

Without prejudice draft conditions

## General Conditions

### 1. (A002) Approved plans and supporting documentation

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

Approved plans				
Plan Title	Plan reference	Revision	Drawn by	Dated
Urban Context	230144 - DA2.1b	A	Clarke Hopkins Clarke	12.11.2024
Lower Ground Floor Plan	230144-DA3.1	B	Clarke Hopkins Clarke	12.11.2024
Upper Ground Floor Plan	230144-DA3.2	B	Clarke Hopkins Clarke	12.11.2024
Upper Ground Floor Plan - Interim Planting	230144-DA3.2b	A	Clarke Hopkins Clarke	12.11.2024
First Floor Plan	230144-DA3.3	B	Clarke Hopkins Clarke	12.11.2024
Roof Plan	230144-DA3.4	B	Clarke Hopkins Clarke	12.11.2024
Building Elevations - Sheet 1	230144-DA4.1	C	Clarke Hopkins Clarke	12.11.2024
Building Elevations - Sheet 2	230144-DA4.2	B	Clarke Hopkins Clarke	12.11.2024
Material Palette	230144-DA6.1	A	Clarke Hopkins Clarke	19.06.2024
External Signage Details	230144-DA7.4	A	Clarke Hopkins Clarke	19.06.2024
View of Northern Piazza	-	-	Clarke Hopkins Clarke	Submitted via the NSW Planning Portal on 12.11.2024
View of Pedestrian Link	-	-	Clarke Hopkins Clarke	Submitted via the NSW Planning Portal on 12.11.2024
View from Future Southern Park	-	-	Clarke Hopkins Clarke	Submitted via the NSW Planning Portal on 12.11.2024
View from Southern Parking Area	-	-	Clarke Hopkins Clarke	Submitted via the NSW Planning Portal on 12.11.2024
View from Southern Park	-	-	Clarke Hopkins Clarke	Submitted via the NSW Planning Portal on 12.11.2024
Corner of Gurner	-	-	Clarke	Submitted via the

Avenue and Fourth Avenue			Hopkins Clarke	NSW Planning Portal on 12.11.2024
Fourth Avenue Elevation - Loading Dock Access	-	-	Clarke Hopkins	Submitted via the NSW Planning Portal on 12.11.2024
Landscape DA Documentation (12 pages)	-	-	Ground Ink Landscape Architects	Submitted via the NSW Planning Portal on 12.11.2024

**Approved documents**

Document title	Reference number	Prepared by	Dated
Waste Management Plan	F03	Salt3	12 November 2024
Traffic Report	12301/2	Colston Budd Rogers & Kafes	June 2024
(Response to Traffic Matters) NORTH AUSTRAL WOOLWORTHS	TR/12301/mc	Colston Budd Rogers & Kafes	11 November 2024
(Acoustic Report) Austral North 495 Fourth Avenue Austral Proposed Shopping Centre	6190R002.LB.240612 Rev: 0	Acoustic Dynamics	12 June 2024
Odour Assessment	-	Todoroski Air Sciences	12 February 2024
Re: Review of Contamination Status 495 Fourth Ave Austral NSW 2179	P202313 495 Fourth Ave Austral	Peter Moore of PEM Environmental	20 October 2023
Geotechnical Site Investigation Report	NE1784	Geotesta	27 October 2023
Crime Prevention Through Environmental Design Report	M230257	Planning Ingenuity	18 June 2024
Aboriginal Cultural Heritage Due Diligence Assessment	23064 Version 2	Austral Archaeology	13 February 2024
ESD Report	SY232305-01 Revision3	Northrop	20 June 2024
BCA and Fire Safety Assessment Report	BCADAR_23199_R1.0	Hontas Hatzi & Co	12 June 2024
Accessibility Design Assessment Report	ADAR_23198_R1.1	Hontas Hatzi & Co	12 June 2024
Supermarket Potential Assessment	-	Location iQ	June 2024

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

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

2.	<p><b>(A015) External Agency Requirements</b></p> <p>All requirements issued by external agencies , shall be complied with prior, during, and at the completion of construction, as specified in accordance with the requirements as follows:</p> <ul style="list-style-type: none"> <li>• Transport for NSW dated 20 September 2024;</li> <li>• Endeavour Energy dated 23 July 2024;</li> <li>• Sydney Water dated 16 August 2024; and</li> <li>• NSW Police Force dated 1 August 2024.</li> </ul> <p>A copy of these requirements is attached to this decision notice.</p> <p><b>Condition reason:</b> To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.</p>
3.	<p><b>(A025) Comply with EP&amp;A Act</b></p> <p>The requirements and provisions of the Environmental Planning &amp; Assessment Act 1979 and Environmental Planning &amp; Assessment Regulation 2021, must be fully complied with at all times.</p> <p>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.</p> <p><b>Condition reason:</b> This condition is imposed to ensure compliance with legislative requirements.</p>
4.	<p><b>(A032) Shoring and adequacy of adjoining property</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</li> <li>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— <ol style="list-style-type: none"> <li>1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</li> <li>2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</li> </ol> </li> <li>3. This section does not apply if— <ol style="list-style-type: none"> <li>1. the person having the benefit of the development consent owns the adjoining land, or</li> <li>2. the owner of the adjoining land gives written consent to the condition not applying.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p><b>(A040) Compliance with the Building Code of Australia</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>.</li> <li>4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply— <ol style="list-style-type: none"> <li>1. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or</li> <li>2. to the erection of a temporary building, other than a temporary structure to which</li> </ol> </li> </ol>

subsection (3) applies.

**Condition reason:** Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

**6. (A050) Works at no cost to Council**

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

**Condition reason:** To ensure fairness, transparency and probity.

**7. (A060) Erection of signs**

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  1. showing the name, address and telephone number of the principal certifier for the work, and
  2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  3. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
  1. maintained while the building work, subdivision work or demolition work is being carried out, and
  2. removed when the work has been completed.
4. This section does not apply in relation to—
  1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  2. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**Condition reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

**8. (A130) Council Wastewater Requirements**

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.

**Condition reason:** To promote orderly development supported by adequate infrastructure.

## Building Work Before Issue of a Construction Certificate

**9. (B010) Design amendments**

Before the issue of a construction certificate, the approved plans are to be amended, and other documentation is to be submitted to the satisfaction of Liverpool City Council. The following matters are to be addressed:

1. A Connecting to Country strategy during the detailed design stage is to be prepared and must be submitted to Council. This strategy should include engagement sessions and workshops with local Indigenous communities or groups to gather their feedback and input on the proposed development. It should incorporate local stories, narratives, and Indigenous values, and demonstrate how these will be integrated into the overall design, including its impact on architectural expression, landscape design enhancements, and the public art strategy.
2. Detailed public domain design including street layout, footpath, shared path, tree planting and street furniture design.
3. Large trees within confined spaces are not suitable and as such, the landscaped deep soil buffer zone along the southern boundary is to be widened. As such, the applicant is to reduce the east-west aisle widths of the at-grade carpark from 7m to a width of 6.6m and in turn reallocating 800mm of space into this deep soil zone area, which will provide a suitable width to support the

- proposed canopy trees and still be in line with the Australian Standards for carparking.
4. The width of the raised deep soil planter boxes in the parking area scattered within the southern portion of the at-grade carpark, are to have a width of 2-2.5m.
  5. An additional one (1) deep soil planter box is to be provided within the southern portion of the at-grade carpark area.
  6. An additional seven (7) landscape bays/ deep soil planter boxes are to be provided within the carpark area in place of parking spaces, scattered around the remaining area of the at-grade parking area to provide additional tree canopy coverage and still meet compliance with the required carparking spaces for the centre. Suggested locations for these areas can be as follows (as per parking space number on the approved Upper Ground Floor Plan):
    - 2 spaces at either end of the central parking strip (total of 4 bays) (numbered 49, 68, 69 & 88).
    - 1 space along the eastern parking strip (numbered 25)
    - 2 spaces along the northern parking strip (numbered 35 & 44)
  7. Inconsistencies have been identified between the architectural plans and landscape plans regarding the design, layout, and levels of these planter boxes. The approach documented in Landscape Section A of the landscape plans is supported by Council, which proposes lower and larger planter boxes capable of effectively providing desired shading for parking spaces. Therefore, the applicant must update all other drawings, including architectural plans, CGI renderings, and civil engineering drawings, to align with the approved landscape plans.
  8. Other planter boxes within the parking area also appear to be quite narrow. The applicant is required to review the landscape design, confirm the feasibility of planting, and include all necessary annotations on the relevant plans, particularly concerning the narrow planters along the pedestrian link and entry from the carpark to the upper level mall, which are intended to contribute to canopy coverage.
  9. The architectural plans indicate that the level of the south-western deep soil zone is at RL 83.7, which is lower than the future local street. The level of this deep soil area is to be raised to street level to achieve a better interface to the public domain. With this, the applicant is to also confirm the location of the fire egress from the stairs in this area.
  10. Additional treatment, including any screening or vegetation around the substation area is to be provided to provide a better interface with the public domain.

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

**10. (B020) Equal access to the premises**

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

**Condition reason:** To ensure safe and easy access to the premises for people with a disability

**11. (B024) Preparation of construction and fit out plans for food and drink premises**

Before the issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) for Woolworths supermarket must be prepared by a suitably qualified person. The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the principal certifier:

1. Food Standards Code (Food Safety Standard 3.2.3 – Food Premises and Equipment)
2. Food Act 2003 and Food Regulation 2015
3. Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises
4. Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage
5. Sydney Water commercial trade wastewater requirements for food premises, and
6. any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.

	<p><b>Condition reason:</b> To ensure detailed construction and fit out plans are submitted which comply with the relevant standards</p>
12.	<p><b>(B048) Street Lighting</b></p> <p>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.</p> <p>This form is to be used to seek Council requirements for upgrading or installing new street lights at all frontages.</p> <p>Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas.</p> <p>The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief.</p> <p><b>Condition reason:</b> To ensure adequate street lighting is provided for the development.</p>
13.	<p><b>(B054) Retaining Walls on Boundary</b></p> <p>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.</p> <p>Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
14.	<p><b>(B055) S138 Roads Act - roadworks requiring approval of civil drawings</b></p> <p>Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Road and drainage construction on Gurner Avenue and associated civil works; and stormwater, footpath and associated civil works on Fourth Avenue.</p> <p>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.</p> <p>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.</p> <p>Engineering plans are to be consistent with plans by Henry and Hymas, reference number 231125, revision 3, dated 19/11/2024 and all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.</p> <p>The S138 approval may include but is not limited to the following:</p> <ul style="list-style-type: none"> <li>• Stormwater drainage including water quantity and quality treatment measures</li> <li>• Private access driveways</li> <li>• Sediment and erosion control measures</li> <li>• Overland flowpaths</li> <li>• Flood control measures</li> <li>• Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.</li> <li>• Earthworks</li> <li>• Bridges, culverts, retaining walls and other structures</li> <li>• Landscaping and embellishment works</li> </ul>

The following is also to be addressed:

i. A copy of the Liverpool City Council Design Certification Report and Design checklist, Annexure DQS-A of Council's *Quality Assurance Requirements for Design specification* is to be completed and submitted with S138 application.

ii. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is collected within and conveyed through the site, without adverse impact on the development and adjoining properties.

iii. Stormwater details and calculations shall be submitted to ensure all pipe sizes will have adequate capacity to convey future upstream post development flows.

iv. Scour protection/energy dissipater device must be provided at the outlet of the drainage structure and/or lines.

v. A cross-section detail of stormwater pipe showing:  
a) layer thickness of the bedding zone, haunch zone, backfill and pavement layers  
b) width of trench  
c) material for the backfill and bedding zone

vi. Sediment and erosion control measures, which are to be in accordance with the Protection of the Environment Operations Act 1997 and "Managing Urban Stormwater: Soils and Construction" (also known as "The Blue Book") by the NSW Department – Office of Environment and Heritage.

viii. Designs levels are to be coordinated with approved development design levels on adjoining sites.

ix. A geotechnical report from a suitably qualified geotechnical engineer detailing the subsurface profile together with recommendations for earthworks placement, design CBR, pavement design, any required subgrade improvement, anticipated site classification and recommendations for batter slopes and any retaining structures.

x. All services required to adequately service the development are to be shown on the engineering drawings submitted for S138 approval including duct configurations, road crossings, water and sewer services, electrical services and light columns positions. Existing services that are to remain are to be adjusted to suit the new levels and works to the satisfaction of the relevant authority.

xi. If work is required on neighbouring land, a written consent from property owners shall be submitted to Council.

- The undergrounding of existing aerial power lines and communications cables for the entire frontage of the development site on Gurner Avenue and Fourth Avenue shall be submitted to Council for review and approval prior to any construction works. The applicant/developer shall engage the services of Endeavour Energy accredited ASP lever 3 service provider to prepare the electrical design and to obtain certification from Endeavour Energy.

**Condition reason:** To ensure fairness, transparency and probity.

15. **(B075) Fee Payments**

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council

does not collect these payments, copies of receipts must be provided. The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.25% of the cost of building work where the costing of the CC is \$250,000 or more.

These fees are reviewed annually and will be calculated accordingly.

**Condition reason:** To ensure statutory or associated fees are paid prior to construction commencing.

16. **(B081) Site Development Work**

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

**Condition reason:** To prevent unauthorised commencement of building works.

17. **(B099) Substation**

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

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

18. **(B112) Notification**

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

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

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

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

19. **(B116) Products banned under the Building Products (Safety) Act 2017**

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

**Condition reason:** To ensure no banned products are used for a building's external cladding.

20. **(B120) Cladding**

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

**Condition reason:** To ensure that the external cladding installed on a building is compliant.

21. **(B134) Crime Prevention Through Environmental Design**

The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:

- (a) back to base alarm system (only if commercial near residential),
- (b) basement parking areas shall be painted a light colour,
- (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building,
- (d) 'way finding' signage should be utilised at all major interchanges such as lifts and stair wells,
- (e) lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should



be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting,

- (f) corrugated ramps to prevent skate boarding activities,
- (g) glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders,
- (h) any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details, and
- (i) access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

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

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

**22. (B135) Provision of Services - Sydney Water**

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

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

**Condition reason:** To ensure fairness, transparency and probity.

**23. (B136) Provision of Services - Endeavour Energy**

Prior to the issue of a Construction Certificate, a written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the Principal Certifier.

**Condition reason:** To ensure fairness, transparency and probity.

**24. (B137) Provision of Services - Telecommunications**

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

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

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

**Condition reason:** To ensure fairness, transparency and probity.

**25. (B149) S138 Roads Act - Minor Works in the public road**

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

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

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

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

**Condition reason:** To ensure fairness, transparency and probity.

26. **(B156) Waste Storage Room**

Prior to the issuing of a construction certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:

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

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

**Condition reason:** To ensure compliance with construction requirements and to mitigate risks to human health and the environment.

27. **(B162) Recommendations of Acoustic Report**

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

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

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

**Condition reason:** To mitigate potential intrusive noise and amenity impacts.

28. **(B355) Food Premises - Construction**

Before the issue of a construction certificate, the certifier must be satisfied the relevant construction certificate plans for Woolworths supermarket demonstrate that the fit-out and construction of the premises complies with the following requirements:

- Building Code of Australia
- AS4674-2004 – Design, construction and fit-out of food premises
- Australia New Zealand Food Standards Code, and
- Australian Standard 1668 (Part 1 & 2).

**Condition reason:** To mitigate public health risks and ensure compliance with relevant legislative requirements.

29. **(B360) Construction Environmental Management Plan (CEMP)**

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

1. Asbestos Management Plan;
2. Project Contact Information;
3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;

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

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

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

### 30. (B361) Construction Site Management Plan

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

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

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

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

### 31. (B380) Mechanical Plant and Equipment

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

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

**Condition reason:** To mitigate potential intrusive noise and amenity impacts.

### 32. (B400) Road design criteria table

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

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Gurner Avenue	10m (half road)	5.4m	4.6m	2.5m shared path	2x10^6

**Condition reason:** To ensure fairness, transparency and probity.

### 33. (B404) Road Safety Audit

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks

by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

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

**Condition reason:** To ensure fairness, transparency and probity.

34. **(B408) Access, Car Parking and Manoeuvring - General**

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

**Condition reason:** To ensure that the design of the facilities is in accordance with the required specifications.

35. **(B410) Access, Car Parking and Manoeuvring - Detail**

The Certifying Authority shall ensure and certify that:

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

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

36. **(B414) Bus Stops**

Possible Bus Stop locations are to be discussed with the local bus companies and are to be designed in accordance with bus company requirements including incorporating the requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

**Condition reason:** To ensure the required bus tops are designed in accordance with Disability Discrimination Act 2002.

37. **(B453) No Loading on Easements**

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

**Condition reason:** To ensure fairness, transparency and probity.

38. **(B456) On-Site Detention**

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Henry and Hymas, reference number 231125, revision 3, dated 19/11/2024.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

**Condition reason:** To ensure fairness, transparency and probity.

39.	<p><b>(B462) Water Quality</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority 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.</p> <p>The Construction Certificate must be supported by:</p> <ol style="list-style-type: none"> <li>Specification &amp; installation details of the stormwater pre-treatment system</li> <li>The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system</li> </ol> <p>A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
40.	<p><b>(B555) Detailed Design Drawings</b></p> <p>Prior to the issue of a construction certificate, the applicant is to conduct further investigations and 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.</p> <p>The plans and documentation is to provide, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>Access into the basement carpark via Gurner Avenue is to be left-in and left-out. The applicant is to submit appropriate plans demonstrating the proposed treatment/s to enforce the right turning ban restrictions around the entrance of the basement carpark off Gurner Avenue.</li> <li>Half width construction of Gurner Avenue along the full frontage.</li> <li>Paved footpath or upgrades where required along the full frontages of the development site.</li> <li>Plans and further investigation to be prepared which examines any required road improvements and intersection treatments for Fourth Avenue and Gurner Avenue, noting a roundabout at this intersection is envisioned under the contributions plan.</li> <li>Any parking restrictions proposed, with Council's approval, along the full frontage of the development site.</li> <li>Plans are to be submitted demonstrating the locations and distances of the proposed accessways into the carpark and loading dock areas off Fourth Avenue from the intersection of Fourth Avenue and Gurner Avenue</li> <li>The applicant is to have a carpark design compliance certificate, prepare by a suitably qualified Traffic Engineer. This should also address the assessment of the swept paths.</li> <li>A road safety audit is to be submitted addressing the following: <ul style="list-style-type: none"> <li>the movements to and from the site accesses and whether the estimated increased volumes require a dedicated right turn lane and/or left turn lane into the proposed access driveways off Fourth Avenue.</li> <li>whether the right turn movements are to be prohibited from the driveways of the development site into Fourth Avenue.</li> </ul> </li> </ol> <p>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.</p> <p><b>Condition reason:</b> To ensure that detailed design of the required traffic facilities is submitted and approved.</p>
41.	<p><b>(B560) Road Works</b></p> <p>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</p>

	Section.
	<b>Condition reason:</b> To ensure that works on the public road reserve are approved prior to commencement of works.
42.	<b>(B950) Engineering Works</b>
	<p>Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that engineering plans are consistent with the concept plan/s prepared by prepared by Henry and Hymas, reference number 231125, revision 3, dated 19/11/2024 and that all engineering 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.</p> <p>The engineering works may include but are not limited to the following:</p> <ol style="list-style-type: none"> <li>1. Public and private roads</li> <li>2. Stormwater drainage including water quantity and quality treatment measures</li> <li>3. Interallotment drainage</li> <li>4. Private access driveways</li> <li>5. Sediment and erosion control measures</li> <li>6. Overland flowpaths</li> <li>7. Flood control measures</li> <li>8. Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.</li> <li>9. Earthworks</li> <li>10. Bridges, culverts, retaining walls and other structures</li> <li>11. Landscaping and embellishment works</li> <li>12. All works required for conversion of the proposed sediment basin to a bio retention function</li> <li>13. All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required</li> </ol> <p>The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
43.	<b>(B951) Public Art</b>
	<p>Public art is to employ appropriate scale and size in relation to the built form. It is recommended that public art is employed to address bulk facades visible from the public domain. Prior to the issue of a Construction Certificate, a Preliminary Public Art Plan, including appropriate planning controls; initial proposed locations, scale to bulk, identified current and/or future audiences, role, benefit, and benchmarking, is to be submitted to Liverpool City Council Public Arts Officer for approval and endorsement.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
44.	<b>(B952) Floodplain Engineering Works</b>
	<p>Prior to the Issue of a CC, the following matters are to be incorporated through the detailed design plans, drawings and reports and shall be submitted to Council's Floodplain Engineering Section for review:</p> <ol style="list-style-type: none"> <li>1. Proposed development must be in accordance with the following DA documentation: <ul style="list-style-type: none"> <li>-Civil Engineering Report (November 2024, Henry &amp; Hymas)</li> <li>-Civil Engineering Plans Rev 03, dated 19/11/2024, Henry &amp; Hymas</li> <li>-Response to Council RFI dated 19/11/2024 Henry &amp; Hymas</li> <li>-Statement of Environmental effects (21/06/2024, Planning Ingenuity)</li> </ul> </li> <li>2. Stormwater runoff from the external southern catchment shall not be disturbed and be accommodated within the proposed stormwater system via proposed drainage channel combined with</li> </ol>

the pits/pipes system along the southern boundary within the site.

3. Post developed site stormwater discharge shall not exceed the pre-developed discharge. The proposed suspended permanent On-Site Detention (OSD) shall control post development stormwater flow discharge to no greater than the pre-development for range of storm events up the 1%AEP.

4 The proposed water quality treatment measures including the storm filter chamber/filter cartridge system within the OSD and pit baskets in stormwater pit/pipe system, shall be implemented. These treatment measures shall treat stormwater before being discharged into the receiving waters and must meet the Council's stormwater treatment targets. The design of these measures must be based on MUSIC modelling software, and their performance shall be validated through Council's MUSIC Link.

5. Detailed design plans and drawings of proposed stormwater system, including the OSD system, water quality treatment measures, long sections of pt pipe system, and the drainage channel along the southern boundary, shall be submitted at CC Stage for review and approval.

**Condition reason:** To ensure fairness, transparency and probity.

### Before Building Work Commences

#### 45. (C951) Engineering Works

Prior to the commencement of any engineering works, the following requirements must be complied with:

- (a) a Construction Certificate/ Subdivision Works Certificate (if required) has been issued,
- (b) a Principal Certifying Authority has been appointed for the project, and
- (c) any other matters prescribed in the development consent for the subdivision and the 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.

**Condition reason:** To ensure fairness, transparency and probity.

#### 46. (C005) Construction Certificates

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

- (a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,
- (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the 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.

**Condition reason:** To require approval to proceed with building work.

#### 47. (C012) Commencement of building works

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.

	<b>Condition reason:</b> To require approval to proceed with building work.
48.	<p><b>(C055) Site Facilities</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure the required site management measures are implemented before the commencement of building work.</p>
49.	<p><b>(C065) Sydney Water</b></p> <p>Development plans must be processed and approved by Sydney Water.</p> <p><b>Condition reason:</b> To require Sydney Water approval to proceed with building work.</p>
50.	<p><b>(C070) "DIAL BEFORE YOU DIG"</b></p> <p>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 <a href="http://www.1100.com.au">www.1100.com.au</a> 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.</p> <p><b>Condition reason:</b> To ensure building works do not impact local underground assets.</p>
51.	<p><b>(C101) Vegetation - Existing Vegetation</b></p> <p>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.</p> <p><b>Condition reason:</b> To minimise impacts to adjacent vegetation and habitat.</p>
52.	<p><b>(C117) Erosion and sediment controls in place</b></p> <p>Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
53.	<p><b>(C126) Environmental Management</b></p> <p>Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:</p> <ol style="list-style-type: none"> <li>1. Siltation fencing;</li> <li>2. Protection of the public stormwater system; and</li> <li>3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.</li> </ol> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
54.	<p><b>(C155) Work Zone</b></p> <p>A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space.</p> <p>A Works Zone Application Form is available on Council website and can be lodged online by attaching</p>



	all required documents indicated on the application form.
	<b>Condition reason:</b> To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
55.	<b>(C158) Construction Traffic Management Plan (CTMP)</b>
	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.
	<b>Condition reason:</b> To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.
56.	<b>(C201) Road Occupancy Permit</b>
	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.
	<ul style="list-style-type: none"> <li>• Road Occupancy Application Form</li> <li>• Road Opening Application Form</li> </ul>
	<b>Condition reason:</b> To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
57.	<b>(C205) Traffic Control Plan</b>
	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.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
58.	<b>(C466) Dilapidation report</b>
	Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fourth Avenue and Gurner Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the the principal certifier or Council.
	Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the the principal certifier or Council, that all reasonable steps were taken to obtain access to the adjoining properties.
	No less than <10> days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.

	<b>Condition reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
59.	<b>(C560) Road Works</b>
	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.
	<b>Condition reason:</b> To ensure that works on the public road reserve are approved prior to commencement of works.
60.	<b>(C950) Return of Existing Bins</b>
	Prior to commencing demolition or site clearing works, any existing domestic waste bins, if any, that have been issued to 495 Fourth Avenue, Austral, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on Council's rates system.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
61.	<b>(C952) Public Art</b>
	Prior to Works Commencing the Public Art Plan is to be updated, commissioned artist/s, concept designs, artwork dimensions, materials and submitted to Liverpool City Council Public Art Officer for approval and endorsement. The architectural and landscape plans are also to be updated and submitted identifying the endorsed public art concept designs.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
62.	<b>(C953) Works in Kind Documentation</b>
	Where any proposal for Works in Kind is sought (relating to the roundabout at the intersection of Gurner Avenue and Fourth Avenue) the proposal must be supported with the following information and a WIK agreement executed prior to works commencing:
	<ol style="list-style-type: none"> <li>1. The estimated value of the works produced by a qualified practicing Quantity Surveyor, Civil Engineer or Surveyor with associate or higher membership of an accredited professional institution in Australia.</li> <li>2. The valuation should identify any variance between the cost estimate and the cost identified in the relevant Contributions Plan (noting the cost identified in the Contributions Plan is generally indexed in accordance with changes in the Consumer Price Index).</li> <li>3. A schedule identifying the components of works that are in accordance with the Contributions Plan and those that are not.</li> <li>4. A program of works showing the time frame for completion of the Works In Kind.</li> </ol>
	<b>Condition reason:</b> To ensure fairness, transparency and probity.

### During Building Work

63.	<b>(D005) Building Work</b>
	The building works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
	<b>Condition reason:</b> To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.
64.	<b>(D010) Building Work</b>
	The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works.
	<b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.

65.	<p><b>(D020) Identification Survey Report</b></p> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.</p>
66.	<p><b>(D025) Identification Survey Report</b></p> <p>On placement of the concrete, works again shall not continue until the Principal Certifier has issued a letter stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.</p> <p><b>Condition reason:</b> To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.</p>
67.	<p><b>(D038) Toilet Facilities</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) be a standard flushing toilet connected to a public sewer, or</li> <li>(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or</li> <li>(c) be a temporary chemical closet approved under the Local Government Act 1993.</li> </ul> <p><b>Condition reason:</b> To ensure the required site management measures are implemented during construction.</p>
68.	<p><b>(D045) Hours of work</b></p> <p>Site work must only be carried out between the following times –        From 7am to 6pm on Monday to Friday        From 8am to 1pm on Saturday</p> <p>Site work is not to be carried out outside of these times or on public holidays except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
69.	<p><b>(D049) Security Fence</b></p> <p>A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.</p> <p><b>Note:</b> Fencing is not to be located on Council's reserve area.</p> <p><b>Condition reason:</b> To ensure the required site management measures are implemented during construction.</p>
70.	<p><b>(D055) Refuse Disposal</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure the required site management measures are implemented during construction.</p>
71.	<p><b>(D061) Craning and Hoardings</b></p> <p>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.</p>

	<b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
72.	<p><b>(D063) Craning and Hoardings</b></p> <p>If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.</p> <p><b>Condition reason:</b> To ensure the required traffic management measures are implemented during construction.</p>
73.	<p><b>(D070) Notification of Damage</b></p> <p>The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost.</p> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
74.	<p><b>(D100) General Site Works - Surface Contours</b></p> <p>Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood.</p>
75.	<p><b>(D105) General Site Works</b></p> <p>All roofwater is to be connected to an approved stormwater system.</p> <p><b>Condition reason:</b> To ensure environmental impacts and impacts to neighbouring properties are minimised.</p>
76.	<p><b>(D110) General Site Works</b></p> <p>Stormwater pipeline connections to the street kerb shall be constructed in the following manner:</p> <ul style="list-style-type: none"> <li>(a) the kerb shall be sawcut on both sides of the proposed pipe outlet.</li> <li>(b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter.</li> <li>(c) the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.</li> </ul> <p><b>Condition reason:</b> To ensure any alteration to Council infrastructure is to a suitable standard.</p>
77.	<p><b>(D115) General Site Works - Existing Hydrology</b></p> <p>Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.</p> <p><b>Condition reason:</b> To minimise impacts to adjacent vegetation and habitat.</p>
78.	<p><b>(D120) General Site Works - Runoff</b></p> <p>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.</p> <p><b>Condition reason:</b> To minimise impacts to adjacent vegetation and habitat.</p>
79.	<p><b>(D125) General Site Works - Sediment</b></p> <p>The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.</p> <p><b>Condition reason:</b> To minimise impacts to adjacent vegetation and habitat.</p>
80.	<p><b>(D130) Removal of dangerous and/or hazardous waste</b></p> <p>All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in</p>

accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

**Condition reason:** To ensure safe removal and disposal of dangerous and/or hazardous material.

81. **(D140) Car Parking Areas**

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 2890.1-2004 Parking Facilities – Off-Street Car Parking.

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

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

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1-2004 Parking Facilities – Off-Street Car Parking.

**Condition reason:** To ensure the facilities are constructed appropriately to comply with the DCP and AS2890.

82. **(D146) Directional Signage**

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

**Condition reason:** To ensure that appropriate signs are installed.

83. **(D165) Public Domain Works**

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

**Condition reason:** To ensure that the development covers all required costs associated with the development.

84. **(D170) Council On Street Assets**

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

**Condition reason:** To ensure that the development covers all required costs associated with the development.

85. **(D180) Waste management**

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 the principal certifier, detailing the following:
  - The contact details of the person(s) who removed the waste;
  - The waste carrier vehicle registration;
  - The date and time of waste collection;
  - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;
  - The address of the disposal location(s) where the waste was taken;
  - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

	<p>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.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
86.	<p><b>(D205) Vegetation - Existing Vegetation</b></p> <p>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.</p> <p><b>Condition reason:</b> To minimise impacts to adjacent vegetation and habitat.</p>
87.	<p><b>(D240) Vegetation - Weeds</b></p> <p>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.</p> <p><b>Condition reason:</b> To limit the spread of weeds.</p>
88.	<p><b>(D241) Footpaths</b></p> <p>Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
89.	<p><b>(D250) Vegetation - Mulch</b></p> <p>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.</p> <p><b>Condition reason:</b> To limit the spread of weeds.</p>
90.	<p><b>(D255) Vegetation - Imported Soil or Mulch</b></p> <p>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.</p> <p><b>Condition reason:</b> To limit the spread of weeds.</p>
91.	<p><b>(D265) Vegetation Clearing - Fauna Protection</b></p> <p>Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits.</p> <p><b>Condition reason:</b> To minimise harm caused to fauna during vegetation clearing.</p>
92.	<p><b>(D330) Switchboards</b></p> <p>Switchboards for utilities shall not be attached to the street and/or road elevations of the development.</p> <p><b>Condition reason:</b> To ensure switchboards are sited and positioned away from the public domain.</p>
93.	<p><b>(D335) External Lighting</b></p> <p>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.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood.</p>
94.	<p><b>(D340) Glass Reflectivity</b></p> <p>The reflectivity index of glass used in the external facade of the building is not to exceed 20%.</p> <p><b>Condition reason:</b> To restrict the reflection of sunlight from buildings to surrounding areas and buildings.</p>

95.	<b>(D360) Graffiti</b>
	A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.
	<b>Condition reason:</b> To protect the amenity of the neighbourhood.
96.	<b>(D426) Soil management</b>
	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:
	<ol style="list-style-type: none"> <li>1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.</li> <li>2. All fill material imported to the site must be: <ol style="list-style-type: none"> <li>1. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or</li> <li>2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or</li> <li>3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</li> </ol> </li> </ol>
	<b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
97.	<b>(D430) Unidentified Contamination</b>
	Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.
	A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.
	<b>Condition reason:</b> To ensure the suitability of land for the development.
98.	<b>(D445) Air Quality</b>
	Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
99.	<b>(D450) Air Quality</b>
	During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.
	<b>Condition reason:</b> To ensure site works are managed appropriately and do not result in air pollution.
100.	<b>(D455) Dropped Edge Beam</b>
	The proposed concrete slab construction must incorporate drop edge beams to ensure any fill is adequately retained within the envelope of the building. The external masonry wall shall extend from the concrete beam at natural ground level.
	<b>Condition reason:</b> To ensure that all construction work is undertaken to an approved standard and relevant controls.
101.	<b>(D460) Salinity</b>
	The development shall be carried out in accordance with 'Appendix B' of the Liverpool Growth

	Precincts Development Control Plan 2021. Soil Testing is to be carried out to enable the site to be classified according to AS2870.
	<b>Condition reason:</b> To ensure that all construction work is undertaken to an approved standard.
102.	<b>(D465) Air Conditioning</b>
	The plant associated with any air conditioning system shall not cause any offensive noise as defined under the Protection of the Environment Operations Act 1997.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
103.	<b>(D470) Design Elements</b>
	The following design and function elements are to be incorporated into the construction of the development:
	<ol style="list-style-type: none"> <li>1. Adequate lighting is to be installed which would provide lighting of the pedestrian through site link and carpark area at all times in the future. Lighting is to be installed which ensures glare and light spill will not impact on surrounding residential and commercial premises.</li> <li>2. Glazing which fronts Gurner Avenue and the piazza must not be translucent / obscure glazing. Glazing is to be clear to provide passive surveillance of the active frontage.</li> <li>3. All paving materials must conform with the relevant standards for durability, non-slip textures, strength and surface treatment to withstand use by light automobiles, service vehicles, pedestrians, bicycles and to facilitate the use by elderly and disabled persons.</li> <li>4. Each retail or commercial tenancy is to be separately metered or sub-metered for services such as water (hot &amp; cold), electricity and gas.</li> </ol>
	<b>Condition reason:</b> To ensure suitable occupant privacy whilst reducing visual impacts to neighbouring properties and public areas.
104.	<b>(D475) Imported Fill Material</b>
	During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes.
	<b>Condition reason:</b> To ensure soils introduced onsite do not result in drainage issues.
105.	<b>(D480) Acoustic Report</b>
	The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.
	<b>Condition reason:</b> To ensure human health and amenity is maintained by ensuring the development is not impacted by noise.
106.	<b>(D552) Implementation of the site management plans</b>
	While site work is being carried out:
	<ol style="list-style-type: none"> <li>1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and</li> <li>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ol>
	<b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.
107.	<b>(D553) Erosion &amp; Sediment Control</b>
	Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
108.	<b>(D554) Erosion &amp; Sediment Control</b>
	The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.



109.	<b>(D555) Erosion Control - Maintenance</b>
	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
	<b>Condition reason:</b> To ensure the required site management measures are implemented during construction.
110.	<b>(D560) Erosion Control</b>
	Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
	<b>Condition reason:</b> To ensure the required site management measures are implemented during construction.
111.	<b>(D565) Water Quality</b>
	During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.
	<b>Condition reason:</b> To ensure site works are managed appropriately and do not result in water pollution.
112.	<b>(D570) Pollution Control - Site Operations</b>
	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.
	<b>Condition reason:</b> To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
113.	<b>(D574) Pollution Control - Truck Movements</b>
	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.
	<b>Condition reason:</b> To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
114.	<b>(D578) Ventilation</b>
	The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
115.	<b>(D581) Historic Archaeology</b>
	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 <i>Heritage Act 1977</i>
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
116.	<b>(D582) Aboriginal Cultural Heritage - Staff and Contractors</b>
	All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW <i>National Parks and Wildlife Act 1974</i> and the NSW <i>Heritage Act 1977</i> . They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

	<b>Condition reason:</b> To ensure fairness, transparency and probity.
117.	<p><b>(D583) Aboriginal Cultural Heritage - Unexpected Finds</b></p> <p>As required by the <i>National Parks and Wildlife Service Act 1974</i> and the <i>Heritage Act 1977</i>, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.</p> <p>In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the <i>Heritage Act 1977</i> to obtain the necessary approvals/permits from the Heritage Division of the OEH.</p> <p><b>Note:</b> The <i>National Parks and Wildlife Service Act 1974</i> and the <i>Heritage Act 1977</i> impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
118.	<p><b>(D584) Skeletal Remains</b></p> <p>In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
119.	<p><b>(D590) Public Domain Works - Street Lighting</b></p> <p>Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction.</p> <p><b>Condition reason:</b> To ensure that the development covers all required costs associated with the development.</p>
120.	<p><b>(D596) Drainage Connection</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
121.	<p><b>(D597) Major Filling/ Earthworks</b></p> <p>All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.</p> <p>The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
122.	<p><b>(D600) Correct waste separation and removal</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.</p>
123.	<b>(D605) Containment of site wastes during building</b>

	<p>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.</p> <p><b>Condition reason:</b> To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.</p>
124.	<p><b>(D650) Noise and vibration - an approved document of this consent</b></p> <p>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.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.</p>
125.	<p><b>(D660) Construction Noise and Vibration</b></p> <p>Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).</p> <p>All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Environmental Management Plan (CEMP).</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.</p>
126.	<p><b>(D662) Demolition of Septic Tank and Effluent Disposal Area</b></p> <p>Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).</p> <p>Any septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website (<a href="http://www.health.nsw.gov.au">www.health.nsw.gov.au</a>).</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
127.	<p><b>(D664) Contamination</b></p> <p>The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
128.	<p><b>(D666) Record Keeping of Imported Fill</b></p> <p>Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:</p> <ol style="list-style-type: none"> <li>1. The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;</li> <li>2. The results of a preliminary contamination assessment carried out on any fill material used in the development.</li> <li>3. The results of any chemical testing of fill material.</li> </ol> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
129.	<p><b>(D668) Traffic Management</b></p> <p>Applications must be made to Council's Traffic &amp; Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.</p>

	Where any awnings are proposed over a public footpath, a Public Road Activity Approval is required.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
130.	<b>(D670) Construction Traffic Management Plan</b>
	The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
131.	<b>(D672) Street Trees</b>
	The street trees are to be planted in accordance with the approved landscape plan. Each tree is to have a minimum pot size of 200lt or if the approved landscape plan specifies larger, the larger pot size is to be adopted. The tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
132.	<b>(D829) Food Premises - Construction</b>
	The construction, fit-out and finishes of the premises must comply with the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 Design, construction and fit-out of food premises. The food premises' construction must include, but not be limited to the following:
	<ul style="list-style-type: none"> <li>(a) All walls (including partition walls) within the kitchen, food preparation, storage and display areas must be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level;</li> <li>(b) Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (e.g. stud walls) must be finished in tiles or other approved material from the floor level to the underside of the ceiling;</li> <li>(c) The floors within the kitchen, food preparation, storage and display areas must be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor;</li> <li>(d) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles must be of a material that is non-absorbent and impervious to moisture;</li> <li>(e) The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm;</li> <li>(f) All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths must be: <ul style="list-style-type: none"> <li>(i) at least 75mm high;</li> <li>(ii) finished level to a smooth even surface;</li> <li>(iii) recessed under fittings to provide a toe space of not more than 50mm;</li> <li>(iv) rounded at exposed edges; and</li> <li>(v) coved at the intersection of the floor and wall to a minimum radius of 25mm.</li> </ul> </li> <li>(g) The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas must be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof;</li> <li>(h) The drop-in panel ceiling in the food preparation and storage areas must be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint;</li> <li>(i) All service pipes and electrical conduits must be either: <ul style="list-style-type: none"> <li>(i) concealed in floors, walls, ceiling or concrete plinths, or</li> <li>(ii) fixed with brackets so as to provide at least:</li> </ul> </li> </ul>

- 25mm clearance between the wall and the pipe/conduit; &
- 100mm between the floor and the pipe/conduit
- pipes so installed are not to run underneath fittings.

- (j) All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas;
- (k) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin;
- (l) The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned;
- (m) All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf must be a minimum of at least 150mm above the floor level;
- (n) The hot water service unit must be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction;
- (o) A free standing, hands free hand wash basin must be provided in a convenient position within the food preparation and serving areas. The hand wash basin must be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C;
- (p) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment;
- (q) A double bowl sink or two-compartment tub must be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs must be supplied with water of at least: 45°C in one bowl for washing purposes; and 77°C in the other bowl for rinsing purposes, together with a thermometer accurate to 1°C.
- (r) A designated hand washing facility, accessible and no further than 5 metres, except for toilet hand basins, from any place where food handlers are handling open food, fitted with a single spout capable of delivering a supply of warm running water;
- (s) A designated food preparation sink;
- (t) A cleaners sink must be provided. The sink is NOT to be within an area where open food is handled.
- (u) Discharge of commercial trade wastewater is to be approved by Sydney Water. Before selecting or installing trade wastewater pre-treatment devices at a retail food business, refer to Plumbing for retail food businesses produced by Sydney Water.
- (v) The grease trap is NOT to be located within an area where food is being handled.

**Condition reason:** To mitigate potential risks to human health and facilitate compliance with legislative requirements.

133. **(D950) Public Art**

During construction, notification is to be provided to Liverpool City Council's Public Arts Officer on commencement of artwork fabrication, delivery, and/or installation. The Public Art Plan is to be finalised, including artist/s and artwork statement, maintenance, ownership and final design, and submitted to Liverpool City Council Public Arts Officer for approval and endorsement.

**Condition reason:** To ensure fairness, transparency and probity.

### Before Issue of an Occupation Certificate

134. **(E001) Payment of development contributions**

**Payment of section 7.11 contributions**

Before the issue of an occupation certificate, the applicant must pay the following contributions to Council for:

Facilities	Amount (\$)	Job No.
Local Community Facilities - Land	\$0	GL.3011210001870.10227
Local Recreation - Land	\$0	GL.3011210001869.10228
Local Recreation - Works	\$0	GL.3011210001869.10229
Local Transport Facilities - Land Residential	\$0	GL.3011210001865.10230
Local Transport Facilities - Works Residential	\$0	GL.3011210001865.10231
Local Transport Facilities - Land Non Residential	\$47,541	GL.3011210001865.10230
Local Transport Facilities - Works Non Residential	\$98,412	GL.3011210001865.10231
Local Drainage Facilities - Land	\$259,720	GL.3011210001866.10232
Local Drainage Facilities - Works	\$326,199	GL.3011210001866.10233
Administration	\$8,535	GL.3011210001872.10234
<b>TOTAL</b>	<b>\$740,407</b>	

The total contribution payable to Council under this condition is **\$740,407** as calculated at the date of this consent, in accordance with the Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021. A copy of the development contributions plan is available for inspection on Council's website.

**Condition reason:** To ensure development contributions are paid to address increased demand for public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.

135. **(E003) Works-as-executed plans and any other documentary evidence**

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

1. All stormwater drainage systems and storage systems; and
2. A copy of the plans must be provided to Council with the Occupation Certificate.

**Condition reason:** To confirm the location of works once constructed that will become council assets.

136. **(E005) Occupation Certificates**

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

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

137. **(E007) Fire Safety Measures**

A single and complete Fire Safety Certificate certifying the operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

**Condition reason:** To ensure an Occupation Certificate is obtained when a change of use (no works) is proposed, and fire safety upgrade works are required under Clause 62 of the Environmental Planning and Assessment Regulation.

138. **(E010) Certificates**

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

	payment.
	<b>Condition reason:</b> To ensure the use meets health, safety and amenity provisions.
139.	<b>(E026) Removal of Waste Upon Completion</b>
	Before the issue of an Occupation Certificate:
	<ol style="list-style-type: none"> <li>1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</li> </ol>
	<b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.
140.	<b>(E033) Cladding</b>
	Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, BCA and relevant Australian Standards.
	<b>Condition reason:</b> To ensure that the external cladding installed on a building is compliant.
141.	<b>(E035) Completion of public utility services</b>
	The following documentation must be provided before the issue of an occupation certificate:
	<ol style="list-style-type: none"> <li>(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 an Occupation Certificate. An Occupation Certificate must not be issued 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. Any temporary facilities to service the site, including pump-out wet-wells are not acceptable.</li> <li>(b) Notification of arrangement for the development from Endeavour Energy must be submitted to Council.</li> <li>(c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with: <ol style="list-style-type: none"> <li>i) The requirements of the Telecommunications Act 1997;</li> <li>ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and</li> <li>iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground.</li> </ol> </li> </ol>
	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.
	<b>Condition reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
142.	<b>(E037) Liverpool City Council clearance - Roads Act/ Local Government Act</b>
	Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
143.	<b>(E050) Display of Street Numbers</b>
	Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

	<b>Condition reason:</b> To ensure street number of the site is displayed in accordance with the Local Government Act.
144.	<p><b>(E065) Landscaping</b></p> <p>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.</p> <p><b>Condition reason:</b> To help ensure landscaping works have been carried to a high standard and in accordance with the original design plans.</p>
145.	<p><b>(E106) Recommendations of Acoustic Report</b></p> <p>Upon completion of works and before the issue of any occupation certificate, written certification prepared by a suitably qualified acoustic consultant must be submitted to and approved by the certifier. The written certification prepared by the suitably qualified acoustic consultant must confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled "Austral North 495 Fourth Avenue Austral Proposed Shopping Centre" (Ref: 6190R002.LB.240612 Rev: 0) prepared by LB and reviewed by RH for Acoustic Dynamics dated 12<sup>th</sup> June 2024. The acoustic consultant must confirm that the development or use is capable of operating in accordance with the design criteria.</p> <p>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.</p> <p><b>Condition reason:</b> To mitigate potential acoustic impacts by ensuring that the development or use complies with the specified design criteria.</p>
146.	<p><b>(E108) Loading Dock Doors</b></p> <p>Before the issue of an occupation certificate the principal certifier must be satisfied that the proposed garage/security doors fitted to the loading dock must be independently mounted on rubber pads or otherwise installed to prevent noise and the transmission of noise and vibration through the concrete walls and/or columns.</p> <p><b>Condition reason:</b> To mitigate potential offensive noise and amenity impacts.</p>
147.	<p><b>(E156) Waste Storage Room</b></p> <p>Prior to the issuing of an occupation certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;</li> <li>2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and</li> <li>3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.</li> </ol> <p>Please refer to the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas.</p> <p><b>Condition reason:</b> To ensure compliance with construction requirements and to mitigate risks to human health and the environment.</p>
148.	<p><b>(E165) Bonds</b></p> <p>A maintenance bond in the form of a bank guarantee 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 12 months from the date of Council's acceptance of final works.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
149.	<b>(E250) Mechanical Ventilation Certification</b>



	<p>Upon completion of works and before the issue of any occupation certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person must be submitted to certifier for their review and approval. The certification must be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.</p> <p><b>Condition reason:</b> To facilitate compliance with legislative requirements.</p>
150.	<p><b>(E255) Notice of food business</b></p> <p>Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW <i>Food Act 2003</i> and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.</p> <p><b>Condition reason:</b> To enable council to ensure compliance with the consent when the business is operating</p>
151.	<p><b>(E260) Food Premises Final Inspection</b></p> <p>Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of Liverpool City Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.</p> <p><b>Condition reason:</b> To enable council to ensure compliance with the Food Act 2003 before the business commences</p>
152.	<p><b>(E312) Decommissioning of On-Site Sewage Management System/s</b></p> <p>Following the decommissioning of the on-site sewage management system, if any, and before the issue of any occupation certificate, a certificate certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF), must be submitted to Liverpool City Council. A template decommissioning certificate can be found on Liverpool City Council's website <a href="http://www.liverpool.nsw.gov.au">www.liverpool.nsw.gov.au</a></p> <p><b>Condition reason:</b> To mitigate potential risks to human health and the environment.</p>
153.	<p><b>(E315) Trolley Systems</b></p> <p>Prior to the issue of an OC, a lockable or coin operated trolley system must be implemented in order to reduce the effects of unattended trolleys on the amenity of the neighbourhood.</p> <p><b>Condition reason:</b> To minimise the abandonment of shopping trolleys and to protect the residential amenity of neighbouring properties.</p>
154.	<p><b>(E320) Secure Mailboxes</b></p> <p>Mailboxes must be recessed into the building or only accessible from the foyer of the building. A CCTV camera system must be installed providing continuous surveillance of the mailbox area.</p> <p><b>Condition reason:</b> To ensure the mailboxes provided are easily protected and maintained.</p>
155.	<p><b>(E400) Stormwater Compliance</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the On-site detention system/s and Stormwater pre-treatment system/s,</p> <ol style="list-style-type: none"> <li>1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,</li> <li>2. Have met the design intent with regard to any construction variations to the approved design, and</li> <li>3. Any remedial works required to been undertaken have been satisfactorily completed.</li> </ol> <p>Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
156.	<p><b>(E404) Restriction as to User and Positive Covenant</b></p>

	<p>Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:</p> <p>(a) On-site detention system/s,</p> <p>(b) Stormwater pre-treatment system/s,</p> <p>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.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
157.	<p><b>(E408) Rectification of Damage</b></p> <p>Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.</p> <p>Any rectification works within Gurner and Fourth Avenues will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
158.	<p><b>(E416) Linemarking &amp; Signage</b></p> <p>Prior to the issue of an 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.</p> <p>Note: Allow eight (8) weeks for approval by the Local Traffic Committee.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
159.	<p><b>(E424) Directional Signage</b></p> <p>Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
160.	<p><b>(E428) Maintenance Bond</b></p> <p>Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Liverpool City Council for road works on Gurner Avenue and Fourth Avenue.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
161.	<p><b>(E432) Footpaths</b></p> <p>Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
162.	<p><b>(E436) Dilapidation Report</b></p> <p>Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
163.	<p><b>(E590) Street Lighting</b></p> <p>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</p>

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 application.

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

**Condition reason:** To ensure adequate street lighting is provided for the development.

164. **(E592) Operational Plan of Management**

A plan of management shall be prepared addressing the operations of the centre prior to the issue of any Occupation Certificate. To this effect, the plan of management is to include but not limited to the following:

- Hours of Operation
- Traffic Management Plan
- Noise Management Plan
- Alcohol Management Plan for Liquor Outlet
- Deliveries
- Safety and Security Measures Including Security Patrols
- Comprehensive Complaint Handling Procedure
- Insurances
- Lighting
- Centre Communications
- Centre Cleanliness, Waste Management and Maintenance
- Storage and Security of Cleaning and Hazardous Chemicals
- Fire Safety and Emergency Evacuation
- Administration
- Sales and Marketing

**Condition reason:** To ensure fairness, transparency and probity.

165. **(E950) Engineering Works**

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

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in DWG format and PDF format to Council along with two hard copies of the WAE plans.
- b) A collation of attribute data is to be provided for all civil works. The data shall be completed in accordance with Councils 'WAE Submission Standard' and the excel template 'Inclusion of Attribute Data'. This standard and excel template can be obtained by contacting Council's Asset Planning & Management Department on 1300 36 2170.
- c) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- d) 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.
- e) 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.
- f) 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.

g) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.

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:

- Compaction reports for road pavement construction
- Compaction reports for bulk earthworks and lot regrading
- Verification of any imported fill material
- Soil classification for all residential lots
- Statement of Compliance

i) Structural Engineer's construction certification of all structures

**Condition reason:** To ensure fairness, transparency and probity.

166. **(E951) Special Infrastructure Contribution**

The applicant is to make a Special Infrastructure Contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before an occupation certificate is issued in relation to any part of the development to which this consent relates.

**Condition reason:** To ensure fairness, transparency and probity.

167. **(E952) Noise Management Plan**

A Noise Management Plan shall be prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints.

The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts. This documentation shall be submitted to the PCA for review and approval prior to issue of an Occupation Certificate.

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

**Condition reason:** To ensure fairness, transparency and probity.

168. **(E954) Public Art**

Prior to Occupation Certificate high resolution images of completed artworks and associated landscaping is to be submitted to Liverpool City Council's Public Arts Officer for approval and endorsement. The final Public Art Plan is to be submitted to Liverpool City Council Public Arts Officer for approval and endorsement.

**Condition reason:** To ensure fairness, transparency and probity.

169. **(E953) Through Site Link Easement**

An easement for right of way for pedestrian access, is to be created over the entire pedestrian through site link over the development site. The easement should also allow for connectivity between the adjoining site (currently known as Lot 36 DP 3403, 90 Gurner Avenue, Austral) and through the

applicant's site between Gurner Avenue and the future local road and open space to the south.

The easement may not be extinguished or altered except with the consent of Liverpool City Council.

Note: The final wording of the recital of the easement is to be to Council's satisfaction. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.

**Condition reason:** To ensure fairness, transparency and probity.

## Occupation and Ongoing use

170.	<b>(G004) Plan of Management</b>
	The Plan of Management created prior to an OC must be complied with at all times. A copy of the Plan of Management must be kept on-site at all times and be provided to Council officers on request.
	<b>Condition reason:</b> To ensure fairness, transparency and probity.
171.	<b>(G005) Separate Application for Use</b>
	With the exception of the Woolworths supermarket, a separate application for development consent shall be lodged with the relevant approval authority for any proposed fit out of a commercial or retail space associated with the subject application (which includes any fixed internal partition wall/display/storage racking/machinery/equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development.
	<b>Condition reason:</b> To require approval to proceed with building work and/or use of unit/occupancy that are not approved as part of this consent.
172.	<b>(G050) Goods in Building</b>
	All materials and goods associated with the use shall be contained within the building at all times.
	<b>Condition reason:</b> To ensure all materials and goods associated with the use are appropriately stored.
173.	<b>(G065) Unreasonable Noise and Vibration</b>
	The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.
	Should an offensive noise complaint be received by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and an acoustic report must be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Liverpool City Council must be implemented.
	Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.
	<b>Condition reason:</b> To mitigate potential offensive noise and amenity impacts.
174.	<b>(G090) Maintenance of wastewater and stormwater treatment device</b>
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	<b>Condition reason:</b> To protect sewerage and stormwater systems.
175.	<b>(G095) Location of mechanical ventilation</b>
	During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.
	<b>Condition reason:</b> To protect the residential amenity of neighbouring properties.
176.	<b>(G100) Waste Collection and Management</b>
	Waste and recyclable material must be managed in a satisfactory manner and in accordance with the

	<p>following:</p> <ul style="list-style-type: none"> <li>Waste and recyclable material must be covered at all times and not give rise to offensive odour or encourage pest activity.</li> <li>All solid and liquid waste must be removed regularly from the site by a private registered waste contractor. No waste collection service will be provided to the development from Council.</li> <li>Waste must not be permitted to accumulate near the waste storage bins.</li> <li>All bins are to be collected and emptied within the property. Waste bins must not be placed on or emptied from the road or the kerbside.</li> <li>All drainage points within 20 metres of a location where waste bins are to be collected or stored must be fitted with a fine grade drain cover to prevent the entry of gross pollutants into the drainage system.</li> <li>If at any time during the operation of the development the volumes of waste generated exceeds the capacity of the bins provided to accommodate those wastes, the either the bin size or the frequency of waste collection must be increased accordingly.</li> </ul> <p><b>Condition reason:</b> To mitigate potential risks to human health and the environment.</p>
177.	<p><b>(G130) Waste Storage Area</b></p> <p>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.</p> <p><b>Condition reason:</b> To mitigate potential risks to human health and the environment.</p>
178.	<p><b>(G160) Storage of goods during ongoing use</b></p> <p>During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.</p> <p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>
179.	<p><b>(G165) Storage of Flammable and Combustible Liquids</b></p> <p>Flammable and combustible liquids must be stored in accordance with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids.</p> <p><b>Condition reason:</b> To promote safety of persons and prevent damage to property and the environment.</p>
180.	<p><b>(G170) Storage and Handling of Corrosive Substances</b></p> <p>Corrosive Substances must be stored and handled in accordance with AS 3780-2008 The Storage and Handling of Corrosive Substances.</p> <p><b>Condition reason:</b> To promote safe storage and handling of corrosive substances.</p>
181.	<p><b>(G190) Parking Spaces</b></p> <p>A total of 341 car parking spaces (minus car spaces to be amended in the at-grade carpark as per condition B010 of this consent prior to the issue of a CC) and 45 bicycle spaces (15 for employees and 30 for customers) are to be provided on site. In the initial instillation stage it may be appropriate to make available 50 per cent of the required bicycle parking provision with space set aside for 100 per cent of the provision in the event that full demand for bicycle parking is realised. On this basis, 24 bicycle spaces be provided initially (9 employee and 15 customer/visitor).</p> <p>The following parking spaces should be used solely for the purpose it has been provided.</p> <ol style="list-style-type: none"> <li>Accessible car parking</li> <li>Cycle parking</li> <li>Delivery area</li> <li>Garbage pick-up area</li> </ol> <p><b>Condition reason:</b> To ensure that adequate parking and loading are provided.</p>
182.	<p><b>(G210) Car Parking Management</b></p> <p>All parking areas shown on the approved plans must be used solely for this purpose.</p>

	<b>Condition reason:</b> To ensure that adequate parking and loading are provided.
183.	<p><b>(G220) Loading Areas</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure that adequate parking and loading are provided.</p>
184.	<p><b>(G230) Vehicle Access</b></p> <p>Vehicles entering or leaving the development site must be in a forward direction.</p> <p><b>Condition reason:</b> To ensure safety.</p>
185.	<p><b>(G240) Advertising</b></p> <p>Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.</p> <p><b>Condition reason:</b> To require approval for advertising matter/structures that is not approved as part of this consent.</p>
186.	<p><b>(G250) Operating hours</b></p> <p>During ongoing use of the premises, the hours of operation for the shopping centre is restricted to:</p> <p>7am - 10pm Monday - Saturday 8am - 10pm Sunday and Public Holidays.</p> <p><b>Condition reason:</b> To protect the amenity of the local area</p>
187.	<p><b>(G260) Deliveries and waste collection times for food and drink and mixed use developments</b></p> <p>During ongoing use, all deliveries, waste and recycling collection carried out by heavy vehicles is to be undertaken only during the following hours and as follows:</p> <p><b>7:00am to 6:00pm Monday - Friday and 8am - 6pm Sundays and Public Holidays:</b></p> <ol style="list-style-type: none"> <li>1. A maximum of 2 articulated (or 2 x small rigid) delivery trucks to access the loading dock per 15 minutes;</li> <li>2. A maximum of 2 small rigid delivery trucks to access the loading dock per 15 minutes (this is in addition to the 2 articulated or 2 small rigid delivery trucks);</li> <li>3. The roller door is to be kept closed except to allow for ingress and egress;</li> <li>4. Rotary auger compactor can be used.</li> </ol> <p><b>6:00pm - 10pm everyday:</b></p> <ol style="list-style-type: none"> <li>1. A maximum of 1 articulated (or 2 x small rigid) delivery truck to access the loading dock per 15 minutes;</li> <li>2. A maximum of 2 small rigid delivery trucks to access the loading dock per 15 minutes (this is in addition to the 1 articulated or 2 small rigid delivery trucks);</li> <li>3. The roller door is to be kept closed except to allow for ingress and egress;</li> <li>4. Rotary auger compactor can be used;</li> </ol> <p><b>10:00pm to 7:00am Monday - Friday and 10pm - 8am Sundays and Public Holidays:</b></p> <ol style="list-style-type: none"> <li>1. No delivery trucks are to access the loading dock or the site;</li> <li>2. The roller door is to be kept closed; and</li> <li>3. Rotary auger compactor cannot be used.</li> </ol> <p><b>All delivery and service vehicles must adhere to the following:</b></p> <ol style="list-style-type: none"> <li>1. only occur in designated loading and unloading areas on the property;</li> <li>2. do not occur on the street;</li> <li>3. do not obstruct other operations;</li> <li>4. minimise disruption to neighbouring properties public spaces;</li> <li>5. maintain a clear service vehicle dock, car parking spaces and access driveways at all times; and</li> <li>6. all vehicles must enter and leave in a forward direction.</li> </ol>

	<b>Condition reason:</b> To ensure deliveries to the premises are carried out safely and protect the amenity of the local area
188.	<p><b>(G263) Additional requirements during operating hours</b></p> <p>During ongoing use of the premises:</p> <ol style="list-style-type: none"> <li>1. The loading dock may only be used from 7am - 10pm Monday - Saturday and from 8am - 10pm Sundays and Public Holidays.</li> <li>2. Signage shall be provided in a prominent location at the entrance of the site advising drivers switch off engines during deliveries/collections.</li> <li>3. Signage shall be provided in a prominent location at the entrance of the site and within the loading dock advising delivery drivers switch off refrigeration units whilst at the loading dock.</li> <li>4. The roller door to the loading dock is to be kept closed except to allow for vehicle ingress and egress.</li> <li>5. Signage at the entrance of the site advising drivers restrict the use of compression brakes when in close proximity to residential properties.</li> <li>6. The rotary auger compactor may only be used from 7am - 10pm Monday - Saturday and from 8am - 10pm Sundays and Public Holidays.</li> </ol> <p><b>Condition reason:</b> To protect the amenity of the local area</p>
189.	<p><b>(G270) Use of structure</b></p> <p>The areas labelled in the approved plans as commercial space are only to be used for the purposes which are not considered as retail premises in accordance with the standard instrument. These areas are to be used for purposes such as office or business premises or other related uses which are compatible with the centre and permissible in the zone including but not limited to medical centres and veterinary hospitals and the like. Separate development consent may be required for the fitout of these spaces in accordance with other conditions of this consent.</p> <p><b>Condition reason:</b> This condition prevents unauthorised use of the approved structure.</p>
190.	<p><b>(G340) Noise Complaints register</b></p> <p>The operator 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:</p> <ol style="list-style-type: none"> <li>(a) the date and time, where relevant, of the complaint;</li> <li>(b) the means by which the complaint was made (telephone, mail or email);</li> <li>(c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;</li> <li>(d) the nature of the complaint;</li> <li>(e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.</li> <li>(f) allocate an individual "complaint number" to each complaint received.</li> </ol> <p>The Complaints Register must be made available for inspection when requested by Liverpool City Council.</p> <p>The industry must be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times.</p> <p><b>Condition reason:</b> To mitigate potential impacts associated with the development and establish a procedure for responding to enquiries.</p>
191.	<p><b>(G345) Lighting</b></p> <p>Illumination of the site, including the proposed signage, 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.</p> <p><b>Condition reason:</b> To mitigate potential lighting impacts and protect the amenity of the surrounding</p>



	area.
192.	<p><b>(G350) Noise - Spruiking</b></p> <p>No persons, such as those commonly known as ‘spruikers’ must operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or similar announcements.</p> <p><b>Condition reason:</b> To mitigate potential acoustic impacts and protect the amenity of the surrounding area.</p>
193.	<p><b>(G360) Noise - Silent Building Intruder Alarm System</b></p> <p>Any building intruder alarm installed at the site must be a “silent back to base” type.</p> <p><b>Condition reason:</b> To mitigate potential acoustic impacts and protect the amenity of the surrounding area.</p>
194.	<p><b>(G370) Use of building intruder alarm/s</b></p> <p>Any building intruder alarm/s associated with the development must only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.</p> <p><b>Condition reason:</b> To mitigate potential acoustic impacts and facilitate compliance with legislative requirements.</p>
195.	<p><b>(G390) Noise - General</b></p> <p>Noise associated with the use of the premises, including mechanical plant and equipment, must not give rise to any one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment must not give rise to the emission of ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997.</li> <li>(b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises must not cause: <ul style="list-style-type: none"> <li>i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority’s ‘Noise Policy for Industry’ (2017);</li> <li>ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;</li> <li>iii. ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997; and</li> <li>iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.</li> </ul> </li> </ul> <p><b>Condition reason:</b> To mitigate potential intrusive noise and amenity impacts.</p>
196.	<p><b>(G393) Acoustic Report</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations;</li> <li>(b) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;</li> <li>(c) All complaints received from local residents in relation to the operation of the premises/development; and</li> <li>(d) Where noise measurements required under point a) above indicate that the relevant</li> </ul>

	<p>assessment criteria are exceeded, recommendations must be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.</p> <p>Following written approval from Liverpool City Council, recommendations provided under point d) above must be implemented fully.</p> <p>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.</p> <p><b>Condition reason:</b> To mitigate potential acoustic impacts and protect the amenity of the surrounding area.</p>
197.	<p><b>(G394) Forklifts and Delivery Vehicles</b></p> <p>To minimise potential noise impacts, all forklifts and delivery vehicles associated with the use must be equipped with smart (self-adjusting) reverse alarms, broadband reverse alarms, combination alarms or other suitable noise reduction technologies instead of tonal reversing alarms.</p> <p><b>Condition reason:</b> To mitigate potential acoustic impacts and protect the amenity of the surrounding area.</p>
198.	<p><b>(G395) Managing noise</b></p> <p>During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.</p> <p><b>Condition reason:</b> To protect the amenity of the local area</p>
199.	<p><b>(G400) Environment</b></p> <p>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.</p> <p><b>Condition reason:</b> To mitigate potential risks to human health and the environment.</p>
200.	<p><b>(G402) Air Handling System</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
201.	<p><b>(G410) Landscaping</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To require records to be provided, after occupation, documenting that landscaping is appropriately maintained.</p>
202.	<p><b>(G430) Parking Spaces</b></p> <p>Driveways and car parking spaces must not be used for manufacture, storage or display of goods, materials or equipment.</p> <p>The spaces must be available at all times for all cars associated with the development.</p> <p><b>Condition reason:</b> To ensure that neighbouring properties are not adversely affected from any operation on site.</p>
203.	<p><b>(G468) Smoke-free Requirements</b></p> <p>The requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation</p>

	2016 must be complied with at all times.
	<b>Condition reason:</b> To mitigate potential risks to human health and facilitate compliance with legislative requirements and relevant standards.
204.	<b>(G470) Food Premises - Use of Charcoal</b>
	The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.
	<b>Condition reason:</b> To mitigate potential risks to human health and the environment.
205.	<b>(G547) Bunding</b>
	All work and storage areas where chemical spillage may reasonably occur must be bunded. The capacity of the bunded area must be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 25% of the total volume of vessels/containers accommodated in the area, whichever is the greater.
	All bunded areas must be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for pump out. All bunded areas must be suitably treated to prevent the ingress of stormwater.
	<b>Condition reason:</b> To address legislative requirements and mitigate risks to the environment.
206.	<b>(G566) No Amplified Sound Equipment or Music Outside</b>
	Music and other amplified sound played on the premises must not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997. The sound pressure level as measured over a 15 minute period (LAeq (15 minute)) must not exceed 5 dB(A) above the ambient background noise level (LA90 (15 minute)) at the boundary of the premises.
	Sound amplification equipment and music are not permitted in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
	<b>Condition reason:</b> To mitigate potential acoustic impacts associated with the development.
207.	<b>(G668) Car Park Signage</b>
	Prominent notices must be installed at the entry and exit to the car park informing people to enter and leave the car park quietly.
	<b>Condition reason:</b> To mitigate potential intrusive noise and amenity impacts.
208.	<b>(G809) Food Business Notification Requirements - Food Business</b>
	All retail food businesses must notify Liverpool City Council of their food activity details. The food business notification must be completed in the approved form and comprise all information specified in the Food Safety Standards. The completed registration form/s must be submitted to Council prior to the commencement of the business.
	<b>Condition reason:</b> To address legislative requirements.
209.	<b>(G817) Food Safety Supervisor - Food Business</b>
	A Food Safety Supervisor must be appointed to the food premises. A copy of the Food Safety Supervisor certificate must be kept onsite and presented to Council's Authorised Officer upon request. Further information can be obtained in the "Guideline to Food Safety Supervisor Requirements" published by the NSW Food Authority.
	<b>Condition reason:</b> To mitigate potential risks to human health.
210.	<b>(G823) Cool Rooms</b>
	The cool room and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside of the cool room and freezer adjacent to the door. All metal work and shelving in the cool room and freezer room must be treated to resist corrosion.
	Condensation from cool rooms and refrigerator motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

	<p>The cool room and freezer room must be provided with:</p> <ol style="list-style-type: none"> <li>1. A door which can be opened from inside without a key and;</li> <li>2. An approved alarm device located outside the room but controlled from the inside.</li> </ol>
	<p><b>Condition reason:</b> To address legislative requirements.</p>
211.	<p><b>(G824) Appliances and Cool Rooms</b></p>
	<p>Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60 degrees Celsius, refrigerated foods below 5 degrees Celsius and frozen foods below 18 degrees Celsius and are to be provided with a digital thermometer accurate to 1 degree Celsius that can be easily observed from outside the appliance.</p>
	<p><b>Condition reason:</b> To address legislative requirements.</p>
212.	<p><b>(G950) Maintenance</b></p>
	<p>The owner of the site is to be wholly responsible for any future maintenance obligations of the retaining wall alongside the length of the southern boundary.</p>
	<p><b>Condition reason:</b> To ensure fairness, transparency and probity.</p>

### **General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means LIVERPOOL CITY COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means LIVERPOOL LOCAL PLANNING PANEL.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:  
the collection of stormwater,  
the reuse of stormwater,  
the detention of stormwater,  
the controlled release of stormwater, and  
connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means SYDNEY WESTERN CITY PLANNING PANEL.

20 September 2024

TfNSW Reference: SYD24-01528/01  
Council's Reference: DA-311/2024 (CNR-71371)



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

Attention: Robert Micallef

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**CONSTRUCT COMMERCIAL DEVELOPMENT  
495 FOURTH AVENUE, AUSTRAL**

Dear Mr. Breton,

Reference is made to Council's correspondence dated 1 September 2024, regarding the abovementioned application which was referred to Transport for NSW (**TfNSW**) for comment in accordance with clause 2.122 of the *State Environment Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the development application (**DA**) and provides the following advisory comments for Council's consideration in determining the DA:

Gurner Avenue Access

- TfNSW have identified that the proposed ingress and egress driveway in Gurner Avenue (**local road**) for this development is located between the two existing driveways servicing Al-Faisal College and within the extents of the existing school zone. To improve road safety and traffic flow during peak school periods it is recommended that the proposed access be restricted to left- in, left-out (**LIL**) movements only.

Pedestrian Safety

- TfNSW advises that the DA will increase the number of pedestrians crossing between the school and the retail development. Whilst it is noted that there is an existing pedestrian crossing located in Gurner Avenue at Fourth Avenue, TfNSW recommends that consideration be given to improving the pedestrian crossing facilities in the vicinity of the site.

For more information regarding the above matter, please contact Nav Prasad, Land Use Planner via email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

**Brenden Pegg**  
Senior Manager Land Use Assessment Central and Western  
Planning and Programs Greater Sydney Division

# 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-311/2024	CNR-71371	Nabil Alaeddine	23/07/2024	13/08/2024	23/07/2024

Address	Land Title
495 FOURTH AVENUE AUSTRAL 2179	Lot 121 DP 1220414

## Scope of Development Application or Planning Proposal

Excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works.

## Endeavour Energy's G/Net master facility model indicates:

Within or adjacent to the property 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 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 checked="" type="checkbox"/> Pole / tower	<input checked="" type="checkbox"/>	<input 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"/>
<b>Other:</b>	<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 1995* (NSW).

Other: provide detail of electricity infrastructure / apparatus.



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 type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 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 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 type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to 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 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 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 type="checkbox"/>	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input checked="" type="checkbox"/>	<input 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 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

E 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 and present.

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

- 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 is likely to be required. Whilst there are distribution substations in the area which are likely to have some spare capacity, it is not unlimited and may not be sufficient to provide for the 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.

- 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.
- 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.

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

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
  - Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- The Essential Services Report includes the following addressing whether electricity services are available and adequate for the proposed development.

### 3. CONCLUSION

- A. A new substation needs to be installed to provide power to the proposed lots. Our understanding is that 1500kVA pad mount substation will be sufficient for the proposed development. Refer to Appendix B on page 9. The construction cost of the works is approximately **\$412k**.
  - B. Augmentation of high voltage and low voltage network is required to loop the new substation into the network.
  - C. Existing poles may need to be replaced but will need to be determined during site visit.
  - D. Road crossing of Fourth Avenue required for new cable installations.
- The below copy of the Proposed Site Plan shows provision for a two transformer padmount substation to the south western corner of the site with frontage to Fourth Avenue. Whilst the plan shows the proposed easement, it does not show the required restriction for fire rating which would encroach the adjoining property.
- The electricity distribution network relies in part on the retention of appropriate building setbacks to the road frontages to allow for line route / network design options and to provide safety clearances to conductors. Particular regard needs to be had to secondary road frontages or where overhead power lines are located near side or rear boundaries where lesser building setbacks apply. The higher the voltage, the greater the safety clearance required. This is also in keeping with a policy of prudent avoidance.

The encroachment of building setbacks (including by roof structures or projections from external walls constructed with conductive materials) may transfer fault currents to the main building / dwelling. It can also result in construction works being required within the minimum safe approach distance and may require the application to Endeavour Energy for appropriate network outages eg. when erecting and dismantling scaffold, and may also be an issue for the ongoing maintenance of the building or structure.

Endeavour Energy's recommendation is that whenever reasonably possible buildings and structures be located and designed to avoid the need to work within the safe approach distances for ordinary persons eg. not having parts of the building normally accessible to persons in close proximity of the overhead power lines; the use of durable / low maintenance finishes. Alternatively, in some instances the adoption of an underground solution may be warranted ie. particularly for low voltage which can be more readily (in shorter distances) and comparatively economically be undergrounded.

As a guide, Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Table 1 – 'Minimum easement widths', requires a minimum easement width of 9 metres for low voltage up to 22,000 volt / 22 kilovolt (kV) high voltage overhead power lines ie. 4.5 metres to both sides of the centreline of the poles / conductors. For higher voltages, the wider the required minimum easement width.

- The minimum required safety clearances and controls for building 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 and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' 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) and 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 a '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'.

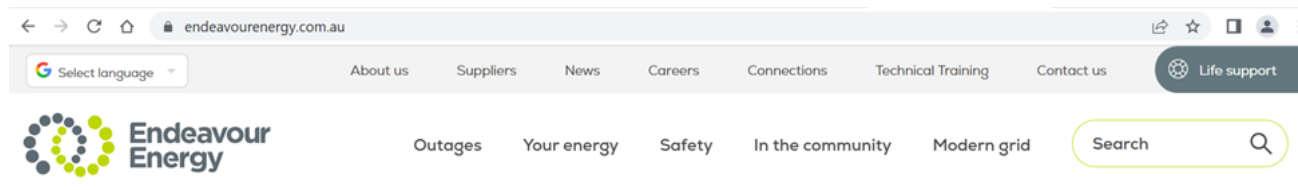
## **Objection**

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. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Services 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:CWAdmin@endeavourenergy.com.au">CWAdmin@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.

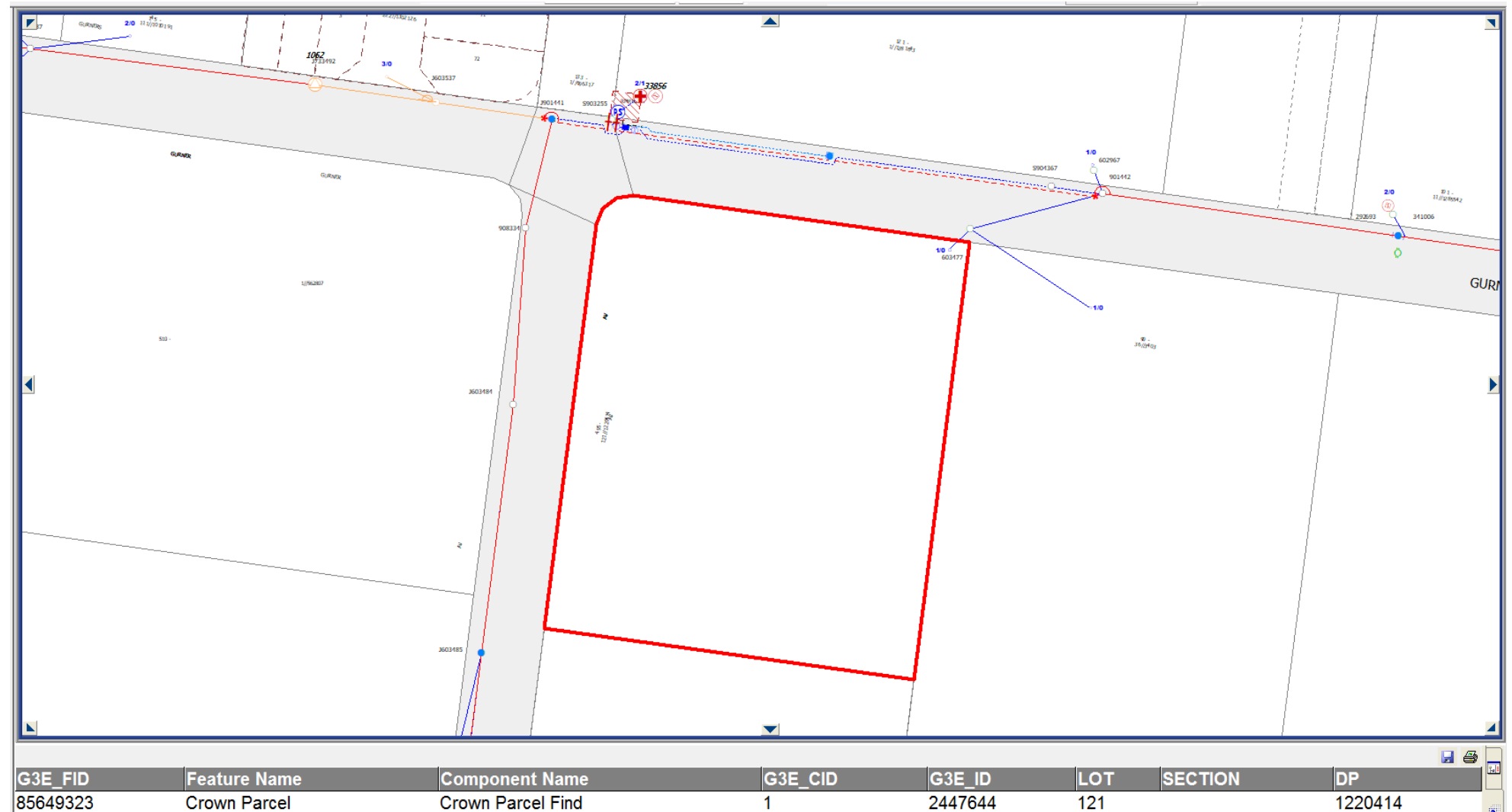
Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>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

## 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



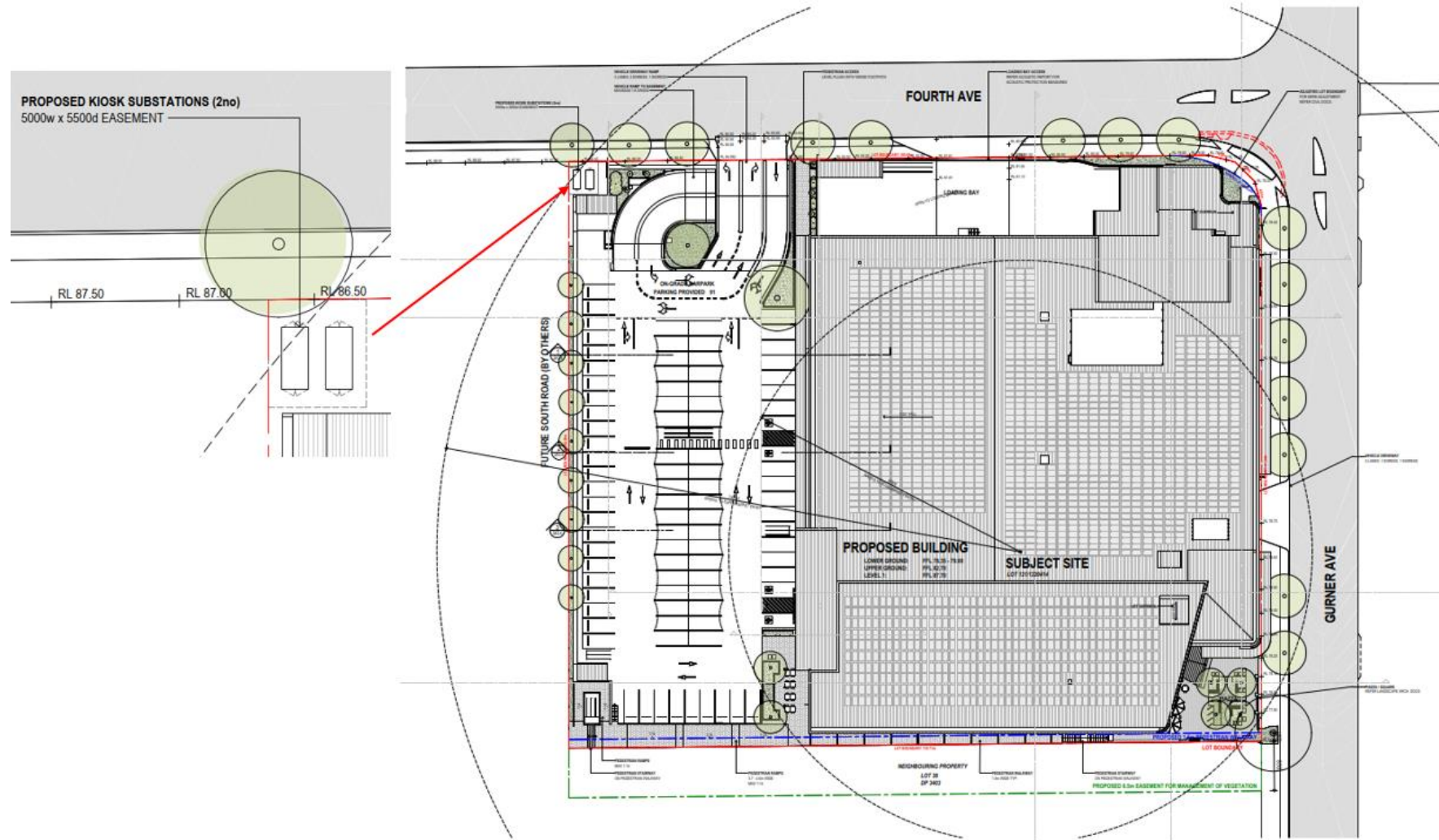
Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of 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



## Proposed Site Plan



**Clarke  
Hopkins  
Clarke**  
[www.chc.com.au](http://www.chc.com.au) | [info@chc.com.au](mailto:info@chc.com.au) | (02) 9428-4342  
150-160 Ross Street, Ashfield, Sydney NSW 1505  
and No. 220-244  
Austral North Westwolve  
402 Fourth Avenue, Suite 1500, New York, NY 10017



Scale 1:250 @ A2  
0 2.5m

DEVELOPMENT APPLICATION

### Proposed Site Plan

150-000-2022-00


DA2.3 a



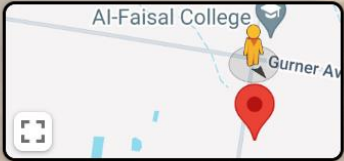
← 495 Fourth Ave 🔍 ✕

**510 Fourth Ave**

Austral, New South Wales

 Google Street View

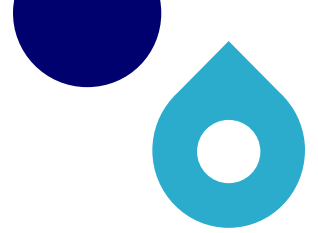
Mar 2020 [See more dates](#)





## Google Maps Street View





16 August 2024

Our reference: 211312

Nabil Alaeddine

Liverpool City Council

[alaeddinen@liverpool.nsw.gov.au](mailto:alaeddinen@liverpool.nsw.gov.au)

## RE: Development Application DA-311/2024 at 495 Fourth Avenue, Austral

Thank you for notifying Sydney Water of DA-311/2024 at 495 Fourth Avenue, Austral, which proposes the excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking (348 parking spaces), associated landscaping and public domain works. The commercial development will see a total GFA of 7,580m<sup>2</sup>, with key operational stores comprising a new Woolworths supermarket (3,540m<sup>2</sup>); BWS (174m<sup>2</sup>); DTB (143m<sup>2</sup>); various speciality retails (1825m<sup>2</sup>) and commercial spaces (1729m<sup>2</sup>).

Our system notes that the applicant had lodged a Feasibility case under CN 211312, which proposed similar development works to DA-311/2024 and a Feasibility letter was issued on 29/01/2024. Sydney Water provides updated capacity advice issued under 211312.

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.

### Water Servicing

- The proposed development is currently serviced via the Cecil Park Water Supply Zone (WSZ) and currently doesn't have capacity to service the development.
- Sydney Water plans to deliver a DN300 amplification main along Gurner Ave to increase supply to the area. **This work is currently scheduled to be operational by the end of 2024.**
- Amplification of the DN300 is required to be delivered prior to servicing being available for this development.
- Detailed requirements will be provided at the S73 application stage.

### Wastewater Servicing

- Our preliminary assessment indicates that wastewater servicing should be available for the proposed development.
- Amplifications, adjustments, deviations and/or extensions may be required.
- Detailed requirements will be provided at the S73 application stage.

## 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.

## 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.
  - Section 73 Compliance Certificate
  - Building Plan Approval

Further details of the conditions can be found in **Attachment 1**.

- The proponent is advised to update their Case Manager and Water Servicing Coordinator under CN 211312 regarding their updated development works and commitment.
- The proponent should complete and return the enclosed Growth Data Form as part of their S73 application. 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 and 2. 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 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 2 – Sydney Water Requirements for Commercial and Industrial Developments (for proponent's information)

### Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

### Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

## Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

## Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).





**NSW Police Force**

## **Development Application Review**

RMS Reference:

**DA Reference No:** DA-311/2024

**Council:** Liverpool City Council

**Property address:**

**LOT 121 DP 120414, 495 FOURTH AVENUE, AUSTRAL NSW 2179**

### **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-311/2024.

### **2. Proposed development**

**PROPOSED EXCAVATION AND CONSTRUCTION OF A COMMERCIAL DEVELOPMENT INVOLVING THE PROVISION OF AN ANCHOR SUPERMARKET, COMMERCIAL AND RETAIL TENANCIES, PUBLIC PIAZZA AND THROUGH-SITE LINKS, WITH AT-GRADE AND BASMENT PARKING, ASSOCIATED LANDSCAPING AND PUBLIC DOMAIN WORKS**

### **Recommendations**

Police do not oppose the development application; I have reviewed the 'Architectural Plan' that has been prepared by applicant which should reflect principles of Crime Prevention Through Environmental Design (CPTED). 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:

- Establish an emergency access for law enforcement and emergency services.
- Ensure ample of pedestrians' walk-way.
- A regular security assessment for internal and external of the property.
- High level of CCTV coverage the entry and exit of the location, coverage of all in and outside of the buildings, and basement car park (**footage must be kept for 30 days**).

**Liverpool City PAC/ Crime Prevention Unit**

193 Wilson Rd, Green Valley, NSW 2000

**T** 02 96071799 **F** 02 96071711 **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



**NSW Police Force**

The police are requesting that all blind spots within the complex be covered with CCTV coverage to ensure the location remains a safe and secured for staffs and general community members.

- The location must have enough lightings at night. Police recommend that lights be maintained and regularly checked to ensure that there is enough lighting within and outside the building. 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.
- 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

**Liverpool City PAC/ Crime Prevention Unit**

193 Wilson Rd, Green Valley, NSW 2000

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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



**NSW Police Force**

01/08/2024

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