Version 1	Truth About Trees Pty Ltd
Bushfire Protection Assessment	1 November 2023	--	Peterson Bushfire
Traffic Impact Assessment	10 November 2023	22255	Transport and Traffic Planning Associates
Dam De-Watering Report	10 June 2022	20175/a-AB	Geotechnique Pty Ltd
Arborist Report	3 March 2023	--	Naturally Trees

NSW Rural Fire Service (RFS) General Terms of Approval (GTAs)

- The development is to demonstrate compliance with all relevant General Terms of Approval issued by the NSW Rural Fire Service, dated 19 February 2024 (Attachment 3).

Sydney Water Requirements

- The development is to demonstrate compliance with all relevant requirements issued by Sydney Water, issued 27 April 2023 (Attachment 4).

Endeavour Energy Requirements

- The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 16 February 2024 (Attachment 5).

Natural Resource Access Regulator

- The development is to demonstrate compliance with all relevant requirements issued by Natural Resource Access Regulator Advice, issued 8 June 2023 (Attachment 6).

Water NSW Advice

- The development is to demonstrate compliance with all relevant requirements issued by Water NSW Advice, issued 9 June 2023 (Attachment 7).



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Council Waste-Water Requirements

7. The development must provide for a physical sewerage connection to each created allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Liverpool City Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

Works at no cost to Council

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

Comply with EP&A Act

9. 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.

National Code Construction

10. In accordance with section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 69 of the Environmental Planning & Assessment Regulation 2021, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

B. PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE

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

Site Development Work



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

Submission of information

12. Prior to the issue of a subdivision works certificate, the following information is to be submitted and endorsed to the satisfaction of Liverpool City Council's Senior Development Assessment Planner addressing the following matters:
 - (a) A Landscape Plan for the Creation Homes (Eastern Development) is to be submitted which demonstrates compliance.

S138 Roads Act – roadworks requiring approval of civil drawings.

13. Prior to the issue of a Subdivision Works Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road and drainage works in Fifth Avenue and Livestock Avenue.

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

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

Construction Certificate for Subdivision Works

14. Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Infrastructure & Development Consulting, reference number 21-032-DA, revision D, dated 10 March 2023 and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures



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- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon

Road design criteria table

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

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Fifth Ave (Ch95 – Ch237)	20m	4.5m (1/2 road)	5.5m	1.5m (RHS)	3 x 10 ⁵
Fifth Ave (Ch0 – Ch95)	16m	7.7m (1/2 road)	3.05m	1.5m (RHS)	3 x 10 ⁵
Livestock Street	16m	4.5m (1/2 road)	3.5m	1.5m (LHS)	3 x 10 ⁵
Road 2 (Ch 156- Ch 325)	39m-44m	10.8m	4.6m	2.5m	2 x 10 ⁶
Road 3	16m	5.95m (1/2 road)	3.05m	1.5m (LHS)	3 x 10 ⁵
Road 4	16m	9.9m	3.05m	1.5m	3 x 10 ⁵
Road 5	13.1m	8.0m	1.4m/3.7m	1.5m	3 x 10 ⁵

Access, Car Parking and Manoeuvring – General



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16. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Road Safety Audit

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

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

On-Site Detention

18. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Infrastructure & Development Consulting, reference number 21.032-DA, revision D, dated 10/03/2023.

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.

Floodplain Engineering and Detailed stormwater drainage design

19. A detailed stormwater drainage design prepared by a qualified practicing civil engineer must be provided for assessment. The design shall align with the Concept Engineering Plan for 62 Kelly Street, Austral, Rev E dated 18/09/2023 and Stormwater Management Report for 62 Kelly Street, Austral, dated March 2023 prepared by Infrastructure and Development Consulting and shall include all engineering details for collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades and water quality treatment trains. The design shall demonstrate that the site stormwater can be discharged to the nominated point of discharge by gravity.



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20. The temporary on-site detention (OSD) basins shall provide adequate flow attenuation to ensure that the peak post-development flow does not exceed peak pre-development flow for the 20%, 5% and 1% storm events. The OSD basin shall not be removed without the Council's written consent.
21. On-site water quality treatment devices shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to council's stormwater network. 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.
22. Temporary on-site detention and water quality treatment basins shall be provided and maintained until regional Basin 5 and associated trunk drainage system are constructed and stormwater from the site is conveyed to this basin. The temporary basin shall not be removed without Council's written consent.
23. The stormwater design shall incorporate interim streetscape silt trap devices at the location of proposed streetscape raingardens as indicated in the the Liverpool Growth Centre Precincts Development Control Plan, June 2021. The DCP can be downloaded from the link below.

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Main+Body+June+2021_S-3453.PDF

Schedule 1 of the DCP can be downloaded from the link below.

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Schedule+1+June+2021_S-3453.pdf

The detailed design of interim streetscape silt trap devices can be obtained from the council upon request.

24. Electronic copy of Drains and MUSIC models developed for the design of stormwater management system shall be submitted to council.

Inter-allotment Drainage

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

Dilapidation report



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26. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fifth Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Drainage Modelling

27. Prior to Construction Certificate an electronic copies of hydrologic/hydraulic models (DRAINS) and MUSIC model shall be submitted for Council's review and approval. The following is to be addressed:
- If work is required on neighbouring land, a written consent from property owners shall be submitted to Council.
 - Provide temporary turning heads at the end of any dead-end roads and at other locations if the road does not connect to an existing road.
 - Maximum On-Site Detention batter grade is 1:4 max.
 - Amend OSD basin to ensure an embankment or vertical walls to hold water to RL 80.10 m AHD plus freeboard.

Erosion and sediment control plan

28. Before the issue of a subdivision works certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifier:
- (a) Council's relevant development control plan,
 - (b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
 - (c) 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).

Recommendations of Acoustic Report

29. 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.



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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.

Construction Environmental Management Plan (CEMP)

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

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

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

Mechanical Plant and Equipment

31. 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 in accordance with the recommendations of the approved acoustic report.

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.

Waste Management Plan requirements



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32. Before the issue of a subdivision works 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;
- (i) the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - (ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and

The plans shall include the following information at minimum;

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

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

Construction Traffic Management Plan

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

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

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

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

Street Lighting

35. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and can be lodged online. This form is to be



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used to seek Council requirements for upgrading or installing new street lights at all frontages.

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

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

C. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE DWELLINGS

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

Dwelling Design

36. Dwelling design is to be generally in accordance with the approved architectural designs associated with DA-140/2023 and the subsequent 88B Instrument for this development.

Site Development Work

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

Fee Payments

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

The following fees are applicable and payable:

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



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- (c) Long Service Levy – based on 0.25% of the cost of building work where the costing of the CC is \$250,000 or more.

These fees are reviewed annually and will be calculated accordingly.

39. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Notification

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

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

Compliance with the National Construction Code

41. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Cladding

42. 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 NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Retaining Walls on Boundary

43. 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



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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.

S138 Roads Act – Minor Works in the public road

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

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

All works shall be carried out in accordance with the *Roads Act* approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications. Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

No Loading on Easements

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

Dilapidation report

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

Construction Environmental and Traffic Management Plans

47. Prior to the issue of a CC for the dwellings, the Construction Environmental Management Plan and Construction Traffic Management Plan are to be amended where necessary to reflect the construction of the dwellings and provided to the satisfaction of the PCA.

Provision of Services – Sydney Water

48. 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



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Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

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

Provision of Services – Endeavour Energy

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

Provision of Services – Telecommunications

50. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the *Telecommunications Act 1997*:
 - (a) For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

D. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s at both the subdivision works stage and construction of dwellings stages:

Residential Building Work

51. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates has been given written notice of the following information:
 - (a) In the case of work for which a principal contractor is required to be appointed:



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

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

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

Construction Certificates

53. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the EP&A Act,
 - (b) 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 EP&A Act,
 - (c) 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,
 - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
 - (e) The PCA 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.

Commencement of work

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



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Construction Certificates

55. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.14 of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
56. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
57. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.

Demolition Works

58. 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 the PCA 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.
59. 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:
 - a) Name
 - b) address,
 - c) contact telephone number,
 - d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
 - e) the contact telephone number of council and
 - f) the contact telephone number of SafeWork NSW (4921 2900).



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60. 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.

Sediment & Erosion Control

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

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

Sydney Water

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

"DIAL BEFORE YOU DIG"

63. 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.

Traffic Control Plan

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

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

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



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Matters to be addressed prior to commencement of Subdivision Works

65. Work on the subdivision shall not commence until:

- (a) a Subdivision Works Certificate (if required) has been issued,
- (b) a Principal Certifying Authority has been appointed for the project, and
- (c) any other matters prescribed in the development consent for the subdivision and the EP&A Act and *Environmental Planning and Assessment Regulation 2021* have been complied with.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

Disconnection of services before demolition work

66. 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.

Hazardous material survey before demolition

67. 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:

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

Notice of commencement for demolition

68. 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:

- (a) name
- (b) address,
- (c) contact telephone number,



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- (d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- (e) the contact telephone number of council and
- (f) the contact telephone number of SafeWork NSW (4921 2900).

Site preparation

69. Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:
- (a) Protective fencing and any hoardings to the perimeter on the site
 - (b) Access to and from the site
 - (c) Construction traffic management measures
 - (d) Protective measures for on-site tree preservation and trees in adjoining public domain
 - (e) Onsite temporary toilets
 - (f) A garbage container with a tight-fitting lid

Site Facilities

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

Facilities

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

Each toilet must:

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

Work Zone

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

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

Road Occupancy Permit



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73. 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](#)

Notification/Principal Certifying Authority

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

Environmental Management

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

Site Notice Board

78. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work; and



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- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Unauthorised entry to the premises is prohibited.

Road Works

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

Waste Classification and Disposal of Contaminated Soil and Material

- 80. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal. All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of. All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

E. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction at both the subdivision works and construction of dwellings stages:

Inspections

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

Demolition Inspections

- 83. The following inspections are required to be undertaken by Council in relation to approved demolition works:



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- (a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and SafeWork 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.

- (b) 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.

Handling of Asbestos during demolition

- 84. While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- (a) 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;
- (b) 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
- (c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Demolition of Septic Tank and Effluent Disposal Area

- 85. Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

Any septic tank, collection well or aerated waste water treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website (www.health.nsw.gov.au).

Identification Survey Report

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



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

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

Construction Requirements

88. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.
89. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Drainage Connection

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

Hours of Construction Work and Deliveries

91. 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 on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.



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Construction Noise and Vibration

92. 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).

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

Erosion and sediment control

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

Street Lighting

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

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

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

Major Filling/ Earthworks

96. 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



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

Dam-Dewatering

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

Hygiene to prevent the spread of pathogens

99. The appropriate hygiene measures will be undertaken every morning and afternoon to prevent the spread of phytophthora pathogens. Before works commence all earth working tools and the sole of work boots will be sprayed with a seven (7) parts methylated spirits to three (3) parts water ratio. At the end of the day all earth works equipment, vehicle tyres and work boots will be thoroughly cleaned of all excess mud, sludge, and dirt then a final spray of work equipment will be conducted with the pathogen spray to ensure diseases are unable to spread.

General site works

100. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
101. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
102. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Handling of asbestos during demolition

103. While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
- (a) 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;
 - (b) 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
 - (c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool Waste Locate.



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General Site Works - Sediment

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

Removal of dangerous and/or hazardous waste

105. 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.

Waste management

106. 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.

Site Remediation Works

107. The site must be remediated in accordance with:

- (a) Remediation Action Plan (Ref: 20175/3-AAR1) prepared by Anwar Barbhuyia and reviewed by Malcom Dale for Geotechnique Pty Ltd dated 18th September 2023;
- (b) State Environmental Planning Policy (Resilience and Hazards) 2021;
- (c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- (d) The guidelines in force under the Contaminated Land Management Act 1997.



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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.

Soil management

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

Unidentified Contamination

109. 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.

Contamination



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110. 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).

Imported Fill Material

111. Filling material must be limited to the following:

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

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

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

Record Keeping of Imported Fill

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

Air Quality

113. 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.

Air Conditioning



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114. 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.

Acoustic Report

115. The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.

Erosion Control

116. 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.

Water Quality

117. 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.

Pollution Control - Site Operations

118. 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.

Pollution Control - Truck Movements

119. 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.

Noise and Vibration requirements

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

Traffic Management

121. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Interim Guide to Signs and Markings.



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122. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
123. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of material, concrete pours etc.
124. Applications must be made to Council's Transport Planning 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.
125. The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase.

Vegetation Removal

126. Native vegetation shall not be cleared from any land that has not been biodiversity certified.
127. Only trees within the subject site are approved for removal. Any trees within adjoining sites may only be removed, in accordance with the approved arborist report, with adjoining landowners' consent. Adjoining owners' consent is to be provided to the PCA prior to tree removal.
128. Trees to be retained in accordance with the approved arborist report are to be protected during all stages of construction.

Waste Management Plan

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

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

Waste

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



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131. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.
132. 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.
133. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Aboriginal Heritage

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

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

135. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW *National parks and Wildlife Act 1974* and the NSW *Heritage Act 1977*. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Subdivision Certificate.
136. 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.



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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:

SECTION 7.11 PAYMENT - Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021

137. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with above Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021 as amended.

The total contribution is **\$3,846,088** and will be adjusted at the time of payment in accordance with the contributions plan.

Stage 1	-	\$2,285,081
Stage 2A	-	\$474,040
Stage 2B	-	\$645,011
Stage 3A	-	\$163,424
Stage 3B	-	\$105,363
Stage 3C	-	\$173,169

A breakdown of the contributions payable is provided in the attached payment forms. (Attachment 2)

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

SPECIAL INFRASTRUCTURE CONTRIBUTION

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

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Completion of subdivision works

140. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily



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completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

Timing of Subdivision Certificate Release

141. A subdivision certificate is not to be issued for proposed Stages 2A, 2B and 2C until such time as the construction of the semi-detached and/or attached dwellings associated with that stage have been completed, but prior to the issue of an Occupation Certificate.

Site Contamination Validation Report

142. Prior to issue of the subdivision certificate a detailed validation report must be submitted to the Principal Certifying Authority. The Report must be prepared in accordance with:

- (a) NSW Contaminated Land Planning Guidelines (1998);
- (b) Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and
- (c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

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 Remedial Action Plan. The report must also:

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

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

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

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is 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.

Linemarking, Signage, and Road and Traffic Management Works



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

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

Stormwater Compliance

144. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the:

- (i) On-site detention system/s
- (ii) Stormwater pre-treatment system/s

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

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

Restriction as to User and Positive Covenant

145. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:

- (i) On-site detention system/s
- (ii) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

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



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

Linemarking & Signage

147. Prior to the issue of a Subdivision Certificate, the installation of regulatory / advisory linemarking and signage, plans are to be completed. Signage and Linemarking plans shall be lodged with Liverpool City Council and approved by the Local Traffic Committee.

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

Street Naming

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

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

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

Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems

149. Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council.

The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

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

Outstanding Works Bond for Temporary Access Roads

150. A management plan shall be prepared for the eventual decommissioning of the temporary access road works. The plan is to include the relocation of any temporary services and shall be signed off by the relevant service authorities, which has elected to utilise the temporary access road corridor over lots **(54 to 57)**. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided.



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The Outstanding Works bond will be refunded once an alternate public road access has been provided and the temporary access road works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

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

Subdivision Compliance documentation

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

Nominate

- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in DWG format and PDF format to Council along with two hard copies of the WAE plans.
- (b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- (c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- (d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- (e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries
- (f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- (g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:



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- Compaction reports for road pavement construction
- Compaction reports for bulk earthworks and lot regrading.
- Soil classification for all residential lots
- Statement of Compliance

(h) Structural Engineer's construction certification of all structures

Linen Plans & 88B

152. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument if required.
153. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release
154. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
155. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).
156. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.
157. A Restriction as to User over Proposed Lots **(54 to 57)** is to be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

No further development of the lot burdened is to take place unless it is approved by a Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, and payment of Section 94 Contributions and Special Infrastructure Contributions.

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

Note. The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.



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158. A Restriction as to User over Proposed Lots **(1, 10, 22, 42, 53)** is to be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

The above garage rooms are exclusively for use as room extension to the primary dwelling and are not to be utilised or subdivided either as Strata Title or Torrens Title into a separate domicile under any circumstances.

Service Providers

159. The following are to be addressed:

- a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.

- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Zero Lot Easements

160. For any “zero lot” development, the applicant shall create an easement for maintenance and access 900mm wide for single storey development and 1200mm wide for two storey development, 16.5m in length from the front boundary, in accordance with the requirement of Liverpool City Council Growth Centre DCP. The benefitted and burdened lots are identified on the approved plans.

Footpaths

161. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential access roads and both sides of all collector and distributor roads.

Termite Protection

162. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;



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- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

Window Glazing

163. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Fencing

164. Any gate associated with a front fence shall swing inwards from the property.
165. Any front fence being installed is to be a maximum height of 1.2m and is to be of a style incorporating pickets, slats, palings or the like with a minimum 25mm aperture.

External

166. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
167. The mailboxes are to be consistent with the design and colours and materials for the development.

Acoustics

168. Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.
169. The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.

Dilapidation Report

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

Bonds

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



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period of 12 months from the date of Council acceptance of final works.

172. Prior to the issue of a Subdivision Certificate, a maintenance bond is to be lodged with Liverpool City Council for road and drainage works.

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

Service Providers

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

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

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

Remediation Work - Notice of Completion

174. Within thirty (30) days of completion of remediation work, a notice of completion as required to be provided to Council under Clause 4.14 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, chapter 4, to confirm that the remediation has been carried out in accordance with the Remedial Action Plan, requirement(s) of this consent, and State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4.

The notice of completion of remediation work shall be in writing and prepared in accordance with Clause 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, chapter 4.



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Note: A site audit statement (within the meaning of Part 4 of the *Contaminated Land Management Act 1997*) may be given in partial compliance with this requirement.

Decommissioning of On-Site Sewage Management System/s

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

Occupational Hygienist Report for Asbestos removal

176. On completion of the asbestos removal works, an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.

G. 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):

Landscaping

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

Certificates

178. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (in accordance with the relevant provisions of the EP&A Act).
179. The proposed Stage/s of the subdivision associated with the housing must be completed and registered prior to the issue of any Occupation Certificate for that Stage.



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180. Prior to the issue of an Occupation Certificate for the dwellings, evidence is to be submitted to the PCA indicating the registration of the approved lots with the NSW Land Registry Services, on which the dwellings were approved, as shown on approved plans.
181. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
182. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

BASIX

183. 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 Council. The Principal Certifying Authority shall be satisfied that all BASIX commitments have been prior to issuing any Occupation Certificate.

Cladding

184. Prior to issuing an occupation certificate the Principal Certifying Authority 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, NCC and relevant Australian Standards.

Works as Executed - General

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

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

Liverpool City Council Clearance – Roads Act/Local Government Act

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

Acoustic Report



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

Removal of waste upon completion

188. Before the issue of a subdivision certificate:

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

Recommendations of Acoustic Report

189. 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 "Traffic Noise Assessment Proposed Residential Subdivision 280 Fifth Avenue Austral and 62 Kelly Street Austral (partial)" (Ref: 220669R1 Rev: 5) prepared by James Wilkinson and reviewed by Rodney Stevens of Rodney Stevens Acoustics Pty Ltd dated 10th March 2023.

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.

Mechanical Ventilation Certification

190. Upon completion of works and before the issue of any occupation certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person must be submitted to certifier for their review and approval. The certification must 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.

Display of Street Numbers

191. 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.



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Rectification of Damage

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

H. CONDITIONS RELATING TO USE

Unreasonable Noise and Vibration

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

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

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

Environment

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

Location of mechanical ventilation

195. 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.

Waste Collection and Management



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196. 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.

Lighting

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

Noise - Silent Building Intruder Alarm System

198. Any building intruder alarm installed at the site must be a “silent back to base” type.

Noise – General

199. 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:
- (a) The use of the premises including the cumulative operation of any mechanical plant, equipment 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.
 - (b) The operation of any mechanical plant, equipment, or other amplified sound equipment installed on the premises must not cause:
 - 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);
 - 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;
 - iii) ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997; and
 - iv) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Environment



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

Use of air conditioner/s on residential premises

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

Use of pump/s on residential premises

202. Any pump/s used on the residential premises including but not limited to swimming pool pumps, spa pumps, solar water pumps, rainwater tank pumps and associated equipment must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:
- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i) before 8:00am or after 8:00pm on any Saturday, Sunday or public holiday; or
 - ii) before 7:00am or after 8:00pm on any other day; or
 - (b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
 - (c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

Use of heat pump water heater/s on residential premises

203. Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:



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- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i) before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
 - ii) before 7:00am or after 10:00pm on any other day; or
- (b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
- (c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

Waste

- 204. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day’s waste and recycling.
- 205. Waste bins must be kept within the curtilage of each dwelling. Bins must not be stored or allowed to overflow into landscaped areas or the rear lanes, must not obstruct the entry/exit of the driveway, and must not leave the site onto neighbouring, public or private properties.
- 206. Once Occupation Certificates have been issued for the new residences, but prior to residents moving in, Council is to be contacted to arrange delivery of the domestic waste bins. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins.
- 207. Under current collection arrangements, each dwelling will be issued with a 140 litre general waste bin, a 240 litre recycling bin and a 240 litre green waste (garden) bin. These arrangements may be subject to change in future, for example, if Council introduces a FOGO waste service.
- 208. The residents of each household must present the waste bins to the kerbside of their street frontage for emptying, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection. All residents are to store the bins in the private open space of their lot, behind the building line.
- 209. All waste bins are to be presented for emptying with the lids fully closed. No bin is to be permitted to drop waste or litter on public roads, nature strips or footpaths, or adjacent private properties. Bin storage areas on all lots are to be kept tidy and free of accumulated waste materials.
- 210. No builder’s or trades wastes, car parts or hazardous materials are permitted to be placed in the general waste bins of any household.



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211. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials must be loose, unbagged and easily separable.
212. All bulky household wastes must be kept within their residence of origin. Residents will be responsible for making their own pre-booked waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside for collection the afternoon before the booked date of the collection. The amounts and types of materials that are acceptable for collection, will be as per the conditions of Council at the time.

Responsibility of Environmental Health

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

H. ADVISORY

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

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

- c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.



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- 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



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pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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

Nabil Alaeddine
PRINCIPAL PLANNER
DEVELOPMENT ASSESSMENT



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Attachment 3: NSW Rural Fire Service General Terms of Approval



RFS



Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your reference: CNR-54032 DA-140/2023
Our reference: DA20230412001518-CL55-1

ATTENTION: Nabil Alaeddine

Date: Monday 19 February 2024

Dear Sir/Madam,

Development Application
s100B – Subdivision – Torrens Title Subdivision
280 Fifth Avenue Austral NSW 2179, 1125//DP2475

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 16/11/2023.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the commencement of building works or the issue of a subdivision certificate, whichever comes first, and in perpetuity, the entire site must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity,
- trees at maturity should not touch or overhang the building,
- lower limbs should be removed up to a height of 2m above the ground,
- tree canopies should be separated by 2 to 5m,
- preference should be given to smooth-barked and evergreen trees,
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- shrubs should not be located under trees,
- shrubs should not form more than 10% ground cover,
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height), and
- leaves and vegetation debris should be removed.

2. At the issue of a subdivision certificate, if the land immediately to the south and south west of subject site has not been developed and the bush fire hazard removed, a suitably worded instrument(s) must be created

1



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pursuant to section 88 of the Conveyancing Act 1919 over the proposed lots 8 and 10 which creates an Asset Protection Zone (APZ) and prohibits the construction of buildings other than class 10b structures within entirety of the proposed lot 8 and 10. The instrument may be lifted upon commencement of any future development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The APZ must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. The name of authority empowered to release, vary or modify the instrument shall be Liverpool City Council.

3. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. Construction of roof, west, north and south elevations of the proposed dwellings on the proposed lots 1-5 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

5. Construction of east elevation of the proposed dwellings on the proposed lots 1-5 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

6. Construction of roof, north, west and south elevation of the proposed detached garage/bed 5 on the proposed lot 1 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

7. Construction of east elevation of the proposed detached garage/bed 5 on the proposed lot 1 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.



8. Construction of the proposed dwelling on the proposed lot 6 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

9. Construction of roof, south, west and east elevations of the proposed detached garage on the proposed lot 6 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

10. Construction of north elevation of the proposed detached garage on the proposed lot 6 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

11. Construction of roof, south, east and west elevations of the proposed dwelling and detached garage on the proposed lot 7 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

12. Construction of north elevation of the proposed dwelling and detached garage on the proposed lot 7 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

13. Construction of the proposed dwelling on the proposed lot 9 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

14. Construction of roof, west, south and east elevations of the proposed dwelling and detached garage on the proposed lot 11 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

15. Construction of north elevation of the proposed dwelling and detached garage on the proposed lot 11 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

16. Construction of roof, south, east and west elevations of the proposed dwelling and detached garage on the proposed lot 12 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.





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17. Construction of north elevation of the proposed dwelling and detached garage on the proposed lot 12 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

18. Construction of the proposed dwellings and detached garages (and bed 5 where applicable) on the proposed lots 13-22 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

19. Construction of roof, north, east and west elevations of the proposed dwelling on the proposed lot 23 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

20. Construction of south elevation of the proposed dwelling on the proposed lot 23 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

21. Construction of the proposed dwellings on the proposed lots 24-26 & 37-39 and proposed detached garages on the proposed lots 37-39 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

22. Construction of roof, south, east and west elevations of the proposed dwelling on proposed lots 40-44 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

23. Construction of north elevation of the proposed dwellings on the proposed lots 40-44 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

24. Construction of the proposed detached garages (and bed 5 where applicable) on the proposed lots 42-44 must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

25. A minimum 1.8 metre high radiant heat shield made of non-combustible materials must be constructed along the southern/south western boundary of the subject site as shown as '1.8m Radiant Heat Barrier' in Figure 4 of the submitted addendum to bush fire report prepared by Peterson Bushfire (dated: 01/11/2023). All posts and rails must be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

26. Fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

27. Construction of the proposed retaining walls must be undertaken using non combustible materials only.

Access - Public Roads

The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

28. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; and
- hydrants are provided in accordance with the relevant clauses of AS 2419.1: 2021 - *Fire hydrant installations System design, installation and commissioning*.

29. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb (with an exception of the proposed half roads);
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

30. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

31. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*.

General Advice - Consent Authority to Note

The above general terms of approval are in response to an assessment of the application based on the submitted further information and supersedes our previous advice dated 1 June 2023.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment





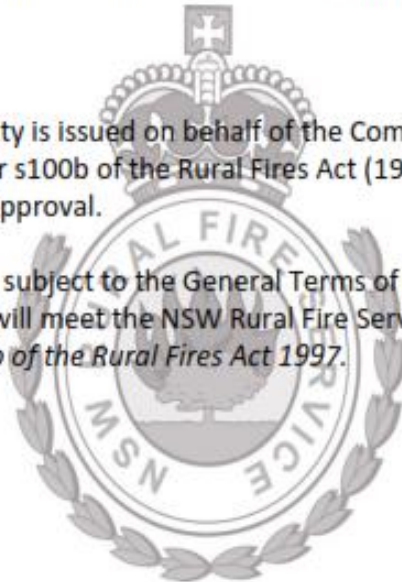
RFS

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
Address: 280 Fifth Avenue Austral NSW 2179,
RFS Reference: DA2024/ DA20230412001518-CL55-1
Your Reference: (DA-140/2023 / CNR-54032)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.



Nika Fomin
Manager, Planning and Environment Services (East)
Monday 19 February 2024



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Attachment 4: Sydney Water Advice



27 April 2023

Our Ref: 206168

Nabil Alaeddine
Liverpool City Council
alaeddinen@liverpool.nsw.gov.au

RE: Development Application DA-140/2023 at 280 Fifth and 62 Kelly Street, Austral

Thank you for notifying Sydney Water of DA-140/2023 at 280 Fifth Avenue and 62 Kelly Street, Austral, which proposes staged subdivision of the land to create 58 Torrens title lots and construction of 54 dwellings and associated landscaping. The DA also proposes demolition of structures, removal of vegetation, site remediation, bulk earthworks and associated civil works including construction of new roads, stormwater drainage and installation of services. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Sydney Water understands only part of 62 Kelly Street is to be developed under this DA.

Water Servicing

- The proposed development is in the Raby Water Supply Zone (WSZ). The existing service for potable water is a DN200 watermain in Fifth Ave.
- The Raby WSZ has limited capacity to service growth. Hydraulic modelling of the current system indicates that there is currently capacity to service the proposed development at this time.
- Capacity will be confirmed and re-assessed when the application is referred to Sydney Water for a Section 73 application.

Wastewater Servicing

- The proposed area of works under this DA is located within an existing serviced wastewater catchment.
- Amplifications, adjustments, and/or minor extensions may be required.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).



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Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", with a long horizontal stroke extending to the right.

Kristine Leitch

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150



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Attachment 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.



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Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.



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Attachment 5: Endeavour Energy Advice

Hi Nabil and Mana,

I have spoken to both of you regarding Endeavour's position for works in the subject DA within the Endeavour easement and under the overhead 132kV powerlines.

As advised by Phil Wilson in December 2023, Endeavour does not have any further objection to the Council approving the subdivision development subject to the following conditions being included in the development consent that requires the developer to;

1. Prepare a site-specific construction management plan for all work in the Endeavour Energy easement, prior to the commencement of any civil works within the Endeavour Energy easement and obtain Endeavour Energy written approval to this management plan. The plan must address the requirements of the Safework NSW guidelines for working near and under 132kV powerlines.
2. Prior to the issue of the subdivision certificate, written approval must be obtained from Endeavour Energy that the above condition has been complied with and all works required on the 132kV powerline to ensure the minimum safety clearances between the powerline and finished ground surface levels have been completed to Endeavour Energy's satisfactory.

I believe the inclusion of these conditions will allow a construction certificate to be issued for works in subdivision and also ensure the electrical works that we know need to be completed, are complete in a timely manner.

Hope to discuss any concerns Council or the Developer may have with this proposal.

Regards

John Lucich | Easement Assessment Specialist

P 4252 2817 M 0439 130 923

We have moved: Level 40-42, 8 Parramatta Square, 10 Darcy Street
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country>

endeavourenergy.com.au | [in](#) [f](#) [v](#) [t](#)



**Endeavour
Energy**

**POWER
together**



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170

All correspondence to Locked Bag 7064 Liverpool BC NSW 1871

Call Centre 1300 36 2170 **Email** lcc@liverpool.nsw.gov.au

Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

Attachment 6: NSW Natural Resource Access Regulator Advice

Department of Planning and Environment



Contact: Department of Planning and Environment—Water
Phone: 1800 633 362
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10254
Your ref: DA-140/2023

8 June 2023

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Nabil Alaeddine

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10254 - Controlled Activity Approval Not Required
Dev Ref: DA-140/2023
Description: Subdivision of Land for 58 Torrens Title Residential Lots and 54 Dwellings
Location: Lot 1125 DP2475 and Lot 3/1 DP2756, 280 Fifth Avenue and 62 Kelly Street AUSTRAL 2179

The Department of Planning and Environment—Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.

Controlled Activity Not Required

The proposed works are not located on waterfront land as defined by the WM Act - The mapped drainage line within proximity to the proposed works is not considered to be waterfront land as it does not exhibit bed, banks and/or fluvial geomorphic features.

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry:

<https://www.dpie.nsw.gov.au/water/water-assist>

Yours Sincerely

A handwritten signature in black ink, appearing to be 'A'.

For



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Department of Planning and Environment



Patrick Pahlow

Team Leader

Licensing and Approvals

Department of Planning and Environment—Water



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Attachment 7: Water NSW Advice



Contact: Suvidha Horn
Email: Suvidha.horn@waterNSW.com.au

Liverpool City Council
Attn: Mr. Nabil Alaeddine

Our ref: IDAS1149220
Your ref: DA-140/2023

alaeddinen@liverpool.nsw.gov.au

9 June 2023

Dear Sir/Madam,

RE: Proposed Development DA-140/2023
Lot 1125 DP 2475 and Lot 3 sec 1 DP 2756
ADDRESS: 280 Fifth Avenue AUSTRAL and 62 Kelly Street AUSTRAL NSW 2179

I refer to the above-mentioned development application referred to WaterNSW.

WaterNSW has reviewed the information submitted with the application regarding the staged residential subdivision to create 58 Torrens Title residential lots with integrated housing to construct a mix of 54 dwellings. The DA includes the demolition of existing structures, dam dewatering, removal of trees and vegetation, remediation, bulk earthworks, associated civil works including the construction of part of a collector road, stormwater drainage, temporary detention basins and installation of services at 280 Fifth Avenue AUSTRAL and 62 Kelly Street AUSTRAL NSW 2179 and considers that for the purposes of the Water Management Act 2000, no further investigation is required by this agency. As such no GTA's will be recommended with regards to groundwater management and extraction.

Important to note: if groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a construction dewatering Water Supply Works Approval. Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000.

As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).

Should you require any further information please do not hesitate to contact me via email to Suvidha.horn@waterNSW.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Suvidha Horn".

Suvidha Horn



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Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471