

## **Annexure A**

### **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** DA-471/2023

**Development:** Demolition of all structures, tree removal and construction of two (2) residential flat buildings containing 343 residential apartments and 66 co-living rooms over basement carparking consisting of 425 parking spaces, 50 bicycle parking spaces, 22 motorcycle parking spaces and 7 at-grade public parking spaces, ground level kiosk and Torrens Title subdivision into three (3) lots including dedication of public road. The development includes construction and dedication of a new public road, bulk earthworks, the provision of ancillary services, drainage and landscape works, publicly accessible through site link and open space.

**Site:** 31 Shepherd Street, Liverpool (Lot 6 DP 247485 and Lot 2 DP1266735)

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

**Date of determination:** [to be inserted]

**Date from which consent takes effect:** [to be inserted]

#### **TERMINOLOGY**

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.

(b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.

(c) Any reference to the “site”, means the land known as 31 Shepherd Street, Liverpool.

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.

The conditions of consent are as follows:

## 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	Stage 1 is to comprise construction of building A, the basement for building A, landscaping and engineering works associated with building A, the forecourt and foreshore area to building A, temporary planters for building A, and new public road (excluding the final seal to the road and landscape verge) as per approved construction staging plan Dwg No. CS-1.	All Parts	All conditions as relevant to the stage
2	Stage 2 is to comprise the construction of Building B, the basement for Building B, landscaping and engineering works associated with Building B, the forecourt and foreshore area to Building B, completion of public road embellishment, and completion of Building A planters as per approved construction staging plan Dwg No. CS-2.	All Parts	All conditions as relevant to the stage

#### Approved Plans

- The development must be carried out strictly in accordance with the accompanying plans and reports listed below, except where modified by the undermentioned conditions:
  - Architectural Plans prepared by Mosca Pserras Architects:

Description	Drawing No.	Revision No.	Date	Prepared by
Construction Staging Plan	DWG - CS 1	--	--	Lateral
Construction Staging Plan	DWG - CS 2	--	--	Lateral

Cover Sheet	AP00.c	B	27 August 2024	Mosca Pserras Architects
Development Data	AP01.c	B	27 August 2024	Mosca Pserras Architects
Site Plan	AP06.c	B	27 August 2024	Mosca Pserras Architects
Ground Floor Plan	AP07.c	B	27 August 2024	Mosca Pserras Architects
Level 1 Floor Plan	AP08.c	B	27 August 2024	Mosca Pserras Architects
Level 5 Floor Plan	AP10.c	B	27 August 2024	Mosca Pserras Architects
Levels 10-13 Typical Floor Plan	AP11.1.c	B	27 August 2024	Mosca Pserras Architects
Levels 14-18 Typical Floor Plan	AP11.2.c	B	27 August 2024	Mosca Pserras Architects
Levels 19-20 Typical Floor Plan	AP11.3.c	B	27 August 2024	Mosca Pserras Architects
Levels 6-9 Typical Floor Plan	AP11.c	B	27 August 2024	Mosca Pserras Architects
Level 21 / Roof Terrace	AP12.c	B	27 August 2024	Mosca Pserras Architects
Levels 22-25 Typical Floor Plan	AP13.c	B	27 August 2024	Mosca Pserras Architects
Roof Terrace	AP14.c	B	27 August 2024	Mosca Pserras Architects
Basement 1 Floor Plan	AP16.c	B	27 August 2024	Mosca Pserras Architects
Basement 2 Floor Plan	AP17.c	B	27 August 2024	Mosca Pserras Architects
Basement 3 Floor Plan	AP18.c	B	27 August 2024	Mosca Pserras Architects
Basement 4 Floor Plan	AP19.c	B	27 August 2024	Mosca Pserras Architects
Basement 5 Floor Plan	AP20.c	B	27 August 2024	Mosca Pserras Architects

West Elevation	AP21.c	B	27 August 2024	Mosca Pserras Architects
North Elevation	AP22.c	B	27 August 2024	Mosca Pserras Architects
East Elevation	AP23.c	B	27 August 2024	Mosca Pserras Architects
South Elevation	AP24.c	B	27 August 2024	Mosca Pserras Architects
Section A	AP25.c	B	27 August 2024	Mosca Pserras Architects
Section B	AP26.c	B	27 August 2024	Mosca Pserras Architects
Section C	AP27.c	B	27 August 2024	Mosca Pserras Architects
Adaptable Unit Details	AP28.c	B	27 August 2024	Mosca Pserras Architects
Adaptable & Livable Unit Details	AP29.c	B	27 August 2024	Mosca Pserras Architects
Colour & Materials Palette	AP30.c	B	27 August 2024	Mosca Pserras Architects
Façade Details	AP31.c	B	27 August 2024	Mosca Pserras Architects

(b) Landscape Plans prepared by Site Image Landscape Architects:

Description	Drawing No.	Revision No.	Date	Prepared by
Cover Sheet	Job No. SS22-5066000, Drawing No. 000	J	28/08/2024	Site Image Landscape Architects
Landscape Composite Plan	Job No. SS22-5066000, Drawing No. 100	J	28/08/2024	Site Image Landscape Architects

Landscape Plan – Ground Floor	Job No. SS22-5066000, Drawing No. 101	J	28/08/2024	Site Image Landscape Architects
Landscape Plan – Building A Level 21 Roof Terrace	Job No. SS22-5066000, Drawing No. 102	J	28/08/2024	Site Image Landscape Architects
Landscape Plan – Building B Level 26 Roof Terrace	Job No. SS22-5066000, Drawing No. 103	J	28/08/2024	Site Image Landscape Architects
Landscape Planting Plan – Ground Floor	Job No. SS22-5066000, Drawing No. 201	J	28/08/2024	Site Image Landscape Architects
Landscape Planting Plan – Building A Level 21 Roof Terrace	Job No. SS22-5066000, Drawing No. 202	J	28/08/2024	Site Image Landscape Architects
Landscape Planting Plan – Building B Level 26 Roof Terrace	Job No. SS22-5066000, Drawing No. 203	J	28/08/2024	Site Image Landscape Architects
Landscape Specifications	Job No. SS22-5066000, Drawing No. 500	J	28/08/2024	Site Image Landscape Architects
Landscape Details	Job No. SS22-5066000, Drawing No. 501	J	28/08/2024	Site Image Landscape Architects

(c) Stormwater Management Plan & Civil Works Package prepared by Enscape Studio

Description	Reference No.	Revision No.	Date	Prepared by
Stormwater Management Plan & Civil Works package	0050	--	August 2024	Escape Studio Pty Ltd.

Cover Sheet	Project No. 0050, Drawing No. C-01,	C	31/05/2024	Escape Studio Pty Ltd.
Sediment & Erosion Control Plan	Project No. 0050, Drawing No. C-05,	A	05/12/2022	Escape Studio Pty Ltd.
Bulk Earthworks Plan	Project No. 0050, Drawing No. C-07,	C	31/05/2024	Escape Studio Pty Ltd.
Public Road General Arrangement Plan	Project No. 0050, Drawing No. C-10,	B	07/05/2024	Escape Studio Pty Ltd.
Road Longsection	Project No. 0050, Drawing No. C-12,	C	07/05/2024	Escape Studio Pty Ltd.
Road Cross Section - Sheet 1	Project No. 0050, Drawing No. C-13,	C	07/05/2024	Escape Studio Pty Ltd.
Road Cross Section - Sheet 2	Project No. 0050, Drawing No. C-14,	C	07/05/2024	Escape Studio Pty Ltd.
Typical Road Cross Section	Project No. 0050, Drawing No. C-15,	C	07/05/2024	Escape Studio Pty Ltd.
Stormwater Management Plan – Ground Floor	Project No. 0050, Drawing No. C-20,	F	27/08/2024	Escape Studio Pty Ltd.
Stormwater Management Plan – Basement	Project No. 0050, Drawing No. C-21,	D	31/05/2024	Escape Studio Pty Ltd.
Stormwater Management Details	Project No. 0050, Drawing No. C-25,	B	31/05/2024	Escape Studio Pty Ltd.

(d) Subdivision:

Description	Drawing No.	Revision No.	Date	Prepared by
Plan of subdivision of Lot 6 in DP 247485 and Lot 2 in DP 1266735	11206-002	Rev D	7 June 2023	Jarrod Hocking

(e) Reports

Description	Reference No.	Date	Prepared by
Statement of Environmental Effects	9619, Ver. 4	07 June 2024	SJB

Geotechnical and Hydrological Investigation	6571-G1, Rev 3	27 May 2024	AssetGeoEnviron
Stage 2 Detailed Site Investigation Report	E22652.E02_Rev2	12 April 2024	EI Australia
Pedestrian Wind Assessment	Project No. 2203556	05 June 2024	RWDI Australia Pty Ltd
Urban Design Report & Visual Impact Analysis	--	07 June 2024	Architectus
Design Report	--	04 June 2024	Mosca Pserras Architects
Design Verification Statement	--	06 June 2024	Mosca Pserras Architects
Nathers and BASIX Assessment	24-5880R	06 June 2024	Efficient Living
Building Code of Australia Compliance Assessment Report	--	03 June 2024	Peter Dix
Flora and Fauna Survey, Biodiversity Impact Assessment and Riparian Zone Assessment	--	06 June 2024	ACS Environmental Pty Ltd
4.6 Variation Statement – Building Separation	--	07 June 2024	SJB Planning
4.6 Variation Statement – Floor Space Ratio	--	07 June 2024	SJB Planning
4.6 Variation Statement – Building Height	--	07 June 2024	SJB Planning
Traffic and Parking Assessment	22188	June 2024	Transport and Traffic Planning Associates
Airspace Impact Statement	--	31 May 2024	Strategic Airspace
Operational Waste Management Plan	4662, Rev.G	11 July 2023	Elephants Foot
Electrolysis Risk Report	W23463/NSW-P100148	27 June 2023	Corrosion Control Engineering
Social Impact Assessment	--	June 2023	Sarah George Consulting
Acid Sulfate Soils Report	6571-G2	20 May 2023	AssetGeoEnviron



Arborist Report	25026, Rev..2.0	26 May 20223	Urban Tree Management
Construction Noise and Vibration Management Report	20221156.3/0706A/R1/ANP	07 June 2024	Acoustic Logic
Noise and Vibration Impact Assessment	20221156.2/0806A/R4/ANP	15 May June 2024	Acoustic Logic

### **Inconsistency between Plan and Reports**

- The architectural plans approved under Condition 1 of this consent are to prevail to the extent of any inconsistency between those plans, the landscape plans, drainage concept plans, and the reports approved under Condition 1 of this consent.

### **Water NSW - General Terms of Approval**

- All General Terms of Approval issued by Water NSW on 19 December 2023, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval is attached to this decision notice.

### **DPE – Water - General Terms of Approval**

- All General Terms of Approval issued by NSW Department of Planning and Environment – Water), shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 19 July 2024. A copy of the General Terms of Approval are attached to this decision notice.

#### **Condition – Reason**

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

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

- The comments provided by Transport for NSW - Sydney Trains shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 17/10/2023. A copy of the correspondence is attached.

### **Requirements NSW - Police**

- The comments provided by NSW Police shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 13/5/2024. A copy of the correspondence is attached

### **Requirements TfNSW – RMS**

7. The comments provided by Transport for NSW – Roads and Maritime shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 8 July 2024. A copy of the correspondence is attached.

**Requirements of Sydney Water**

8. The comments provided by Sydney Water shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 9 July 2024. A copy of the correspondence is attached.

**Requirements of Endeavor Energy**

9. The comments provided by Endeavour Energy shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 27/9/2023. A copy of the correspondence is attached.

**Requirements of Bankstown Airport – (Aeria Management Group)**

10. The comments provided by Bankstown Airport shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 11/7/2024. A copy of the correspondence is attached.

**Fulfilment of BASIX commitments**

11. It is a condition of this consent that each commitment listed in a relevant BASIX certificate is to be fulfilled

**Condition – Reason**

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

**Comply with EP&A Act**

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

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

**Condition – Reason**

This condition is imposed to ensure compliance with legislative requirements.

**Shoring and adequacy of adjoining property**

13. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
  - (a) It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—
    - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

1. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (b) This section does not apply if—
  - (i) the person having the benefit of the development consent owns the adjoining land, or
  - (ii) the owner of the adjoining land gives written consent to the condition not applying.

### **Condition - Reason**

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

### **Co-living housing**

14. This section applies to development permitted under *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 3.
  - (a) It is a condition of the development consent that from the day on which an occupation certificate is issued for that part of the development comprising co-living housing that:—
  - (b) the co-living housing must be
    - (i) the co-living housing must be managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, and
    - (ii) notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and
    - (iii) private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents.

### **Voluntary Planning Agreement**

15. The development must comply with the terms and conditions of the Voluntary Planning Agreement (VPA-19), including any Deed of Assignment, as executed by the relevant parties and Liverpool City Council (Document No. 6911292\_1), including any amendments or replacements made to the VPA.

The VPA applies to the development site at 31 & 33 Shepherd Street and the neighbouring sites at 20, 26, 28, 32, and 34 Shepherd Street. To the extent that the VPA imposes obligations associated with the subject site on the owners of the subject site as a 'Participant', they are to be completed subject to the terms of the Deed. Efforts must be made to ensure that actions on the development site do not interfere with the fulfilment of obligations on neighbouring site.

**Works at no cost to Council**

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

**Heritage**

17. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National Parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significance of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of the relevant Occupation Certificate.
18. If Aboriginal object/s are identified during works, then all works in the immediate area must cease and the area secured. The Department of Climate Change, Energy, the Environment and Water must be notified by ringing the Enviroline 131 555. If Aboriginal objects are identified, no works are to re-commence until authorisation has been received from the Office of Environment and Heritage and the appropriate permits have been obtained or that Department informs the proponent that it has no objection to the resumption of works .
19. In the event that skeletal remains are uncovered, work must cease immediately in the area in which the skeletal remains were uncovered 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 Department of Climate Change, Energy, the Environment and Water, 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.
20. Copies of any Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.

**Sewer Connection**

21. 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 sewage systems.

**Design of substation**

22. Electrical substations located outside the building envelope are to be designed in accordance with Endeavour Energy Document No MCI 0006 (Current Version).

**Transmission Easement**

23. There is also an easement for transmission line DP 1225141 (through Lot 6 DP 247485) which may supersede the previous easement. Prior to the commencement of works, the

applicant is to consult with the electrical provider to ensure the proposal does not negatively impact the easement

## B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

**The following conditions are to be complied with or addressed prior to the issue of a Construction Certificate by the Registered Certifier**

### **Payment of Section 7.12 contributions**

24. The applicant must pay a total contribution of **\$2,186,228.00** as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the Liverpool Contributions Plan 2018 - Liverpool City Centre.

The applicant must pay the following contributions to council for:

#### Stage 1

Georges River Foreshore	\$216,787
Pioneer Park	\$30,970
Apex Reserve	\$15,485
Georges River Pedestrian Crossing	\$38,712
Discovery Park	\$38,712
Community Facility Upgrade	\$92,909
Car parking	\$0
Access, bike facilities and bus priority	\$232,272
Peripheral Streetscape works	\$154,848
Footpath widening in City Centre	\$30,970

#### Stage 2

<u>Facilities</u>	<u>Amount (\$)</u>
Georges River Foreshore	\$339,707
Pioneer Park	\$48,530
Apex Reserve	\$24,265
Georges River Pedestrian Crossing	\$60,662
Discovery Park	\$60,662
Community Facility Upgrade	\$145,589
Car parking	\$0
Access, bike facilities and bus priority	\$363,972
Peripheral Streetscape works	\$242,648
Footpath widening in City Centre	\$48,530

The timing of the payment of the total contribution of \$2,186,228.00 is to be as follows:

**Stage 1:** Prior to the issue of the first construction certificate for stage 1, a contribution of \$851,665 is to be paid to the Council;

**Stage 2:** Prior to the issue of the first construction certificate for stage 2, a contribution of \$1,334,565 is to be paid to the Council.

The development contribution amount must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

$$\text{Indexed development contribution (\$)} = \frac{C_1 \times CPI_2}{CPI_1}$$

Where:

- C is the monetary contribution imposed by this condition of the development consent.
- CPI(1) is the latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the relevant development consent.
- CPI(2) *is the latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at time that the contribution is to be paid.*

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

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

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

### **Council Land and Required Works Approval**

25. Prior to the issue of a subdivision works certificate for the road works for the erection the public road to be dedicated to the council under this consent, the 'Easement for Access variable width' (imposed under DP1225141 burdening Lot 6 in DP247485 and benefiting Liverpool City Council) must be extinguished.

Despite the extinguishment of that easement, vehicular access must continue to be permitted through the site of the former easement within Lot 6 in DP 247485 to Powerhouse Road in a manner that reasonably allows for construction work to be carried out under this consent. The access arrangement must be satisfactory to the Council (and until any such satisfactory access arrangement is in place, access must be permitted as if the extinguished easement was still in force). This requirement ceases to operate once the approved plan of subdivision is registered (and as consequence Lot 1 becomes a public road under section 9(1) of the *Roads Act 1993*).

### **Consultation with Gas Supplier**

26. There is an Easement for Gas at DP 1288877 (through Lot 6 DP 247485) which includes Jemena having gas assets in the driveway, and the asset owner must be consulted prior to the issue of any construction certificate.

### **Works in Mill Park**

27. Any works associated with the development that may occur in or utilise Mill Park, will require consent from the Council's Property Unit. No works are to commence until express written consent is received.

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

28. Prior to the issue of the relevant construction certificate, an electrical plan is to be submitted indicating the provision of a dedicated 32-amp circuit provided in the electricity distribution board for the purpose of vehicle charging and:
- (a) a minimum of one (1) 7 kW (32 A) type 2 electric vehicle charger located in the garage, carport or other parking area, Or
  - (b) That the electrical distribution board is adjacent to the garage, carport or other parking area, Or
  - (c) In instances where the electrical distribution board is not on the wall adjacent to a garage, carport or other parking area, an electrical conduit, pull-string and cover-plate is provided between the electrical distribution board and the vehicle parking area in a manner which permits a vehicle charger to be installed without penetrating any wall, ceiling or floor

### **Condition - Reason**

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

### **Section 138 Consent for Works**

29. Prior to the issue of any relevant Subdivision Works Certificate, designs and specifications must be lodged to and approved by Council for the transition works between the proposed new road works and the existing road alignment to the south of the site. Details should be included with any application for a Section a consent under section 138 of the Roads Act 1993.

### **Section 68 Permit for Works**

30. Prior to the issue of any Subdivision Works Certificate designs and specifications must be lodged to and approved by Council for the transition works between the proposed new road works and the existing road alignment to the south of the site. Details should be included with any application for a Section 68 permit (if such permit is required).

### **Long Service Payment**

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

**Stage 1:** Prior to the issue for the first construction certificate for stage 1, part of the Long Service Levy is payable for that part of the works within stage 1, being 0.25% of \$42,583,200.00.

**Stage 2:** Prior to the first construction certificate for stage 2, part of the Long Service Levy is payable for that part of the works within stage 2, being 0.25% of \$66,728,200.00

**Condition – Reason**

To ensure the Long Service levy is paid.

**Public Art**

32. Prior to the issue of the relevant Construction Certificate, amended plans are to be provided to the satisfaction of Councils' Principal Planner that includes public art in the development and is to incorporate the following:
- (a) Public art is to be incorporated into or leading to the playground to support curiosity and intergeneration opportunities to engage and activate the forecourt area.
  - (b) Light public artworks are to be installed along the extent of the pedestrian walkway. This will increase pedestrian activation, passive security and support wayfinding. All proposed public artworks must be durable and provide a sense of curiosity and place.
  - (c) Public art must be meaningful and relevant and reflect endemic narratives. All artworks are to be undertaken in collaboration with local artist/s. This can be undertaken through working relationships with architects, landscape designers, lead artists or fabricators.

**Floodplain Management Engineering Conditions**

33. Stormwater management of the development shall be in accordance with Civil Engineering Works plans referred to in condition 1 and the Stormwater Management Plan & Civil Works Package dated August 2024 by Enscape Studio.
34. Water quality treatment measures, as proposed, shall be incorporated into the development to treat stormwater pollutants before discharging into receiving waters and shall achieve Council's stormwater treatment targets. Water quality treatment devices shall be designed using MUSIC modelling software and water quality treatment performance shall be verified using Council's MUSIC link.

**Flood Evacuation**



35. A detailed flood evacuation plan must be developed and implemented in accordance with the SES guidelines, the draft Shelter in Place guidelines, and the Flood Risk Management Guidelines EM01 by the Department of Planning, Housing, and Infrastructure (DPHI). The flood emergency plan shall comply with the following documents.
1. Flood Risk and Flood Emergency Response Plan (Martens Consulting, June 2024)
  2. Letter Report on Pedestrian Flood Evacuation Route Feasibility Assessment (Martens Consulting, June 2024)
  3. Elevation Plans Rev A (Mosca Perras Architects, June 2024)

The flood response strategy and plan for the development must meet the following requirements:

- (a) All occupants/residents are to evacuate from the premises before the access road is cut off during a major flood event. The flood evacuation of the development must consider floods up to the Probable Maximum Flood (PMF),
- (b) Adequate shelter above the Probable Maximum Flood (PMF) level must be provided for occupants who failed to evacuate the site during a major flood event.
- (c) Sufficient provisions of food, emergency services including water supply , electric generator, emergency medical supplies, and other essentials must be stored on-site for occupants failed to evacuate from the development.
- (d) Flood warning signs should be installed on-site and locations where access is cutoff by flooding according to the Flood Emergency Response Plan. The EFRP and flood evacuation routes should be prominently displayed at accessible and visible locations within the premises.

### **Design of substation**

36. Electrical substations located outside the building envelope are to be designed in accordance with Endeavour Energy Document No MCI 0006 (Current Version).

### **Construction Site Management Plan**

37. Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:
1. The location and materials for protective fencing and hoardings on the perimeter of the site;
  2. Provisions for public safety;
  3. Pedestrian and vehicular site access points and construction activity zones;
  4. Details of construction traffic management including:
    - (a) Proposed truck movements to and from the site;
    - (b) Estimated frequency of truck movements; and

- (c) Measures to ensure pedestrian safety near the site;
- (d) Details of bulk earthworks to be carried out;
- (e) The location of site storage areas and sheds;
- (f) The equipment used to carry out works;
- (g) The location of a garbage container with a tight-fitting lid;
- (h) Dust, noise and vibration control measures;
- (i) The location of temporary toilets;

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

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

- 38. In accordance with section 4.17(11) of the Environmental Planning & Assessment Act 1979 and section 69(1) of the Environmental Planning & Assessment Regulation 2021, it is a prescribed condition that all building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 39. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Registered Certifier.
- 40. A fire safety report prepared by an accredited C10 fire engineer, must be submitted to the registered certifier prior to issue of the relevant construction certificate, demonstrating that all proposed external wall cladding materials used for the building complies with the National construction code and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.
- 41. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the relevant construction certificate and submitted to Council, in compliance with the provisions of the EP&A Regulation.

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

- 42. The noise control recommendations as stipulated within the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 15 May 2024 (revision 4) shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the application for the relevant construction certificate.
- 43. Documentary evidence is to be provided to the satisfaction of the registered certifier to demonstrate that appropriate measures are to be taken to ensure that the following LAeq levels are not exceeded as specified within section 2.100 of State Environmental Planning Policy (Transport and Infrastructure 2021:
  - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,

- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- 44. Mechanical plant shall be selected in consultation with a suitably qualified and experienced acoustic consultant to ensure compliance with the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 15 May 2024 (revision 4).
- 45. Before the issue of the relevant construction certificate, the registered certifier must be satisfied that the recommendations provided in the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 15 May 2024 (revision 4). are implemented and incorporated into the design of the development, and shown on plans accompanying the application for the relevant construction certificate.

The construction methodology and plans accompanying the relevant 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 registered certifier before issue of the relevant construction certificate.

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

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

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

#### **Provision of Services**

- 47. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' may be issued by Sydney Water detailing 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 any 'Notice of Requirements' must be submitted to the registered certifier. .

- 48. 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 registered certifier.

49. Prior to the issue of the relevant Construction Certificate, the registered certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- (a) The requirements of the Telecommunications Act 1997;
  - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - (c) 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.

#### **Waste Storage Room**

50. Prior to the issuing of the relevant construction certificate, the registered certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:
- (a) The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls covered to the floor;
  - (b) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
  - (c) The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.

#### **Condition - Reason**

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

#### **Waste Management Conditions**

51. Before the issue of the relevant subdivision works certificate or construction certificate, a waste management plan for the development must be prepared and provided to the registered certifier. The plan must be prepared in accordance with
- the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and
  - 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
  - include the following information –
    - a) the contact details of the person removing waste;
    - b) an estimate of the type and quantity of waste;
    - c) whether waste is expected to be reused, recycled or sent to landfill;
    - d) 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.

52. Prior to the carrying out of demolition works, the demolition and construction waste management plan is to be updated to specify whether the demolition materials to be generated will go for re-use, recycling, or to landfill. With additional information to be provided as to the destination for demolition materials for processing/recycling or for the residual material – Landfill.
53. Before the issue of the relevant Construction Certificate – the Discrepancy between the Operational Waste Management Plan and the approved architectural plans referred to in Condition 1 is to be remedied to show clarity of waste infrastructure to be provided. Specifically, the Operational Waste Management Plan identifies use of two-chute waste system, whereas the plans show a single chute with a 240L recycling bin next to it on each floor. The Operational Waste Management Plan is to be updated accurately describe the waste management system shown on the approved architectural plans referred to in condition 1.

An e-diverter system is to be implemented in the development to enable a single chute for waste and recyclables (as opposed to needing a separate bin for recyclables). The 240L recycling bins shown on each floor of the proposed buildings are to be deleted from the proposed development and not to be depicted in the plans submitted with the application for a construction certificate.

54. The equipment associated with movement of bins under the chutes in the respective bin rooms must be clearly described in an updated operational waste management plan that is to be provided to the registered certifier with the application for the relevant construction certificate, as is any bin lifting device used to decant transfer bins into collection bins.

There will need to be an indemnity created to cover employees of Council and Council's contractors while on site.

55. In the event that the buildings the subject of this consent are strata subdivided, Council will require the creation of strata by-laws, drafted with the aid of a qualified strata lawyer, in such a way as to bring about the following:
  - (a) New residents are to be inducted to the building and taught how to correctly use the building waste equipment and infrastructure. Clear direction is to be provided for what to do with oversized items which cannot be placed down waste chutes.
  - (b) A 'moving out' procedure must be developed and adhered to, to ensure that all unwanted materials generated at the time residents move will be captured and stored appropriately.

In the event that the buildings the subject of this consent are not strata subdivided, building management rules are to be created to bring about the outcomes described at (a) and (b) above.

## **Design Verification Statement**

56. In accordance with section 15(2) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to the issue of the relevant construction certificate, a statement by a qualified designer must be submitted to the registered certifier verifying that the relevant building work plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles for residential apartment development

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

57. Prior to the issue of a relevant Construction Certificate for above-ground works a S138 Roads Act application/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:
- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
  - (c) Road occupancy or road closures

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

Note: Approvals may also be required from the Transport for New South Wales for classified roads.

### **External lighting**

58. Before the issue of the relevant construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- a) Lighting of roads and laneways fronting the development site must comply with AS 1158: Lighting for Roads and Public Spaces;
- b) Lighting within the development site is to comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting;
- c) lighting must be placed at all entrances to, and exits from the premises
- d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- e) lighting must not interfere with traffic safety;
- f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
- h) Relevant council development control plan

The lighting plan must be submitted to the registered certifier:

Note – All above documents refer to the version in effect at the time the consent is granted

**Condition - Reason**

To ensure external lighting is provided for safety reasons and to protect the amenity of the local area

**Subdivision Work Certificate**

59. Prior to the issue of a Subdivision Work Certificate the Certifying Authority shall ensure that engineering plans are consistent with the approved concept plan/s prepared by Enscape Studio, referred to in condition 1 of this consent and that all relevant 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:

- (a) Public and private roads
- (b) Stormwater drainage including water quantity and quality treatment measures
- (c) Interallotment drainage
- (d) Private access driveways
- (e) Sediment and erosion control measures
- (f) Overland flowpaths
- (g) Flood control measures
- (h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- (i) Earthworks
- (j) Bridges, culverts, retaining walls and other structures
- (k) Landscaping and embellishment works
- (l) All works required for conversion of the proposed sediment basin to a bio-retention function
- (m) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The relevant Subdivision Work Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions shall be complied with prior to works commencing on the subject site:**

### **Road Works**

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

### **Dilapidation report**

61. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Shepherd Street 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.

### **Demolition**

62. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the principal certifier and included as part of the Occupation Certificate documentation.

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

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

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

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

Construction vehicles are not to utilise Casula Parklands/Casula Powerhouse Arts Centre (private driveway). Alternative measures are to be included in the CTMP.

### **Work Zone**



64. 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**

65. 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.

- (a) [Road Occupancy Application Form](#)
- (b) [Road Opening Application Form](#)

#### **Demolition Works**

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

#### **Condition – Reason**

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

#### **Construction Certificates**

67. 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 a Registered Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,

- (b) Where a Construction Certificate is obtained from a Registered Certifier, the applicant shall advise Council of the name, address and contact number of the Registered Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the 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 Certifier (PC) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- (e) The PC must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.
- (f) For avoidance of doubt, a Construction Certificate or Subdivision Works Certificate may be issued for part of the building work the subject of this consent. Where the conditions of this consent impose a requirement to be met prior to the issue of a construction certificate, it is only the requirements which are relevant to the works the subject of the relevant construction certificate which must be satisfied prior to the construction certificate being issued.

**Condition – Reason**

To require approval to proceed with building work.

**Survey Requirements**

68. Prior to the commencement of building works the proposed building works shall be pegged out by a registered surveyor. For reference during construction, a benchmark shall be identified at the site, preferably on the kerb and gutter where it exists. The peg out report prepared by the registered surveyor shall be forwarded to the Principal Certifier prior to the first inspection.

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

**Condition - Reason**

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

**Commencement of building works**

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

**Condition – Reason**

To require approval to proceed with building work

**Hazardous material survey before demolition**

70. 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

**Condition - Reason**

To require a plan for safely managing hazardous materials

**Residential Building Work**

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

**Notification of Service Providers**

72. The approved development must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

**Complaints Register**

73. Prior to the commencement of construction, the Applicant must ensure that the following is available for the life of the Development:

- (a) a postal address to which written complaints may be sent;
- (b) an email address to which electronic complaints may be transmitted; and
- (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

The Complaints Register must be made available for inspection on request by Liverpool City Council.

### **Sediment and Erosion Control Measures**

74. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with any relevant Construction 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.

### **Traffic Control Plan**

75. 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.

### **Matters to be addressed prior to commencement of Subdivision Works**

76. Work on the subdivision shall not commence until:
- (a) a subdivision works certificate (if required) has been issued,
  - (b) a principal certifier has been appointed for the project, and
  - (c) any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation 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.

### **Demolition**

77. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

### **Dilapidation report**

78. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures including the embankment at the rear of the property within the 'zone of influence' of the required excavations must be submitted to the registered certifier for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

### **Waste Classification**

79. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

### **Construction Noise**

80. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.

### **Sydney Water**

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

## **D. DURING CONSTRUCTION**

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

**Car Parking Areas**

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

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

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

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

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

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

**Public Domain Works**

83. All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW 'Delineation Guidelines'.

**Council On Street Assets**

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

**Erosion and sediment control**

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

**Public Domain Works – Street Lighting**

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

**Inspections**

87. The building works must be inspected by the principal certifier, in accordance with section 6.5(1)(b) of the Environmental Planning & Assessment Act 1979 and section 61 of the

Environmental Planning & Assessment Regulation (Development Certification and Fire Safety) Regulation 2021 , to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

### **Identification Survey Report**

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

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

On placement of the concrete, works again shall not continue until the principal certifier 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.

### **Site Facilities**

89. 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:
- (c) be a standard flushing toilet connected to a public sewer, or
  - (d) have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - (e) be a temporary chemical closet approved under the Local Government Act 1993.
90. 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.

### **Site Notice Board**

91. 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 certifier for the work;
  - (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.

### **Hoardings**

92. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

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

### **Security Fence**

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

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

### **Hours of Construction Work**

95. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 7:30am to 3:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Demolition work**

96. All demolition work is to be carried out in accordance with the requirements of AS 2601-2001. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.
97. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### **Waste Management Plan**

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



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

### **Waste Management**

100. While site work is being carried out:

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

101. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
102. 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 it 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.
103. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
104. 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.
105. All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

### **Construction Noise**

106. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.
107. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

### **Complaints Register**

108. The Applicant must keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
  - (a) the date and time, where relevant, of the complaint;
  - (b) the means by which the complaint was made (telephone, mail or email);
  - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - (d) the nature of the complaint;
  - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
  - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
  - (g) allocate an individual "complaint number" to each complaint received.

### **Traffic Management**

109. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
110. 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.
111. Notice must be given to Council's Transport Planning 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 materials, concrete pours etc.

112. 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.
113. Applications must be made to Council's Transport Planning Section, for Works Zone (if required) and road occupancy in respect to the following during construction of the development:
  - (a) Additional road occupancy approval, if required.
  - (b) Liaise with Council regarding footpath and driveway reconstruction.
  - (c) Driveway is constructed to industrial standard.
  - (d) Driveway and parking spaces are constructed in accordance with the approved plans.
  - (e) Reconstruct footpath at the development frontage to Council's satisfaction in accordance with its policies.
  - (f) Laybacks are constructed in accordance with AS: 2890.1 and the DCP.
  - (g) Undertake construction works in accordance with the Council's approved plans.
  - (h) The proposed bus stops/a roundabout at Shepherd Street and Atkinson Street intersection and a peanut roundabout at Speed Street / Shepherd Street/Mill Road intersections should be constructed to Council's standard.

### **General Site Works**

114. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall 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.
115. 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 it 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.
116. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
117. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
118. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

119. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
120. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.
121. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
122. While site work is being carried out:
  - the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
  - a copy of these plans must be kept on site at all times and made available to Council officers upon request.
123. 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.
124. 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.
125. 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.
126. All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.
127. While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.

## **Vegetation**

128. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
129. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
130. Within the area of land indicated on the approved plans for the development as fauna habitat, all existing native vegetation and habitat features shall be retained as habitat for native fauna.

#### **Vegetation - Tree Removal**

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

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

To minimise impacts to adjacent vegetation and habitat.

#### **Vegetation - Existing Vegetation**

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

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

To minimise impacts to adjacent vegetation and habitat.

#### **Vegetation - Weeds**

133. No known environmental weeds or known invasive plant species shall be included in the landscaping or revegetation. Hygiene practices shall be employed to avoid the spread of invasive plants.

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

To limit the spread of weeds.

#### **Vegetation - Mulch**

134. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.

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

To limit the spread of weeds.

**Vegetation - Imported Soil or Mulch**

135. 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.

**Condition - Reason**

To limit the spread of weeds.

**External**

136. Switchboards for utilities shall not be attached to the elevations of the development that are visible from the street.
137. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
138. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

**Contamination and Importation of Fill Material**

139. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
140. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008;
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
141. Records of the following must be submitted to the principal certifier 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; and
- (c) The results of any chemical testing of fill material.

### **Site Remediation Works**

142. Remediation and validation works must be carried out in accordance with the following approved Remediation Action Plans:

- 2. Remediation Action Plan Remediation Action Plan 31 & 33 Shepherd St Liverpool NSW” (Ref: E22652.E06 Rev: 0) prepared by Leo Ho and reviewed by Malcom Dale for EI Australia dated 31st January 2024;
- 3. State Environmental Planning Policy (Resilience and Hazards) 2021;
- 4. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- 5. The guidelines in force under the Contaminated Land Management Act 1997.

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

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

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

Any variation to the proposed remediation works must be approved in writing by Council or the PC prior to the commencement of these works. The applicant must inform Council or the PC in writing of any proposed variation to the remediation works. Council or the PC must approve these variations in writing prior to commencement of works approved under the development consent.

143. Any new information which comes to light during remediation, any demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the registered certifier immediately after discovery.

### **Crime Prevention Through Environmental Design**

144. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

- (a) Basement parking areas shall be painted a light colour;

- (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (c) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
- (d) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158 (as relevant). A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
- (e) Access to the parking levels of the building shall be controlled via a security controlled device.

### **Waste Management Plan**

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

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

### **Drainage Connection**

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

### **Major Filling/ Earthworks**

147. 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 certifier.

### **Soil removal**

148. 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
    - (ii) a material identified as being subject to a resource recovery exemption by the NSW EPA; or



- (iii) 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.

**Archaeological discovery during excavation**

- 149. Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- 150. Should any archaeological remains be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate. If the discovery is on Council's land, Council must be informed

**Pool Area Design**

- 151. The rails of any timber paling boundary fencing are to comply with AS 1926.

**Condition - Reason**

To ensure pool area including boundary fence is designed in accordance with the Australian Standard and Swimming pool Act.

- 152. **Disabled Access**

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

**Condition - Reason**

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

## **E. PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

**The following conditions are to be complied with or addressed prior to the issue of a relevant Subdivision Works Certificate by the registered certifier.**

**Waste disposal verification statement**

- 153. On completion of demolition work:
  - (a) a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,

**and**

- (b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.

**Condition - Reason**

To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan

**Completion of subdivision works**

- 154. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

For the avoidance of doubt, only the subdivision works the subject of 'stage 1' are required to be completed prior to the issue of a subdivision certificate.

**Rectification of Damage**

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

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

**Public Domain Works – Street Lighting**

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

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

**Maintenance Bond**

- 157. Prior to the issue of nominate (an Occupation Certificate/ 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.

**Subdivision Compliance**

158. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifier:
- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans,
  - b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding),
  - c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges,
  - d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council,
  - e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries,
  - f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification,
  - g) Structural Engineer's construction certification of all structures, and
  - h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
    - 1. Compaction reports for road pavement construction,
    - 2. Compaction reports for bulk earthworks and lot regrading,
    - 3. Soil classification for all residential lots, and
    - 4. Statement of Compliance.

**Linen Plans and 88B Instruments**

159. 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 for a subdivision certificate on the NSW Planning Portal in accordance with section 54 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. .

### **Linen Plans and 88B Instruments**

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

### **Linen Plans and 88B Instruments**

161. The application for the issue of a subdivision certificate must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policies. 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.

### **Service Providers**

162. 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.

### **Condition – Reason**

To promote orderly development supported by adequate infrastructure.

### **Road Alignment**

163. Prior to the issue of the relevant Subdivision Works Certificate for above ground works, designs and specifications must be lodged to and approved by Council for the transition works between the proposed new road works and the existing road alignment to the south of the site. Details should be included with any application for a section 138 approval under the Roads Act 1993.

#### **Retaining Walls on Boundary**

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

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

#### **S138 Roads Act – roadworks requiring approval of civil drawings.**

165. Prior to the carrying out of works within the public road reserve the registered certifier shall ensure that a S138 Roads Act application has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Road and Drainage Works in Shepherd Street.

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

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

#### **Approval of certain stormwater drainage works**

166. Prior to the issue of a Construction Certificate or subdivision works certificate for above ground works the Registered Certifier engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice to the Council's satisfaction for stormwater works in Lot 13 DP 247485. Any stormwater works in Lot 13 DP 247485 must be carried out in accordance with that approval (which may be after the issue of the Construction Certificate) and only with the authorisation of the Council.

#### **Subdivision works certificate for Subdivision Works**

167. Prior to the issue of the relevant subdivision works certificate for subdivision works the registered certifier shall ensure that engineering plans are consistent with the approved concept plan/s prepared by prepared by Enscape Studio, referred to in condition 1 of this consent and that all relevant 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:

- (a) Public and private roads
- (b) Stormwater drainage including water quantity and quality treatment measures
- (c) Interallotment drainage
- (d) Private access driveways
- (e) Sediment and erosion control measures
- (f) Overland flow paths
- (g) Flood control measures
- (h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- (i) Earthworks
- (j) Bridges, culverts, retaining walls and other structures
- (k) Landscaping and embellishment works
- (l) All works required for conversion of the proposed sediment basin to a bio retention function
- (m) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The relevant subdivision works certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

#### Road design criteria table

168. Prior to the issue of the relevant Subdivision Works Certificate the registered certifier 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
Road No 1	Varies	6.85 & 9.3	varies	One side	3X10^5

#### Stormwater Concept Plan

169. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Enscape Studio, referred to in condition 1 of this consent. .

- (a) 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.
- (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application

for the relevant Construction Certificate or relevant Subdivision Works Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

- (c) Prior to the issue of the relevant Construction Certificate or the relevant Subdivision Works Certificate the registered certifier shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### **Stormwater Discharge – Basement Car parks**

- 170. Prior to the issue of the relevant Construction Certificate the registered certifier shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

### **No loading on easements**

- 171. Prior to the issue of the relevant Construction Certificate the registered certifier shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

### **Water Quality**

- 172. Prior to the issue of the relevant Construction Certificate the registered certifier shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The relevant Construction Certificate must be supported by:

- (a) Specification & installation details of the stormwater pre-treatment system
- (b) The approval of an operation and maintenance manual/schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the relevant Construction Certificate issue.

### **Street Lighting in Liverpool CBD - Street Lighting Upgrade**

- 173. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge [Endorsement of Public Lighting Design Application Form](#). The application is available on Council website and can be lodged online.

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

Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas.

All new extensions to aerial power lines and communication cables required as part of the upgrade will be located underground.

The upgrade shall include the replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief.

**Access, Car Parking and Manoeuvring – General**

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

**Condition - Reason**

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

**Access, Car Parking and Manoeuvring – Detail**

175. The registered certifier must be satisfied that:

- Off street access and parking complies with AS2890.1,
- Vehicular access and internal manoeuvring have been designed for the longest (Heavy Rigid) vehicle expected to service the development site, in accordance with AS2890.2,
- Sight distance at the street frontage has been provided in accordance with AS 2890.1,
- All vehicles can enter and exit the site in a forward direction, and/or

Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

**Condition – Reason**

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

**Detailed Design Drawings**

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

The plans should include, but not be limited to

- (g) The new public road that will be an extension of Powerhouse Road needs to have at least 6.85m wide carriageway in line with the rest of Powerhouse Road.
- (h) A publicly accessible through-site link and public access to open space adjacent to the foreshore along the common east-west side boundary with 32 Shepherd Street.
- (i) Two speed humps (one on each approach) of the section of Powerhouse Road fronting the development site to reduce vehicle speed.
- (j) Reconstruction of the section of Powerhouse Road and the connection to Shepherd Street and dedicated to Council at full cost to the developer.



Detailed design drawings of the proposed traffic facilities, signs and line markings in the existing and proposed public domain areas are to be submitted to Council for approval using [Approval of Traffic Facilities including Signs and Line Marking Schemes Application Form](#). The application is available on Council website and should be lodged online. The drawings are to be prepared by a suitably qualified person.

### **Road Design Works**

178. Prior to the issue of any relevant Subdivision Works Certificate, designs and specifications must be lodged to and approved by Council for the transition works between the proposed new road works and the existing road alignment to the south of the site. Details should be included with any application for a section 138 approval under the *Roads Act 1993*.

### **Peer Review of Geotechnical Report**

179. An independent peer review of the geotechnical report and future structural design of the development will be required at no cost to Council. The peer review shall be submitted to Liverpool City Council for approval. This is to ensure that there are no impacts to the existing embankment at the rear of the property within the Council reserve.

### **Public Domain Works – Street Lighting**

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

All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

### **Road Safety Audit**

181. 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 relevant subdivision works certificate or Roads Act application.

Prior to the issue of the relevant subdivision works certificate or Roads Act approval, the registered certifier shall ensure that the recommendations of the RSA have been addressed in the final design

## **G. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

**Liverpool City Council clearance - Roads Act/ Local Government Act**

182. Prior to the issue of the relevant Occupation Certificate, the principal certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

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

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

- (a) All stormwater drainage systems and storage systems; and
- (b) A copy of the plans must be provided to Council with the OCCUPATION CERTIFICATE

**Condition - Reason**

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

**Stormwater Compliance**

184. Prior to the issue of the relevant Occupation Certificate, the principal certifier shall ensure that the:
- Basement Carpark pump-out system:
    - (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
    - (b) Have met the design intent with regard to any construction variations to the approved design, and
    - (c) Any remedial works required to been undertaken have been satisfactorily completed.

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

**Restriction as to User and Positive Covenant**

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

a) Basement Carpark pump-out system:

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

**Rectification of Damage**

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

Any rectification works within Shepherd Street 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**

187. Prior to the issue of the relevant Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are 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.

**Bonds**

188. A maintenance bond in the form of a bank guarantee, insurance bond or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works. The amount of the bond is to be determined in accordance with the Council's schedule of fees and charges in force at the time of payment.

**Road and Drainage Works Completion**

189. Prior to the issue of the relevant occupation certificate, all proposed road and drainage works associated with the new road (other than those works which are to be completed under stage 2) must be completed to the satisfaction of the Council and Proposed Lot 1 dedicated to the Council as public road. Evidence of this dedication must be provided to the Council.

**Acoustic Requirements**

190. Upon completion of works and before the issue of the relevant 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 Noise and Vibration Impact Assessment prepared by

Acoustic Logic dated 15 May 2024 (revision 4). . 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.

### **Noise Impact Mitigation**

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

### **Site Validation**

192. Before the issue of the relevant occupation certificate, a detailed Validation report must be submitted to the principal certifier. 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 be prepared or reviewed and approved by a suitably qualified environmental consultant.

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

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

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

### **Mechanical Ventilation**

193. Upon completion of works and before the issue of the relevant occupation certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person must be submitted to principal 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.

**Vehicle wash bay**

194. All vehicle washing is to be conducted in designated vehicle wash bay/s which shall be connected to the sewer. The discharge of trade wastewater is to be approved by Sydney Water via a permit or written agreement. No wash water or trade wastewater is to enter the stormwater or creek systems.

**Completion of Landscape Work**

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

196. **Spa/pool Gate**

The swimming pool gate(s) shall open outwards from the pool area to comply with the Swimming pools Act 1992, as amended.

**Condition - Reason**

To ensure the development meets safety provisions.

197. **Warning Notices Must be Erected Near Spas/pools**

The occupier of the premises in or on which a swimming pool is situated must ensure that there is at all times maintained, in a prominent position in the immediate vicinity of the swimming pool, a sign erected in accordance with the Regulations and bearing the notice required by the Regulations. The warning notice shall comply with Clause 17 of the Swimming pools Act 1992 and Clause 10 of the Regulations. The sign must bear a notice that contains all of the following:

1. The words:

(a) YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING pool", and

(b) pool GATES MUST BE KEPT CLOSED AT ALL TIMES", and

- (c) KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE pool FENCE AT ALL TIMES”;
- 2. A simple flow chart (which may be the flow chart depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
  - (a) That are set out in accordance with the relevant provisions of that Guideline, and
  - (b) That comply with the other relevant guidelines of the Australian Resuscitation Council, and
  - (c) That are illustrated by drawings with key words only in bold print;
- 3. A statement of the effect that formal instruction in resuscitation is essential;
- 4. The name of the teaching organisation or other body that published the sign and the date of its publication.

**Condition - Reason**

To ensure the development provides adequate safety provisions.

198. **Swimming pool Register**

Land owners are to be aware of their responsibility under the Swimming pools (Amendment) Act 2012 which requires swimming pools to be registered at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)

Authorised officers may fine pool owners if their pool is not registered on the NSW Swimming pool Register. The fine is \$220.00. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

**Condition - Reason**

To meet legislative requirements.

**Preservation of survey marks**

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

## H. CONDITIONS RELATING TO USE

**Parking Spaces – Assessment Planner**

200. The following parking spaces should be used solely for the purpose it has been provided.
- (a) Unrestricted resident car parking

- (b) Visitor car parking
- (c) Accessible car parking
- (d) Motorcycle parking
- (e) Cycle parking
- (f) Delivery area
- (g) Garbage pick-up area
- (h) Washing bay

### **Car Parking/Loading Provisions – Mutli-Dwelling Units**

201. A total of 425 off street car parking spaces (excluding the public car parking spaces to be provided on ground level adjacent to the new public road -Powerhouse Road - along the site's western boundary) must be provided and allocated as follows:

#### **Building A**

- (a) 161 spaces to residential apartments;
- (b) 15 spaces designated for visitor parking relating to the residential units.

#### **Building B**

- (a) 223 spaces to residential apartments and the co-living housing;
- (b) 26 spaces designated for visitor parking relating to the residential units and co-living housing.

### **Car Parking Management**

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

### **Loading Areas**

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

### **Vehicle Access**

204. Vehicles entering or leaving the development site should be in forward direction.

### **Waste Management**

205. 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.
206. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping

areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

207. 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.

### **Intruder Alarms**

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

### **Operational Acoustic Report**

209. An acoustic report prepared by a suitably qualified acoustic consultant must be submitted to Liverpool City Council for its assessment and approval within three (3) months of occupation/completion of the development. The report must include but not be limited to the following information:
- Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled “31-33 Shepherd St, Liverpool New South Wales 2176” (Ref: 20221156.2/1505A/R4/ANP Rev: 4) prepared by Andrew Pham and reviewed by VF for Acoustic Logic Pty Ltd dated 15th May 2024;
  - Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
  - All complaints received from local residents in relation to the operation of the premises/development; and
  - Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations must be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

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

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.

### **Environmental Impacts**

210. 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.

### **Liquid Waste**

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



### **Air Conditioning Units**

212. 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).

### **Pumps**

213. 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).

### **Heat Pumps**

214. 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:

- (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).

### **Landscaping**

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

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

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

### **Pool Area Design**

216. The swimming Pool shall be fenced in accordance with the provisions of AS1926, prior to the Pool being filled with water.

#### **Condition – Reason**

To ensure Pool fences are designed in accordance with the Australian Standard.

217. All drainage and Pool wastes to be discharged in accordance with AS 3500.2

#### **Condition – Reason**

To ensure drainage and Pool wastes are discharged in accordance with the Australian Standard.

218. The area between the Pool and side boundary is to be retained, graded and drained to prevent nuisance occurring on the adjoining property. A minimum of 1.0 metre wide clearance is to be provided between:

- (a) the water line of the Pool and the side and/or rear boundaries, and
- (b) the water line of the Pool and the Pool safety fencing - unless otherwise approved.

#### **Condition – Reason**

To ensure runoff and wastes from the Pool does not impact neighbouring properties.

## 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 8.8 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 designed 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.
- c) 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.
- d) 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.
- e) “DIAL BEFORE YOU DIG”

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

- f) 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.

- g) 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.
- h) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- i) 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.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

**Attachment 2 - Section 7.12 Contributions – Stage 1****CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL****PLANNING & ASSESSMENT ACT, 1979****Liverpool Contributions Plan – Liverpool City Centre 2018**

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the CPI last Quarter 2024 and will be adjusted at the time of payment in accordance with the conditions of consent.**

**APPLICATION NO:** DA-471/2023

**APPLICANT** LATERAL ESTATE PTY LTD

**LAND:** 31 & 33 Shepherd Street, LIVERPOOL  
LOT 6 DP 247485 and LOT 2 DP 1266735

**PROPOSAL:** Demolition of all structures, tree removal and construction of two (2) residential flat buildings containing 343 residential apartments and 66 co-living rooms over basement carparking consisting of 425 parking spaces, 50 bicycle parking spaces, 22 motorcycle parking spaces and 7 at-grade public parking spaces, ground level kiosk and Torrens Title subdivision into three (3) lots including dedication of public road. The development includes construction and dedication of a new public road, bulk earthworks, the provision of ancillary services, drainage and landscape works, publicly accessible through site link and open space.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Georges River Foreshore	\$216,787	GL.10000001869.10105
Pioneer Park	\$30,970	GL.10000001869.10105
Apex Reserve	\$15,485	GL.10000001869.10217
Georges River Pedestrian Crossing	\$38,712	GL.10000001869.10218
Discovery Park	\$38,712	GL.10000001869.10219
Community Facility Upgrade	\$92,909	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$232,272	GL.10000001865.10220
Peripheral Streetscape works	\$154,848	GL.10000001865.10221
Footpath widening in City Centre	\$30,970	GL.10000001865.10222

**TOTAL** **\$851,664**

----- OFFICE USE ONLY -----

**RECORD OF PAYMEN**

Total Amount paid: \_\_\_\_\_ Date: \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Cashier: \_\_\_\_\_

**Attachment 2 - Section 7.12 Contributions – Stage 2****CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL****PLANNING & ASSESSMENT ACT, 1979****Liverpool Contributions Plan – Liverpool City Centre 2018**

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the CPI last Quarter 2024 and will be adjusted at the time of payment in accordance with the conditions of consent.**

**APPLICATION NO:** DA-471/2023

**APPLICANT** LATERAL ESTATE PTY LTD

**LAND:** 31 & 33 Shepherd Street, LIVERPOOL  
LOT 6 DP 247485 and LOT 2 DP 1266735

**PROPOSAL:** Demolition of all structures, tree removal and construction of two (2) residential flat buildings containing 343 residential apartments and 66 co-living rooms over basement carparking consisting of 425 parking spaces, 50 bicycle parking spaces, 22 motorcycle parking spaces and 7 at-grade public parking spaces, ground level kiosk and Torrens Title subdivision into three (3) lots including dedication of public road. The development includes construction and dedication of a new public road, bulk earthworks, the provision of ancillary services, drainage and landscape works, publicly accessible through site link and open space.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Georges River Foreshore	\$339,707	GL.10000001869.10105
Pioneer Park	\$48,530	GL.10000001869.10105
Apex Reserve	\$24,265	GL.10000001869.10217
Georges River Pedestrian Crossing	\$60,662	GL.10000001869.10218
Discovery Park	\$60,662	GL.10000001869.10219
Community Facility Upgrade	\$145,589	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$363,972	GL.10000001865.10220
Peripheral Streetscape works	\$242,648	GL.10000001865.10221
Footpath widening in City Centre	\$48,530	GL.10000001865.10222

**TOTAL** **\$1,334,564**

----- OFFICE USE ONLY -----

**RECORD OF PAYMEN**

Total Amount paid: \_\_\_\_\_ Date: \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Cashier: \_\_\_\_\_

## Attachment 3 - Water NSW – General Terms of Approval



### General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1151720  
Issue date of GTA: 19 December 2023  
Type of Approval: Water Supply Work  
Description: 80mm submersible pump  
Location of work/activity: 31 Shepherd Street Liverpool NSW 2170  
DA Number: DA471/2023  
LGA: Liverpool City Council  
Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2023

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Dewatering</b>	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

Level 6, 384 Hunter Street, Newcastle, NSW 2830 | PO BOX 2157, Dangar, NSW 2309  
water.enquiries@waterNSW.com.au | www.waterNSW.com.au



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1151720
<b>Issue date of GTA:</b>	19 December 2023
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	80mm submersible pump
<b>Location of work/activity:</b>	31 Shepherd Street Liverpool NSW 2170
<b>DA Number:</b>	DA471/2023
<b>LGA:</b>	Liverpool City Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2023
	the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion

Level 6, 384 Hunter Street, Newcastle, NSW 2830 | PO BOX 2157, Dangar, NSW 2309  
water.enquiries@waterNSW.com.au | www.waterNSW.com.au





## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1151720

**Issue date of GTA:** 19 December 2023

**Type of Approval:** Water Supply Work

**Description:** 80mm submersible pump

**Location of work/activity:** 31 Shepherd Street Liverpool NSW 2170

**DA Number:** DA471/2023

**LGA:** Liverpool City Council

**Water Sharing Plan Area:** Greater Metropolitan Region Groundwater Sources 2023

of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.watnsw.com.au/customer-service/water-licensing/dewatering](http://www.watnsw.com.au/customer-service/water-licensing/dewatering)

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA471/2023 as provided by Council:

- Letter – Comment on WaterNSW Letter of 24 October 2023 prepared by AssetGeoEnviron, Ref: 6571-G3 dated 30th October 2023.
- Groundwater Monitoring Report 16 October 2023.
- Geotechnical & Hydrogeological Investigation 29 May 2023.
- Statement of Environmental Effects.
- Preliminary Acid Sulfate Soil Assessment.
- Proposed Subdivision Plan.
- Architectural Plans.

## Attachment 4 - DPE - Water– General Terms of Approval

### Department of Planning and Environment



Contact: Department of Planning and Environment-Water  
Phone: 1300081047  
Email: [waterlicensing.servicedesk@dpie.nsw.gov.au](mailto:waterlicensing.servicedesk@dpie.nsw.gov.au)

Our ref: IDAS-2024-10473  
Your ref: DA-471/2023.

19 July 2024

The General Manager  
LIVERPOOL CITY COUNCIL  
33 MOORE STREET LIVERPOOL 2170

Attention: Nabil Alaeddine

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re:** IDAS-2024-10473 - Integrated Development Referral – General Terms of Approval  
**Dev Ref:** DA-471/2023.  
**Description:** Demolition of all structures, tree removal and construction of two (2) residential flat buildings containing 341 residential apartments and 66 co-living dwellings (affordable housing) over basement carparking consisting of 410 parking spaces, 50 Bicycle parking spaces, 22 Motorcycle parking spaces, with 20 at-grade parking spaces, bulk earthworks and roads, a publicly accessible through site link and open space, and Torrens Title subdivision into three (3) allotments.  
**Location:** Lot 6/-/DP247485, 31-33 Shepherd Street Liverpool  
Lot 2/-/DP1266735, 31-33 Shepherd Street Liverpool

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment-Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment-Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

**The attached GTA issued by the Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.**

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at:  
<https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment-Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment-Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For  
Patrick Pahlow  
Team Leader  
Licensing and Approvals  
Department of Planning and Environment-Water



## General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS-2024-10473  
**Issue date of GTA:** 19 July 2024  
**Type of Approval:** Controlled Activity  
**Location of work/activity:** Lot 6/-/DP247485, 31-33 Shepherd Street Liverpool  
Lot 2/-/DP1266735, 31-33 Shepherd Street Liverpool  
**Waterfront Land:** Georges River  
**DA Number:** DA-471/2023.  
**LGA:** LIVERPOOL

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council and **before** the commencement of any work or activity.

Condition Number	Details
------------------	---------

TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
---------	--

TC-G004	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA-471/2023. provided by Council to Department of Planning and Environment-Water.
---------	---

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

TC-G005	A. The application for a controlled activity approval must include the following plan(s): <ul style="list-style-type: none"><li>• Site plans - delineating extent of waterfront land, and any encroachments and offsets.</li><li>• Detailed civil construction plans - for works on waterfront land</li><li>• Erosion and sediment control plans</li><li>• Construction detailed drainage plans</li><li>• Construction stormwater drainage outlet plan</li><li>• Landscape plan</li><li>• Construction detailed bulk earthworks plans</li></ul>
---------	---

B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website  
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>



## General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2024-10473 as provided by Council:

- Without Prejudice Covering Letter, prepared by Mosca Pserras Architects, dated 04/06/2024
- Site and Architectural Plans, Ref. 21023, prepared by Mosca Pserras Architects, Rev. A, dated 28/05/2024
- Landscape Plans, Ref. SS22-5066, prepared by Site Image Landscape Architects, Iss. 1, dated 28/05/2024
- Stormwater Management Plan and Civil Works Package, Ref. 0050, prepared by Enscape Studio Pty Ltd, dated May 2024

## Attachment 5 - TfNSW – Sydney Trains Requirements

Transport for NSW



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

Attention: Nabil Alaeddine

17 October  
2023

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021  
DEVELOPMENT APPLICATION – DA-471/2023 – CNR-60505  
31-33 Shepherd Street, Liverpool NSW 2170

Dear Sir/Madam,

I refer to Council's referral requesting concurrence for the above development application in accordance with Section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the Bankstown Line heavy rail corridor, including infrastructure, and to process the concurrence for this development application.

As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP being:

- a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
  - i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in development application DA-471/2023 subject to Council imposing the operational conditions as written in Attachment A that will need to be complied with.

Should Council choose not to impose the operational conditions as written in Attachment A, then concurrence from TfNSW (Sydney Trains) has not been granted to the proposed development.

In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and



Transport for NSW



Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. TfNSW (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.

Council is also advised that this concurrence is not to be amended, replaced, or superseded by any concurrence issued by any other rail authority, without further agreement from TfNSW (Sydney Trains).

Please contact TfNSW (Sydney Trains) Town Planning Management via email to [DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au) should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Sincerely,

 Digitally signed  
by Steven Heapy  
Date: 2023.10.17  
11:41:18 +11'00'

Steven Heapy  
Director Land and Maritime Planning  
Transport for NSW



Transport for NSW



## Attachment A

- Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
- No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

## Transport for NSW



- Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
- Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- The Applicant/Developer shall not at any stage block the corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- No scaffolding is to be used facing TAHE (Transport Asset Holding Entity) electrical assets unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and

## Transport for NSW



securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto TAHE electrical assets. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

- Sydney Trains advises they have a High Voltage Aerial Transmission Line (33kV) immediately adjacent to the development site. The proposed development should note the requirements of the below electrical standards/guidelines:
  - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
  - “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”

In addition, all Landscaping should be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan.

- Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant’s obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

**ATTACHMENT 6 - NSW Police Requirements**

For Official Use Only

**Development Application Review**

RMS Reference:

|

DA Reference No: DA-471/2023

Council: Liverpool City Council

Property address:

LOT 6 DP 247485, LOT 2 DP 1266735  
31 SHEPHERD STREET, LIVERPOOL NSW 2170, 33 SHEPHERD STREET, LIVERPOOL NSW  
2170

**1. Introduction**

In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Development Application DA-471/2023.

**2. Proposed development**

DEMOLITION OF ALL STRUCTURES, TREE REMOVAL AND CONSTRUCTION OF TWO (2) RESIDENTIAL FLAT BUILDINGS CONTAINING 341 RESIDENTIAL APARTMENTS AND 66 CO-LIVING DWELLINGS (AFFORDABLE HOUSING) OVER BASEMENT CARPARKING CONSISTING OF 410 PARKING SPACES, 50 BICYCLES PARKING SPACES, 22 MOTORCYCLE PARKING SPACES AND 20 AT-GRADE PARKING SPACES.

THE DEVELOPMENT INCLUDES CONSTRUCTION AND DEDICATION OF A NEW PUBLIC ROAD, BULK EARTHWORKS, THE PROVISION OF ANCILLARY SERVICES, DRAINAGE AND LANDSCAPE WORKS, PUBLICLY ACCESSIBLE THROUGH SITE LINK AND OPEN SPACE, AND TORRENS TITLE SUBDIVISION INTO THREE (3) ALLOTMENTS.

THE PROPOSAL IS NOMINATED INTEGRATED DEVELOPMENT, PURSUANT TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, REQUIRING A CONTROLLED ACTIVITY APPROVAL FROM THE

**Liverpool City PAC/ Crime Prevention Unit**

193 Wilson Rd, Green Valley, NSW 2000

T 02 9607 1799 F 02 9607 1711 W [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non-emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously

For Official Use Only

For Official Use Only



DEPARTMENT OF PLANNING & ENVIRONMENT - WATER UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000.

THE PROPOSAL IN INTEGRATED DEVELOPMENT, PURSUANT TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 197, REQUIRING GENERAL TERMS OF APPROVAL FROM WATER NSW UNDER SECTION 90 OF WATER MANAGEMENT ACT 2000.

THE PROPOSAL IS IDENTIFIED AS INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM NSW RURAL

### Recommendations

Police have reviewed the above DA application and do not oppose the development application. The Principles of Crime Prevention Through Environmental Design coupled with police recommendations are aimed at targeting and hardening the location to prevent crime in the highest degree. As such, the following recommendations are made:

- High level of CCTV coverage the entry and exit of the location, coverage of all in and outside of the buildings (**footage must be kept for 30 days**).  
The police are requesting that all blind spots within the complex be covered with CCTV coverage to ensure the public and resident safety and provide security to the location.
- The location must have enough lighting at night. Police recommend that lights be maintained and regularly checked to ensure that there is enough lighting within and outside of the buildings. All expired lightbulbs are to be replaced immediately when it has stopped working as the lights assist CCTV cameras in capturing clear footage.
- Any overgrown shrubs must be trimmed and maintained on a regular basis.

### Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.

### **Liverpool City PAC/ Crime Prevention Unit**

193 Wilson Rd, Green Valley, NSW 2000

T 02 9607 1799 F 02 9607 1711 W [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

TTY 02 9211 3776 for the hearing and speech impaired ABN 45 436 613 180

TRIPLE ZERO (000)	POLICE ASSISTANCE LINE (131 444)	CRIME STOPPERS (1800 333 000)
Emergency only	For non-emergencies	Report crime anonymously

For Official Use Only

For Official Use Only



- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Yours sincerely,

Senior Constable Kee Sisouvath  
Liverpool City Police Area Command  
Crime Prevention Officer  
(02) 9607 1742

13/05/2024

**Liverpool City PAC/ Crime Prevention Unit**

193 Wilson Rd, Green Valley, NSW 2000

T 02 9607 1799 F 02 9607 1711 W [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non-emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously

For Official Use Only



# ATTACHMENT 7 - TfNSW Requirements – Roads Requirements

Transport for NSW

8 July 2024

TfNSW Reference: SYD24/01133/01  
Council Reference: DA-471/2023 (CNR-60505)



Mr. Jason Breton  
A/Chief Executive Officer  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC NSW 1871

Attention: Nabil Alameddine

---

**CONSTRUCTION OF RESIDENTIAL FLAT BUILDINGS  
31-33 SHEPHERD STREET, LIVERPOOL**

Dear Mr Breton,

Reference is made to Council's referral dated 19 June 2024, regarding abovementioned Development Application (DA) which was referred to Transport for NSW (TfNSW) for comment in accordance with clause 2.122 *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the submitted DA and advise that the proposed development will not impact the surrounding classified road network.

For more information, please contact Zeliha Cansiz, Development Assessment Officer by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Your sincerely,

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

Brendan Pegg  
Senior Manager Land Use Assessment Central and Western  
Planning and Programs, Greater Sydney Division

---

OFFICIAL

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2124

W [transport.nsw.gov.au](http://transport.nsw.gov.au)

# ATTACHMENT - Sydney Water Requirements



9 July 2024

Our reference: 210561

Nabil Alaeddine  
Liverpool City Council  
[alaeddinen@liverpool.nsw.gov.au](mailto:alaeddinen@liverpool.nsw.gov.au)

## RE: Development Application DA-471/2023 at 31-33 Shepherd Street, Liverpool

Thank you for notifying Sydney Water of DA-471/2023 at 31-33 Shepherd Street, Liverpool, which proposes the construction of a 21-storey tower and 26-storey tower, as part of the Shepherd Street Precinct. The proposal will include the following key features:

- Demolition of existing structures and tree removal
- Torrens title subdivision into three lots
- Construction of two residential flat buildings containing a total of 343 residential apartments and 66 co-living dwellings

Sydney Water has reviewed the application based on the information supplied and provide the following comments to assist in understanding the servicing needs of the proposed development.

Our system indicates that statutory referral response letters were issued for the initial DA lodgement on 3 November 2023 via the Planning Portal, with an updated advice letter following it on 27 March 2024.

Sydney Water has reviewed the amended supporting documents and plans and has no additional comments to make to the Sydney Water advice issued on 27 March 2024, a copy of which is enclosed and remains applicable.

We like to re-iterate from our previous letter that we have not yet receive any Growth information from the proponent. A Growth Data Form has been attached again for reference and is requested that the applicant has it filled in. More information on the importance of it can be referred as below.

### Growth information

Sydney Water supports government-backed growth initiatives within our area of operations, striving to provide timely and cost-effective water and wastewater infrastructure without undue impacts. To offer robust servicing advice and investigate staged servicing possibilities, we require anticipated ultimate and annual growth data for this development as outlined in the enclosed Growth Data Form.

A Feasibility application will enable a comprehensive servicing review ensuring the proposed development is considered in any potential planning that we might be undertaking. Failure to provide this information may impede proper planning requirements for the proposed development and for the broader area. The completed growth form should be submitted by the proponent to Sydney Water as part of the Feasibility application via a Water Servicing Coordinator (WSC), citing this referral response and our reference number.

Sydney Water Corporation ABN 49 776 225 038  
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124  
Telephone 13 20 92 Media (24/7) 8849 5151 [sydneywater.com.au](http://sydneywater.com.au)





**Next steps**

- Should the Council decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. Further details of the conditions can be found in **Attachment 1**.
  - Section 73 Compliance Certificate
  - Building Plan Approval
- Given the scale and complexity of the proposed development, further investigations will be required to determine the servicing requirements for this site. It is strongly recommended that a **Water Servicing Coordinator** is engaged as soon as possible, and a **Feasibility application** is submitted with Sydney Water.
- The proponent should complete and return the enclosed Growth Data Form as part of their Feasibility. The Growth Data Form should be updated promptly with Sydney Water in case of changes or every six months.
- Council is advised to forward the enclosed *Sydney Water Development Application Information Sheet (for proponent)* to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

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](#).

Council can read further advice on requirements for this proposal in Attachments 1. If the proponent has any questions, they should contact their Sydney Water case manager once a Feasibility is lodged. Should Council require further information, please contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,



**Kristine Leitch**  
Commercial Growth Manager  
City Growth and Development  
Water and Environment Services  
Sydney Water, 1 Smith Street, Parramatta NSW 2150

**Enclosed:**

- Sydney Water Development Application Information Sheet (for proponent)
- Sydney Water Growth Data Form
- Sydney Water advice letters for DA-471/2023 issued on 27 March 2024

Sydney Water Corporation ABN 49 776 225 038  
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124  
Telephone 13 20 92 Media (24/7) 8849 5151 [sydneywater.com.au](http://sydneywater.com.au)



## Attachment 1 – Recommended Development Conditions

### Prior to the issue of an Occupation/Subdivision Certificate:

#### **Section 73 Compliance Certificate**

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

### Prior to the issue of a Construction Certificate/Complying Development Certificate:

#### **Building Plan Approval (including Tree Planting Guidelines)**

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in@](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

#### **Tree Planting**

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Sydney Water Corporation ABN 49 776 225 038  
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124  
Telephone 13 20 92 Media (24/7) 8849 5151 [sydneywater.com.au](http://sydneywater.com.au)



## ATTACHMENT 9 – Endeavour Energy requirements

**Development Application and Planning Proposal Review  
NSW Planning Portal Concurrence and Referral**


Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-471/2023	CNR-60505	Nabil Alaedine	26/09/2023	17/10/2023	27/09/2023

Address	Land Title
31 - 33 Shepherd Street Liverpool NSW 2170	Lot 6 DP 247485, Lot 2 DP 1266735

Scope of Development Application or Planning Proposal
Demolition of all structures, tree removal and construction of two (2) residential flat buildings containing 341 residential apartments and 66 co-living dwellings (affordable housing) over basement carparking consisting of 410 parking spaces, 50 Bicycle parking spaces, 22 Motorcycle parking spaces, with 20 at-grade parking spaces, bulk earthworks and roads, a publicly accessible through site link and open space, and Torrens Title subdivision into three (3) allotments.

Endeavour Energy's G/Net master facility model indicates:				
Within or adjacent to the site the electrical network used in the distribution / supply of electricity are:				
Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
<b>Overhead Power Lines</b>				
<input checked="" type="checkbox"/> Low voltage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> High voltage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transmission voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pole / tower	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Underground Cables</b>				
<input type="checkbox"/> Low voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> High voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transmission voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Streetlight / pillar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Substation</b>				
<input type="checkbox"/> Pole mounted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Padmount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Indoor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transmission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).  
High voltage above 1,000 volts a.c. and less than 33,000 volts a.c. (33 kilovolts (kV)).  
Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).

\*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.  
\*\* Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.  
\*\*\*Protected works under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1996 (NSW).  
Other: provide detail of electricity infrastructure / apparatus.

**POWER**  
together

Endeavour Energy  
ABN 9 347 065 629  
T 150 719  
Level 40-42, 8 Farsman Square  
10 Derry Street Parramatta NSW 2150  
PO Box 971, Seven Hills NSW 1500  
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review Indicated by ☑.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Look up and Live	Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
<input type="checkbox"/>	<input type="checkbox"/>	21	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.



Condition	Advice	Clause No.	Issue	Detail
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	29	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	30	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	31	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	34	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	35	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	36	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network infrastructure.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
<b>Decision</b>				Approve (with conditions)

**Environmental Services Team**

P 133 718 or (02) 9853 6666  
 E [Property.Development@endeavourenergy.com.au](mailto:Property.Development@endeavourenergy.com.au)

Level 40-42, 8 Parramatta Square, 10 Darcy Street  
 Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

[endeavourenergy.com.au](http://endeavourenergy.com.au) |    



**Endeavour  
Energy**

**POWER  
together**



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.



**Reason(s) for Conditions or Objection (If applicable)**

- The Statement of Environmental Effects does not appear to address in the easement for 11,000 volt / 11 kilovolt high voltage overhead power lines affecting the site. It refers to the future dedication of proposed Lot 1 [which includes (A) EASEMENT FOR TRANSMISSION LINE 12.19 WIDE (R441237)] as a public road.
- All encroachments and / or activities (works) within or affecting an easement, restriction, right of access or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easements Officers for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities.

For further information please refer to the attached copies of Endeavour Energy's:

- General Restrictions for Overhead Power Lines.
  - Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.
- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- An extension or augmentation of the existing electricity distribution network will be required. Whilst there are distribution substations in the area which are likely to have some spare capacity, it is not unlimited and unlikely to be sufficient to provide for any additional load from the proposed development.

Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.

- Any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

The below copy and extract of the Site Plan shows provision of two 'Substation Kiosk'.

- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.
- The minimum required safety clearances and controls for buildings and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building or structure, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2008' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV). It also includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

**Endeavour Energy's G/Net master facility model.**

The advice provided regarding the extent of the electricity infrastructure on or near the site is based on a desk top review of Endeavour Energy's G/Net master facility model. This is a computer based geographic information system which holds the data on and is used to map the electricity network. The location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. It only shows the Endeavour Energy electricity network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property.

**Easement (or other form of property tenure).**

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

**Condition or Advice**

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement and will be generally indicated as 'Condition'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is no underground electricity infrastructure it will be indicated as 'Advice' as a precaution and in regard to any other underground utilities.

Not all of the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. Even if a matter is not indicated as 'Condition' or 'Advice', applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

**Decision**

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as for 'Advice', the outcome of the assessment will also be 'Advice'.

**Objection**

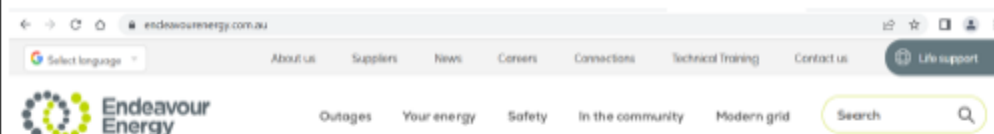
Endeavour Energy may object to a Development Application if the conditions may substantially impact the proposed development or regarded as a significant risk to the electricity distribution network. Although Council may be able to appropriately condition these matters, Endeavour Energy's recommendation is to address the matters prior to Council granting any consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

Please note Endeavour Energy can only assess the Development Application based on the information provided by the applicant and Council. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or Council. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application.



**Further Advice**

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



To resolve any objection or to seek further advice the following are the main contacts and can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 8888. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Team are able to provide general advice, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	<a href="mailto:cicadmin@endeavourenergy.com.au">cicadmin@endeavourenergy.com.au</a>
Easements Officers	Easement management or protected works / assets.	<a href="mailto:Easements@endeavourenergy.com.au">Easements@endeavourenergy.com.au</a>
Property	Property tenure eg. the creation or release of easements.	<a href="mailto:network_property@endeavourenergy.com.au">network_property@endeavourenergy.com.au</a>
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	<a href="mailto:Construction.Works@endeavourenergy.com.au">Construction.Works@endeavourenergy.com.au</a>

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

**Accredited Service Providers**

The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans to in order to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

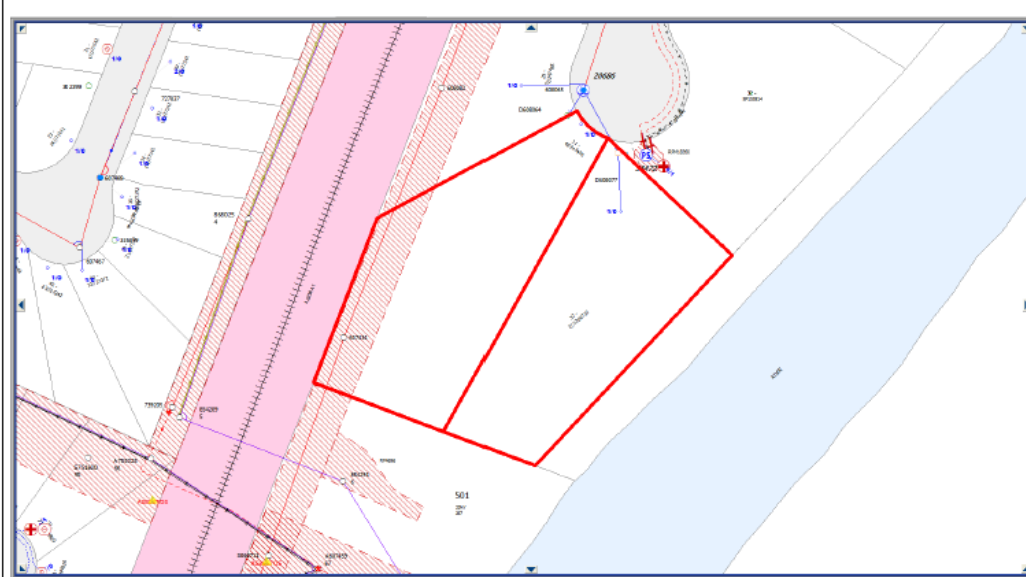
Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.

**Duty of Care**

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

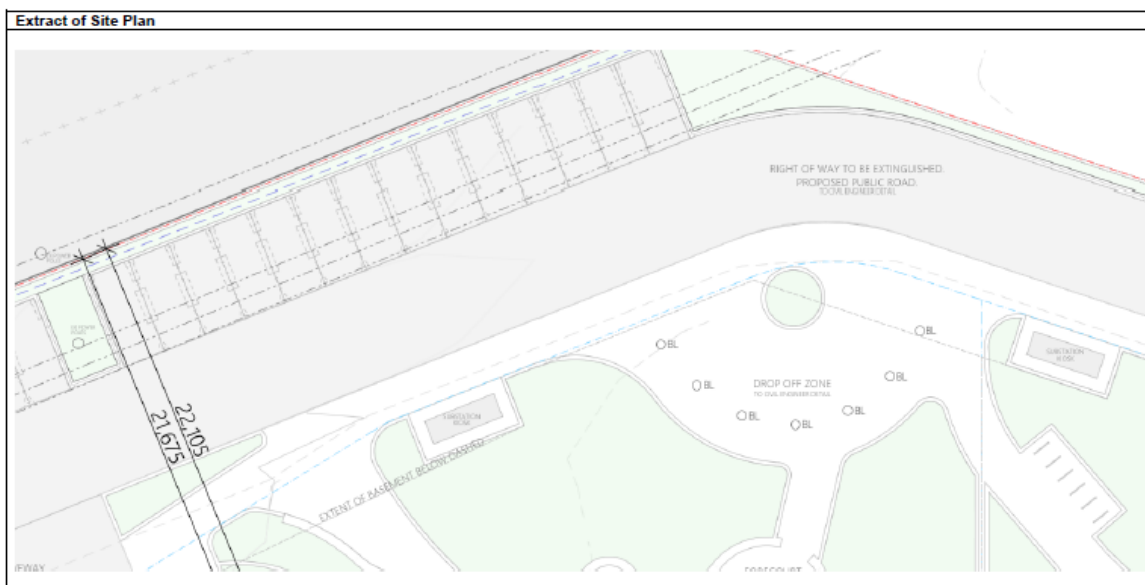
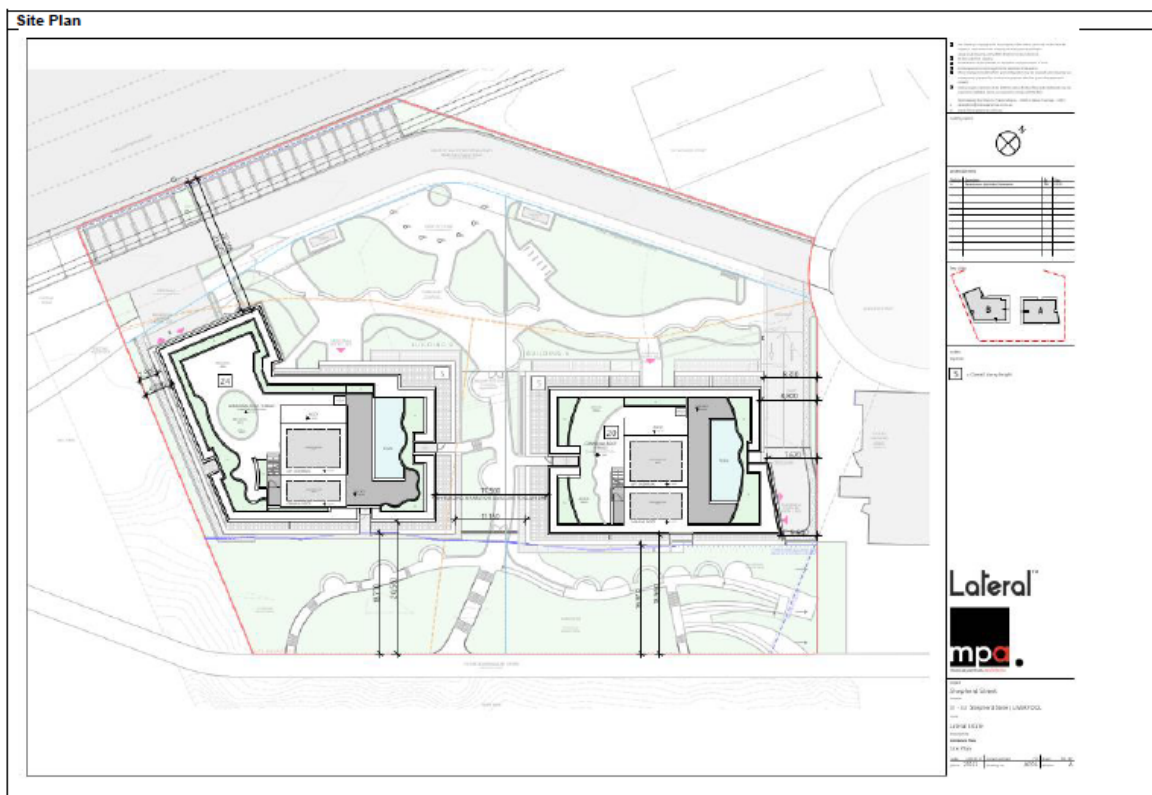
- 1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
- 2) Comply with the conditions and consider the advice provided above.
- 3) If needed contact Endeavour Energy on 133 718 or the contacts provided above for assistance.
- 4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
- 5) Proceed only if you have satisfied yourself it is safe.
- 6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.

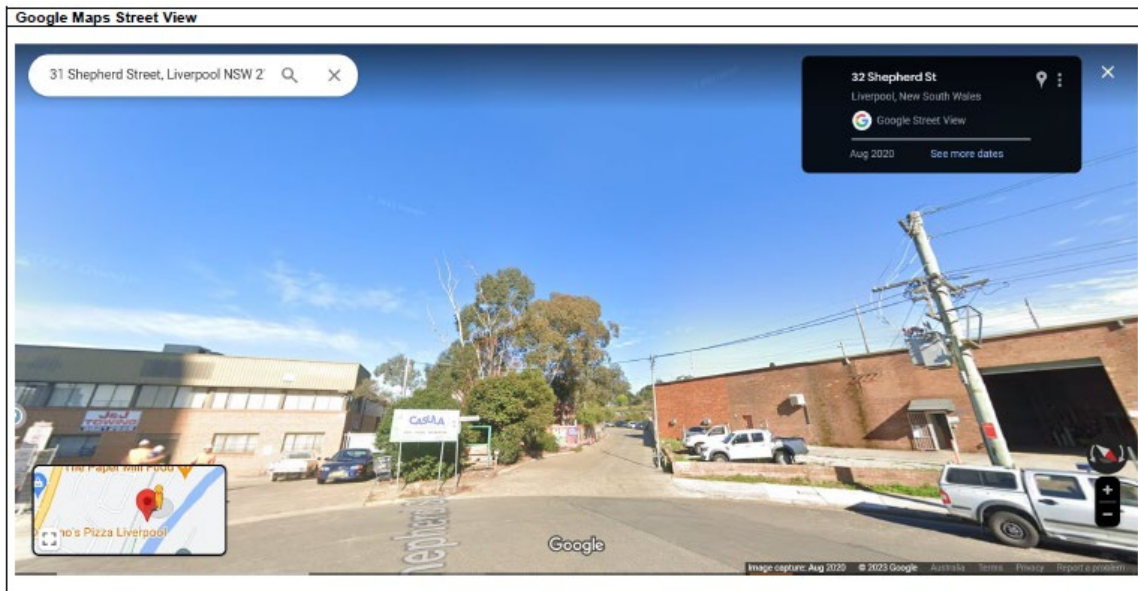
Site Plan from Endeavour Energy's G/Net Master Facility Model



Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan does not constitute the provision of information on underground electricity power lines by network operators under Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Voltage regulator
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Load break switch
	Recloser
	Proposed removed
	Easement
	Subject site







## Extract of Flora &amp; Fauna Surveys, Biodiversity Impact Assessment and Riparian Zone Assessment



**Figure 12** - Site location of section of Mill Park adjoining 31 & 33 Shepherd Street, Liverpool, the immediate area between the rear of 31 and 31 Shepherd Street, has been cleared and graded with the scrubland at Mill Park containing some native species amongst an assemblage of woody and herbaceous weed species.

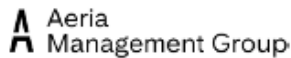
## Extract of Geotechnical &amp; Hydrogeological Investigation



**Photo 2**

Overview of existing site conditions at the north-western part of the site at 31 Shepherd Street, adjacent to Powerhouse Road and the Main Southern Railway Line. View looking southwest.

## ATTACHMENT 10 - Bankstown Airport Requirements



Liverpool City Council

Development Assessment

Reference DA471 / 2023

LOT 6 DP 247485 and LOT 2 DP 1266735,  
31 & 33 Shepherd St Liverpool NSW

Dear Nabil

Thank you for your email dated 11/07/2024 regarding the above address.

Aeria Management Group (Bankstown Airport Pty Limited) advises that the above development has been assessed against the Prescribed Airspace for Bankstown Airport and that the proposed building constructed to the amended maximum heights of RL103.500 & 87. metres will not impact flight operations at Bankstown Airport.

Bearing in mind crane activities to construct these buildings may infringe Airspace.

On this basis Bankstown Airport Pty Limited has no objections to the proposed building construction up to a maximum height of 97.300m AHD, with a condition of consent that a separate crane application request must be submitted and approved prior to any works going ahead should a crane be required for construction.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Collins'.

Alan Collins

Aviation Compliance Manager

16A Airport Ave,  
Bankstown Aerodrome  
NSW 2200  
P 02 8709 9400  
E info@aeria.co  
W aeria.co

Bankstown Airport Pty Ltd  
ABN 50 083 058 637  
ACN 083 058 637  
Camden Airport Pty Ltd  
ABN 23 083 056 464  
ACN 083 056 464