

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-596/2024

Development: Construction of a 16 storey residential flat building containing 68 apartments (including 26 infill affordable housing units), comprising of 13 x 1-bedroom units, 22 x 2-bedroom units, 30 x 3-bedroom units, and 3 x 4 - bedroom units, with basement parking for 64 vehicles, ancillary civil works, and landscaping work

Site: 36-40 Speed Street, Liverpool NSW 2170

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

Date of determination: 9 January 2026

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 36-40 Speed Street, Liverpool NSW 2170

The conditions of consent are as follows:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

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.				
	(a) Architectural plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	DA001	G	Compliance Schedule	Giles Tribe	12-08-2025
	DA002	A	BASIX Requirements & Commitments PT.1	Giles Tribe	28-08-2025
	DA003	A	BASIX Requirements & Commitments PT.2	Giles Tribe	28-08-2025
	DA004	B	Photomontage	Giles Tribe	12-08-2025
	DA100	C	Site Analysis	Giles Tribe	23-07-2025
	DA101	G	Site Plan	Giles Tribe	12-08-2025
	DA200	J	Basement Plan 3	Giles Tribe	20-08-2025
	DA201	G	Basement Plan 2	Giles Tribe	23-07-2025
	DA202	J	Basement Plan 1	Giles Tribe	12-08-2025
	DA203	M	Ground Floor Plan	Giles Tribe	20-08-2025
	DA204	J	Level 1 Floor Plan	Giles Tribe	12-08-2025
	DA205	C	Level 2	Giles Tribe	23-07-2025
	DA206	D	Level 3	Giles Tribe	04-09-2025
	DA207	K	Level 4	Giles Tribe	04-09-2025
	DA208	F	Levels 5-7	Giles Tribe	12-08-2025
	DA209	E	Level 14	Giles Tribe	23-07-2025
	DA210	H	Roof Plan	Giles Tribe	12-08-2025
	DA211	B	Upper Roof Plan	Giles Tribe	23-07-2025
	DA212	C	Level 8-13 Floor Plan	Giles Tribe	12-08-2025

DA215	D	Adaptable Unit	Giles Tribe	23-07-2025
DA300	I	North East Elevation	Giles Tribe	12-08-2025
DA301	G	South East Elevation	Giles Tribe	23-07-2025

DA302	I	South West Elevation	Giles Tribe	12-08-2025
DA303	I	North West Elevation	Giles Tribe	12-08-2025
DA304	B	Street Elevation - Railway Line	Giles Tribe	23-07-2025
DA305	C	Street Elevation -Speed Street	Giles Tribe	12-08-2025
DA306	B	South East Elevation - Anti-throw Mechanisms	Giles Tribe	12-08-2025
DA400	I	Section A	Giles Tribe	12-08-2025
DA401	H	Section B	Giles Tribe	23-07-2025
DA402	G	Section C	Giles Tribe	12-08-2025
DA403	F	Section D & E - Ramps	Giles Tribe	23-07-2025
DA700	C	Facade Details A	Giles Tribe	12-08-2025
DA701	C	Facade Details B	Giles Tribe	12-08-2025
DA702	C	Facade Details C	Giles Tribe	12-08-2025
DA703	C	Facade Details D	Giles Tribe	12-08-2025
DA704	C	Facade Details E	Giles Tribe	12-08-2025
DA800	F	Material & Finishes Schedule	Giles Tribe	12-08-2025
DA900	D	Window Schedule	Giles Tribe	12-08-2025
DA901	B	Window Schedule	Giles Tribe	12-08-2025

(b) Landscape Plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
LPDA(S34) 24-196, Sheet 01	G	Hardscape Plan	Conzept Landscape Architects	20-08-2025
LPDA(S34) 24-196, Sheet 02	G	Public Domain Plan	Conzept Landscape Architects	20-08-2025
LPDA(S34) 24-196, Sheet 03	G	Landscape Soil Depth	Conzept Landscape Architects	20-08-2025
LPDA(S34) 24-196, Sheet	G	Landscape Plan	Conzept Landscape Architects	20-08-2025

04				
LPDA(S34) 24-196, Sheet 05	G	Landscape Plan	Conzept Landscape Architects	20-08-2025
LPDA(S34) 24-196, Sheet 06	G	Planting Palettes	Conzept Landscape Architects	20-08-2025
LPDA(S34) 24-196, Sheet 07	G	Sections	Conzept Landscape Architects	20-08-2025
LPDA(S34) 24-196, Sheet 08	G	Detail & Specifications	Conzept Landscape Architects	20-08-2025

(c) Stormwater plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
SW1116-1	C	Construction Notes	Wehbe Consulting	19-08-2025
SW1116-2	C	Roof Layout	Wehbe Consulting	19-08-2025
SW1116-3	C	Level 14 Layout	Wehbe Consulting	19-08-2025
SW1116-4	C	Level 8-13 Layout	Wehbe Consulting	19-08-2025
SW1116-5	C	Level 5-13 Layout	Wehbe Consulting	19-08-2025
SW1116-6	C	Level 4 Layout	Wehbe Consulting	19-08-2025
SW1116-7	C	Level 2-3 Layout Typical	Wehbe Consulting	19-08-2025
SW1116-8	C	Level 1 Layout Typical	Wehbe Consulting	19-08-2025
SW1116-9	C	Ground Floor Layout	Wehbe Consulting	19-08-2025
SW1116-10	C	Easement Layout	Wehbe Consulting	19-08-2025
SW1116-11	C	Basement 1 Layout	Wehbe Consulting	19-08-2025
SW1116-12	C	Basement 2 Layout	Wehbe Consulting	19-08-2025
SW1116-13	C	Basement 3 Layout	Wehbe Consulting	19-08-2025

Approved documents

Document title	Version number	Prepared by	Date of document
Statement of Changes	Revision 26-09-2025	Giles Tiles	26-09-2025
Acoustic Report	1	PKA Acoustic Consulting	4-06-2024
Preliminary Site Investigation	20536/2-AA	Geotechnique Pty Ltd.	10-04-2024
Further Site Investigation & Remediation Action Plan	20536/3-AA	Geotechnique Pty Ltd.	12-07-2024
Geotech Report	20536/1-AA	Geotechnique Pty Ltd.	24-04-2024
BASIX Certificate	1750114M_02	ESD Synergy Pty Ltd.	28-08-2025

	The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, must be fully complied with at all times. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council. Condition reason: This condition is imposed to ensure compliance with legislative requirements.
2.	(A032) Shoring and adequacy of adjoining property 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. 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— 1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and 2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— 1. the person having the benefit of the development consent owns the adjoining land, or 2. the owner of the adjoining land gives written consent to the condition not applying. Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.
3.	(A040) Compliance with the Building Code of Australia 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>. 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. 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>. 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. 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. 6. This section does not apply— 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 2. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
4.	(A042) Notification of Home Building Act 1989 requirements

	1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— 1. for work that requires a principal contractor to be appointed— 1. the name and licence number of the principal contractor, and 2. the name of the insurer of the work under the Home Building Act 1989, Part 6, 2. for work to be carried out by an owner-builder— 1. the name of the owner-builder, and 2. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
5.	(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.
6.	(A051) In-fill affordable housing

	1. This section applies to development permitted under <i>State Environmental Planning Policy (Housing) 2021</i>, Chapter 2, Part 2, Division 1, other than— - development on land owned by the Land and Housing Corporation, or - a development application made by, or on behalf of, a public authority. 2. It is a condition of the development consent that before the issue of an occupation certificate for the development— - a restriction must be registered, in accordance with the <i>Conveyancing Act 1919</i>, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and - evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and - evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority. 3. It is a condition of the development consent that during the relevant period— - the affordable housing component must be used for affordable housing, and - the affordable housing component must be managed by a registered community housing provider, and - notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and - the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines. 4. In this section— affordable housing component has the same meaning as in <i>State Environmental Planning Policy (Housing) 2021</i>, section 21. relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates. Condition reason: Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.
7.	(A070) Public Art Public art shall be designed to activate and enhance the development for users of the site as well as active and passive audiences from the public domain. Public art within the Liverpool LGA is to be designed and delivered in accordance with Council's endorsed Public Art Policy and; - Aligns with required planning instruments relevant to the site; - Employ appropriate scale and size in relation to the built form; - Address bulk facades visible from the public domain; - Utilise endemic narratives; - Engage local artists, through lead or collaborative commission, in the design and development of public art; - Are designed and fabricated as permanent, lasting the lifetime of the construction; - Consider specific recommendations and or benchmarking provided by Council or negotiate alternative deliverables. Condition reason: To ensure fairness, transparency and probity. (A928) Environmental Health
8.	

	Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows: - Further Investigation & Remedial Action Plan Final Proposed Multi Storey Residential Redevelopment Lots 1 & 2 DP 83255 and Lot 40 DP 730528 36-40 Speed Street, Liverpool Report No 20536/3-AA prepared by Geotechnique Pty Ltd dated 12th July 2024 - DA Acoustic Report 36-40 Speed Street, Liverpool ID: 12784 R01v1, Issue R01, Version 1 prepared by PKA Acoustic Consulting dated 4th June 2024 except where modified by the undermentioned conditions.
9.	(A930) Electric substations Electrical substations located outside the building envelope are to be designed and constructed in accordance with Endeavour Energy Document No MCI 0006 (Current Version) and include relevant section requirements. The substation is to be enclosed behind fencing, which reduces the visual intrusion of the substation. The fencing is to be accessible to service providers and be designed to complement the building. Condition reason: To ensure that damage and vandalism to the substation are prevented.
10.	(A938) Tree protection measures The small palm tree located on the northern boundary is exempt as it doesn't meet the tree minimum threshold (see Tree Management Policy: 5.3 Definition of a tree) (height less than 3.5 metres). As for the tree located next to it, that is located on the neighbouring property. No works should be carried out on the tree other than the installation of tree protection measures. These protection measures should be carried out in accordance with AS 4970-2009 (Protection of trees on development sites) and a project arborist should be appointed to ensure that these protection measures are installed properly.
11.	(A940) Tandem car parks The architectural drawing shows that 18 parking spaces are provided in a tandem arrangement. Two tandem parking spaces are required to be allocated to one unit.
12.	(A941) Requirements of Sydney Water The comments provided by Sydney Water shall be complied with prior to, during, and at the completion of construction, as required in accordance with their correspondence dated 7 January 2025. A copy of the correspondence is attached.
13.	(A942) Requirements of Endeavor Energy The comments provided by Endeavour Energy shall be complied with prior to, during, and at the completion of construction, as required in accordance with their correspondence dated 19 January 2024. A copy of the correspondence is attached.
14.	(A943) Requirements of Sydney Trains The conditions provided by Sydney Trains shall be complied with prior to, during, and at the completion of construction, as required in accordance with their correspondence dated 11 February 2025. A copy of the correspondence is attached.

Before Issue of a Construction Certificate

15.	(B005) Adaptable units Before the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards. Condition reason: To ensure adaptable units are designed in accordance with the Australian Standard.						
16.	(B008) Housing and Productivity Contribution Before the issue of a relevant construction certificate, the applicant is to make a Housing and Productivity Contribution payment through the NSW Planning Portal. Condition reason: To ensure fairness, transparency and probity.						
17.	(B009) Housing and Productivity Contribution Before the issue of a relevant construction certificate, first subdivision certificate for the residential subdivision, or the first construction certificate for the other residential development or the commercial or industrial development, whichever is the earlier, the housing and productivity contribution (HPC) set out in the table below is required to be made: <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td><td>\$746,040.1</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$746,040.1</td></tr> </tbody> </table> The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution. . Conditions reason: To require contributions towards the provision of regional infrastructure.	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$746,040.1	Total housing and productivity contribution	\$746,040.1
Housing and productivity contribution	Amount						
Housing and productivity contribution (base component)	\$746,040.1						
Total housing and productivity contribution	\$746,040.1						
18.	(B010) Design amendments – Revised Façade Treatments Before the issue of a construction certificate, the amended plans and specifications must be submitted to Council for review by the Manager of Development Assessment. The documentation must clearly detail the following required modifications to the approved plans and supporting documents: 1. Reduced vertical screening, 2. Public art to be incorporated into the building as per the public art conditions in this consent,						

	3. A revised schedule of external materials, finishes, and colours, with reference to the approved elevations. The revised schedule must incorporate architectural treatments to the upper façades of the tower that mitigate the visual impact of blank walls, including the use of materials and colours. The design must includes a combination of public art elements and varied material treatments, with particular emphasis on south east elevation (Architectural drawing no. DA301G) and south west façade (Architectural drawing no. DA302 I) which enhances visual interest and contribute positively to the streetscape and surrounding public domain. Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development. Condition reason: To require contributions towards the provision of regional infrastructure.
19.	(B015) Clear public access ways Before issue of a construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway. Condition reason: To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles
20.	(B017) Provision of detailed plans for construction certificate application Before the issue of a construction certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that are consistent with the plans and documentation approved under this consent. Detailed plans must also show the following: 1. Car parking facilities 2. Acoustic measures 3. Disability access 4. Pedestrian access 5. Signage location and structures 6. Mechanical ventilation 7. Fencing to the substation Condition reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation
21.	(B018) Provision for Electric Vehicle Charging 1. Prior to the issue of a construction certificate, an electrical plan is to be submitted indicating the provision of a dedicated 32-amp circuit provided in the electricity distribution board for the purpose of vehicle charging and: a) a minimum of one (1) 7 kW (32 A) type 2 electric vehicle charger located in the garage, carport or other parking area, Or b) That the electrical distribution board is adjacent to the garage, carport or other parking area, Or c) In instances where the electrical distribution board is not on the wall adjacent to a garage, carport or other parking area, an electrical conduit, pull-string and cover-plate is provided between the electrical distribution board and the vehicle parking area in a manner which permits a vehicle charger to be installed without penetrating any wall, ceiling or floor

	Condition reason: This condition is imposed to ensure the adoption of sustainable transportation practices by the integration of electric vehicle charging infrastructure in all new dwellings.
22.	(B026) Preparation of mechanical ventilation plans Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier: 1. Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and 2. ensure all generate heated air, smoke, fumes, steam or grease vapours do not: 1. cause a nuisance to persons within or nearby to the premises, or 2. cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997 Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate
23.	(B034) Performance Bond Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Liverpool City Council. The value of the bond shall be determined and administered in accordance with Liverpool City Council's Bond Policy. Note: Contact Council's Land Development Section for further information relating to bond requirements. Condition reason: To ensure fairness, transparency and probity.
24.	(B038) Utilities and services Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier. 1. a letter from electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; 2. a response from water supply authority as to whether the plans accompanying the application for a Construction Certificate would affect any the water supply authority infrastructure, and whether further requirements need to be met; 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
25.	(B048) Provision of Services - Street Lighting

	The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider who shall request Council's Transport Management Team's endorsement of a Public Street Lighting Design Brief. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and should be lodged online. Once endorsed, the Designer is to carry out assessment of the existing street lighting and carry out a street lighting improvement design. This is to be submitted to and approved by Endeavour Energy. The upgrade may include undergrounding of, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief. Condition reason: To ensure adequate street lighting is provided for the development.
26.	(B050) Liverpool CBD - Communication Conduits The applicant/developer shall supply and install two 50mm white communication conduit with draw wires approximately 300mm behind kerb and gutter connecting multifunction poles. Details can be obtained from Infrastructure and Environment Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170. Condition reason: To ensure fairness, transparency and probity.
27.	(B052) Liverpool CBD - Footpath Paving and Landscaping Works Periphery Type/Core Type paving shall be installed along the entire Speed Street frontage/s, as part of this development. Footpath paving and Landscaping works shall be strictly in accordance with the Liverpool CBD Street Tree and Landscape Strategy 2005 and The Liverpool CBD Streetscape and Paving Guidelines 2005 as amended in Implementation Note 12/2015 – Liverpool CBD Paving. Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents. To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Land Development Section on 1300 36 2170 for further information. A Section 138 Roads Act Approval for all works within Council's road reserve will be required. Condition reason: To ensure fairness, transparency and probity.
28.	(B054) Retaining Walls on Boundary All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures. Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall. Condition reason: To ensure fairness, transparency and probity.

29.	(B056) S68 Local Government Act - Stormwater drainage works Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for connection into existing easement. Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice. Condition reason: To ensure fairness, transparency and probity.
30.	(B070) Public Art Prior to the issue of a Construction Certificate the following is to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement. A Preliminary Public Art Plan including: 1. Planning controls; 2. Initial proposed locations; 3. Scale to bulk; 4. Project timeline; 5. Identified current and/or future audiences; 6. The role and benefit role, benefit; 7. Benchmarking. Condition reason: To ensure fairness, transparency and probity.
31.	(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, (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve. These fees are reviewed annually and will be calculated accordingly. Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.
32.	(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.
33.	(B095) Long Service Levy Before the issue of a Construction Certificate, a long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works. The required Long Service Levy payment, under section 34 of the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of the relevant Construction Certificate. Condition reason: To ensure the long service levy is paid.

34.	(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.
35.	(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.
36.	(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.
37.	(B125) Erosion and sediment control plan
	Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifier: 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
38.	(B129) Design Verification Statement

	In accordance with the EP&A Regulation and State Environmental Planning Policy (Housing) 2021, the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the certifying authority. The certifier shall ensure that the statement prepared by the qualified designer provides the following: (a) a valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW), (b) that the qualified designer has designed or directed the design of the subject development, and (c) that the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Schedule 9 of SEPP (Housing) 2021. Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Schedule 9 of SEPP (Housing) 2021 Condition reason: To require details of the qualified designer (registered architect) in accordance with (Housing) 2021.
39.	(B134) Crime Prevention Through Environmental Design The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building: (a) basement parking areas shall be painted a light colour, (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building, (c) 'way finding' signage should be utilised at all major interchanges such as lifts and stair wells, (d) lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. 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, (e) corrugated ramps to prevent skate boarding activities, (f) glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders, (g) any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details, and (h) 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.
40.	(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, or telephone 13 20 92. Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA, prior to the issue of a Subdivision Works Certificate. Condition reason: To ensure fairness, transparency and probity.
41.	(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.
42.	(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.
43.	(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 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.
44.	(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 AS4674-2004 - Design, construction and fit-out of food premises and the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas. Condition reason: To ensure compliance with construction requirements and to mitigate risks to human health and the environment.
45.	(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.
46.	(B165) Tree protection measures Where required for trees on adjoining sites tree protection measures are to be put in place in accordance with AS 4970-2009 (Protection of trees on development sites) Condition reason: To ensure fairness, transparency and probity.
47.	(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.
48.	(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.
49.	(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.
50.	(B410) Access, Car Parking and Maneuvering - 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 in accordance with AS2890.1, 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. <u>Note:</u> Review of the swept path diagrams in the TIA show that cars will not be able to enter and exit parking spaces 53, 54, 55 and 56 without encroaching on adjacent parking spaces. This needs to be rectified as it would have implications on the number of parking spaces provided. Condition reason: To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.
51.	(B452) Stormwater Discharge - Basement Car parks Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks. Condition reason: To ensure fairness, transparency and probity.
52.	(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.
53.	(B456) On-Site Detention On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Wehbe Consulting, reference number SW1116, Revision C, date 19-08-2025. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification. Condition reason: To ensure fairness, transparency and probity.
54.	(B532) Waste Management Plan requirements Before the issue of a Subdivision Work Certificate, a waste management plan for the development must be prepared and provided to the principal certifier. The plan must be prepared in accordance

	with 1. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and 2. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and 3. include the following information - • the contact details of the person removing waste; • an estimate of the type and quantity of waste; • whether waste is expected to be reused, recycled or sent to landfill; • the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.
55.	(B560) Road Works Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section. Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.
56.	(B590) Public Domain Works – Street Lighting The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy. All cost associated with the installation of street lighting shall be borne by the developer. Condition reason: To ensure adequate street lighting is provided for the development.
57.	(B944) Complaint handling register – Construction Prior to the commencement of Construction, the Applicant must ensure that the following is available for the life of the Development: (a) a postal address to which written complaints may be sent; (b) an email address to which electronic complaints may be transmitted; and (c) a telephone contact line to enable complaints associated with the Development to be registered by the community. • A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and include the following: (a) the date and time, where relevant, of the complaint; (b) the means by which the complaint was made (telephone, mail or email); (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; (d) the nature of the complaint; (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and

	(f) if no action was taken in relation to the complaint, the reason(s) why no action was taken. (g) allocate an individual "complaint number" to each complaint received. The Complaints Register must be made available for inspection when requested by Liverpool City Council. • The approved Construction Environmental Management Plan shall be complied with at all times during construction of the development. • All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the <i>Protection of the Environment Operations Act 1997</i>.
58.	Condition reason: To mitigate potential impacts associated with the development and establish a procedure for responding to enquiries. (B945) Compliance with the National Construction Code 1. In accordance with section 4.17(11) of the Environmental Planning & Assessment Act 1979 and section 69(1) of the Environmental Planning & Assessment Regulation 2021, it is a prescribed condition that all building work must be carried out in accordance with the requirements of the Building Code of Australia. 2. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Registered Certifier. 3. A fire safety report prepared by an accredited C10 fire engineer, must be submitted to the registered certifier prior to issue of the relevant construction certificate, demonstrating that all proposed external wall cladding materials used for the building complies with the National construction code and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC. 4. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the relevant construction certificate and submitted to Council, in compliance with the provisions of the EP&A Regulation. Condition reason: To ensure the building is constructed as per the NCC regulations.

Before Building Work Commences

59.	(C005) Construction Certificates Prior to the commencement of any building works, the following requirements must be complied with: 1. Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, 2. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act, 3. A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment, 4. A Principal Certifier (PC) must be appointed to carry out the necessary building inspections
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	and to issue an occupation certificate, and 5. The PC must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.
	Condition reason: To require approval to proceed with building work.
60.	(C006) Survey Requirements Prior to the commencement of building works the proposed building works shall be pegged out by a registered surveyor. For reference during construction, a benchmark shall be identified at the site, preferably on the kerb and gutter where it exists. The peg out report prepared by the registered surveyor shall be forwarded to the Principal Certifier prior to the first inspection. Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall. Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall.
	Condition reason: To ensure the development is carried out in accordance with relevant approvals and land restrictions
61.	(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.
	Condition reasons: To require approval to proceed with building work.
62.	(C027) Matters to be addressed prior to commencement of subdivision works Work on the subdivision shall not commence until: 1. a Construction Certificate (if required) has been issued, 2. a Principal Certifying Authority has been appointed for the project, and 3. 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.
63.	(C039) Construction Requirements Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction or if treated timber is used, all vertical support members (soldiers) shall be of galvanised steel.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
64.	(C055) Site Facilities

	Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
65.	(C080) Public Art Prior to the commencement of any building works the following requirements are to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement. The Public Art Plan is to be updated to include the following details: 1. Commissioned artist/s; 2. Concept designs; and 3. Artwork dimensions and materials. Note: Updated architectural and landscape plans are to be submitted, identifying the endorsed public art concept designs.
66.	(C117) Sediment and erosion control measures Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls contained within the erosion and sediment control plan prepared prior to the issue of the construction certificate are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
67.	(C155) Work Zone A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space. A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form. Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
68.	(C158) Construction Management Traffic Plan (CTMP) A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is available on Council website and can be lodged online. Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction. A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers. Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

	Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.
69.	(C201) Road Occupancy Permit Road occupancy and road opening approvals will be required from Council to undertake works within the adjoining road reserve. The following applications are available on Council's website and can be lodged online attaching all required documents indicated on the application form. • Road Occupancy Application Form • Road Opening Application Form
	Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
70.	(C361) Construction Site Management Plan Before site work commences, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters: 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: • Proposed truck movements to and from the site; • Estimated frequency of truck movements; and • 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 and in adjoining public areas including measures in accordance with: • AS 4970 – Protection of trees on development sites; An applicable Development Control Plan; • 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.
71.	(C466) Dilapidation report 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 excluding the adjoining rail corridor to the satisfaction of the principal certifier. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 14 days before any site work commences, adjoining building owner(s) must be

provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.

Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

During Building Work

72.	(D005) Building Work The building works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate. Condition reason: To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.
73.	(D010) Building Work The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works. Condition reason: To require approval to proceed with building work following each critical stage inspection.
74.	(D015) Surveys by a registered surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: 1. All footings / foundations in relation to the site boundaries and any registered and proposed easements 2. At other stages of construction – any marks that are required by the principal certifier. Condition reason: To ensure buildings are sited and positioned in the approved location.
75.	(D020) Identification Survey Report The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifier has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the Principal Certifier has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory. In the event that Council is not the Principal Certifier, a copy of the survey shall be provided to Council within three (3) working days.

	Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.
76.	(D025) Identification Survey Report On placement of the concrete, works again shall not continue until the Principal Certifier has issued a letter stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels. Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.
77.	(D038) Toilet Facilities Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: (a) be a standard flushing toilet connected to a public sewer, or (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or (c) be a temporary chemical closet approved under the Local Government Act 1993. Condition reason: To ensure the required site management measures are implemented during construction.
78.	(D045) Hours of work Site work must only be carried out between the following times – For work/civil work/demolition work, including delivery of materials is only permitted on the site from 7:00am to 6:00pm on Monday to Friday For work/civil work/demolition work, including delivery of materials is only permitted on the site from 8:00am to 1:00pm on Saturday Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
79.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
80.	(D055) Building waste and refuse disposal Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented during construction.
81.	(D080) Public Art While building work is being carried out the following requirements are to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement.

	1. The site architectural and landscape plans are to be submitted identifying the endorsed Public Art concept designs. 2. Notification on commencement of artwork fabrication, delivery, and installation. 3. The Public Art Plan is to be finalised to include: 1. Artist/s and artwork statement; 2. Maintenance Schedule; and 3. Approved final design.
82.	(D100) General Site Works - Surface Contours 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. Condition reason: To protect the amenity of the neighbourhood.
83.	(D105) General Site Works All roofwater is to be connected to an approved stormwater system. Condition reason: To ensure environmental impacts and impacts to neighbouring properties are minimised.
84.	(D110) General Site Works Stormwater pipeline connections to the street kerb shall be constructed in the following manner: (a) the kerb shall be sawcut on both sides of the proposed pipe outlet. (b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter. (c) the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb. Condition reason: To ensure any alteration to Council infrastructure is to a suitable standard.
85.	(D115) General Site Works - Existing Hydrology Existing hydrological regimes shall be maintained so as not to negatively impact vegetation and downslope/downstream of the site. Condition reason: To minimise impacts to adjacent vegetation and habitat.
86.	(D120) General Site Works - Runoff Any runoff shall be of an equivalent or better quality, and of a similar rate of flow to present levels. Condition reason: To minimise impacts to natural environment
87.	(D125) General Site Works - Sediment The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land. Condition reason: To minimise impacts to the natural environment.
88.	(D130) Removal of dangerous and/or hazardous waste

	Any dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
89.	(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 Australian Standard 2890.1 Parking Facilities – Off-Street Car Parking. All car parking areas are to be appropriately line marked and sign posted in accordance with the Council approved plans. All visitor parking areas are to be clearly signposted limiting car parking for visitors only. The applicant is to cover the costs of installation and maintenance of the signage. Condition reason: To ensure the facilities are constructed appropriately to comply with AS2890.
90.	(D146) Directional Signage Directional signage indicating the location of residential/visitor parking, “in” and “out”, crossings and directional arrows are to be provided in accordance with the Council approved plans. Condition reason: To ensure that appropriate signs are installed.
91.	(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
92.	(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 developer/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.
93.	(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 principal certifier, detailing the following: • The contact details of the person(s) who removed the waste; The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
94.	(D210) Vegetation - Tree Approval Permission is hereby granted for the removal of any tree within 3 metres of the building footprint. Trees located outside this area or not indicated on the plan are not to be removed without the consent of Council. Condition reason: To help promote the retention of healthy established trees that are a reasonable distance away from building structures.
95.	(D335) External Lighting Any external lighting (Excluding any street lighting) is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users. Condition reason: To protect the amenity of the neighbourhood.
96.	(D425) Site Remediation Works The site must be remediated in accordance with: a) Further Investigation & Remedial Action Plan Final Proposed Multi Storey Residential Redevelopment Lots 1 & 2 DP 83255 and Lot 40 DP 730528 36-40 Speed Street, Liverpool Report No 20536/3-AA prepared by Geotechnique Pty Ltd dated 12th July 2024; b) State Environmental Planning Policy (Resilience and Hazards) 2021; c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and d) The guidelines in force under the Contaminated Land Management Act 1997. A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved Remediation Action Plan. Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/recommencement of works. Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site

	Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.
	Condition reason: To ensure the suitability of land for the proposed development.
97.	(D426) Soil management
	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:
	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. 2. All fill material imported to the site must be: 1. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or 2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or 3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <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.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
98.	(D430) Unidentified Contamination
	Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.
	A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.
	Condition reason: To ensure the suitability of land for the development.
99.	(D450) Air Quality
	During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.
	Condition reason: To ensure site works are managed appropriately and does not result in air pollution.
100.	(D460) Salinity
	The development shall be carried out in accordance with 'Appendix B' of the Liverpool Growth Precincts Development Control Plan 2013.
	The development shall be carried out in accordance with Part 1, Section 11 'Salinity Risk' of the Liverpool Development Control Plan 2008.
	Condition reason: To ensure that all construction work is undertaken to an approved standard.
101.	(D480) Acoustic Report
	The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.

	Condition reason: To ensure human health and amenity is maintained by ensuring the development is not impacted by noise.
102.	(D552) Implementation of the site management plans While site work is being carried out: 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition reason: To ensure site management measures are implemented during the carrying out of site work.
103.	(D555) Erosion Control - Maintenance Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
104.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
105.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
106.	(D570) Pollution Control - Site Operations During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
107.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.

	Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
108. (D578) Ventilation	
	The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
	Condition reason: To ensure appropriate ventilation is incorporated into the building.
109. (D581) Historic Archaeology	
	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>
	Condition reason: To ensure the relevant heritage requirements are satisfied.
110. (D582) Aboriginal Cultural Heritage - Staff and Contractors	
	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.
	Condition reason: To ensure the relevant heritage requirements are satisfied.
111. (D583) Aboriginal Cultural Heritage - Unexpected Finds	
	The National Parks and Wildlife Act 1974 protects all Aboriginal Cultural Heritage in New South Wales. Where a proposal has the potential to impact on Aboriginal Cultural Heritage objects and places, whether the presence is known or not, a permit is to be sought from Heritage NSW.
	In the event that Aboriginal Cultural Heritage objects or places are encountered/discovered, works must cease immediately and Council and Heritage NSW notified.
	The finds are to be investigated by an experienced archaeologist and no works are to recommence onsite until approved by Heritage NSW and Liverpool City Council.
	Condition reason: To ensure the relevant heritage processes are followed.
112. (D584) Skeletal Remains	
	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.
	Condition reason: To ensure the relevant heritage processes are followed.
113. (D590) Public Domain Works - Street Lighting	
	Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction.
	Condition reason: To ensure that the development covers all required costs associated with the development.

114.	(D596) Drainage Connection 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. Condition reason: To ensure fairness, transparency and probity.
115.	(D597) Major Filling/ Earthworks All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works. The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority. Condition reason: To ensure soils introduced onsite do not result in drainage issues.
116.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
117.	(D605) Containment of site wastes during building 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. Conditions reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
118.	(D650) Noise and vibration - an approved document of this consent While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan. Condition reason: To protect the amenity of the neighbourhood during construction.
119.	(D660) Noise and Vibration requirements Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan. Condition reason: To protect the amenity of the neighbourhood during construction.
120.	(D664) Contamination

	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).
	Condition reason: To ensure land contamination is managed in accordance with the relevant legislation.
121.	(D666) Record Keeping of Imported Fill
	Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works: 1. The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration; 2. The results of a preliminary contamination assessment carried out on any fill material used in the development. 3. The results of any chemical testing of fill material.
	Condition reason: To ensure appropriate evidence of new soil is kept.

Before Issue of an Occupation Certificate

122. (E001) Payment of development contributions

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

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Georges River Foreshore	\$203,636	GL.10000001869.10105
Pioneer Park	\$29,091	GL.10000001869.10105
Apex Reserve	\$14,545	GL.10000001869.10217
Georges River Pedestrian Crossing	\$36,364	GL.10000001869.10218
Discovery Park	\$36,364	GL.10000001869.10219
Community Facility Upgrade	\$87,273	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$218,182	GL.10000001865.10220
Peripheral Streetscape works	\$145,455	GL.10000001865.10221
Footpath widening in City Centre	\$29,091	GL.10000001865.10222
<u>TOTAL</u>	<u>\$800,000</u>	

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

$$\frac{C_1 \times C P I_2}{C P I_1}$$

Indexed development contribution (\$) =

	Where: C is the monetary contribution imposed by this condition of the development consent. CPI(1) is the latest “Consumer Price Index: All Groups Index Number” for Sydney available from the Australian Bureau of Statistics as at the time of granting the relevant development consent. CPI(2) is the latest “Consumer Price Index: All Groups Index Number” for Sydney available from the Australian Bureau of Statistics at time that the contribution is to be paid. Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment. Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing. A copy of the development contributions plan is available on Council’s website.
	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.
123.	(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.
124.	(E005) 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.
125.	(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. Condition reason: To ensure the use meets health, safety and amenity provisions.
126.	(E022) Post-construction dilapidation report

	Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier detailing whether: 1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and 2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and 3. a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).
	Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.
127.	(E024) Preservation of survey marks Before the issue of an Occupation Certificate, documentation must be submitted by a registered surveyor to the principal certifier which demonstrates that: 1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or 2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure
128.	(E026) Removal of waste upon completion Before the issue of an Occupation Certificate: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.
129.	(E030) Section 73 Sydney Water Certificate A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted to the Principal Certifier prior to issue of Occupation Certificate. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
130.	(E035) Completion of public utility services Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
131.	(E037) Liverpool City Council clearance - Roads Act/ Local Government Act

	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. Condition reason: To ensure fairness, transparency and probity.
132. (E050) Display of Street Numbers	Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night. Condition reason: To ensure street number of the site is displayed in accordance with the Local Government Act.
133. (E060) BASIX	Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to the Principal Certifier. Condition reason: To ensure the development meets energy and water conservation requirements.
134. (E065) Landscaping	Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifier attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person. Condition reason: To help ensure landscaping works have been carried to a high standard and in accordance with the original design plans.
135. (E070) Public Art	(a) Prior to the issue of an Occupation Certificate the following requirements are to be submitted, through the nominated planner, to Liverpool City Council Public Arts Officer for approval and endorsement. Upon completion of the approved public art associated with the development and prior to the issue of any Occupation Certificate, high resolution images are to be provided. These images: 1. Are taken once the approved landscape works have been completed; 2. Include a selection of full artwork images and detail, taken from various perspectives; 3. Include images taken from key sightlines from the public domain; 4. Are JPEG or PNG files at a minimum of 2 mega pixels. (b) Prior to Occupation Certificate the final Public Art Plan is to be submitted to Liverpool City Council Public Arts Officer for approval and endorsement.
136. (E075) Road Works	All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a standard driveway with standard integral kerb and gutter shall be subject of a driveway application to Council and works supervised by that driveway inspection process. Condition reason: To protect and maintain Council infrastructure to an appropriate standard.

137.	(E106) Recommendations of Acoustic Report 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 DA Acoustic Report 36-40 Speed Street, Liverpool ID: 12784 R01v1, Issue R01, Version 1 prepared by PKA Acoustic Consulting dated 4th June 2024. The acoustic consultant must confirm that the development or use is capable of operating in accordance with the design criteria. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential acoustic impacts by ensuring that the development or use complies with the specified design criteria.
138.	(E108) Residential Car Park Before the issue of an occupation certificate the principal certifier must be satisfied that the proposed garage/security door fitted to the underground car parking entrance must be independently mounted on rubber pads or otherwise installed to prevent noise and the transmission of noise and vibration through the concrete walls and/or columns. Condition reason: To mitigate potential offensive noise and amenity impacts.
139.	(E156) Waste Storage Room Prior to the issuing of an occupation certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements: 1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor; 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation. Please refer to AS4674-2004 - Design, construction and fit-out of food premises and the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas. Condition reason: To ensure compliance with construction requirements and to mitigate risks to human health and the environment.
140.	(E165) Bonds A maintenance bond in the form of a bank guarantee or cash bond 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. Condition reason: To ensure bonds are paid for asset management.
141.	(E180) Validation Report Before the issue of any occupation certificate, a detailed Validation report must be submitted to the certifier. The Report must be prepared in accordance with: 1. NSW Contaminated Land Planning Guidelines (1998); 2. Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and

	3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). The Validation Report must be prepared or reviewed and approved by a suitably qualified environmental consultant. The report's cover or title page of the document must include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme. The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan. Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.
	Condition reason: To ensure the suitability of land, mitigate potential risks to human health and the environment and facilitate compliance with legislative requirements.
142.	(E250) Mechanical Ventilation Certification
	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.
	Condition reason: To facilitate compliance with legislative requirements.
143.	(E300) Hanging of Washing on Balconies
	Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property: The hanging of washing, including any clothing, towels, bedding or other article of a similar type of any balcony is not to be visible from any street. The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.
	Condition reason: To ensure the required restriction on use is registered on the title (the site), in accordance with Council's requirements, before occupation.
144.	(E320) Secure Mailboxes
	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.
	Condition reason To ensure the mailboxes provided are easily protected and maintained.
145.	(E400) Stormwater Compliance

	Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the: (a) On-site detention system/s, (b) Stormwater pre-treatment system/s, (c) Overland flowpath works, (d) Flood control works, and/or (e) Basement Carpark pump-out system: 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent, 2. Have met the design intent with regard to any construction variations to the approved design, and 3. Any remedial works required to been undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings. Condition reason: To ensure fairness, transparency and probity.
146. (E404) Restriction as to User and Positive Covenant	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: (a) On-site detention system/s, (b) Stormwater pre-treatment system/s, (c) Overland flowpath works; and/or (d) Basement Carpark pump-out system: The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works. Condition reason: To ensure fairness, transparency and probity.
147. (E408) Rectification of Damage	Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works within Speed Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing. Condition reason: To ensure fairness, transparency and probity.
148. (E436) Dilapidation Report	Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken at full cost to the developer. Condition reason: To ensure fairness, transparency, and probity.
149. (E942) General waste requirements	Prior to the issue of an Occupation Certificate the owner's corporation/body corporate of the development is to enter into a legally binding indemnity with Council to engage and keep engaged, a

	licensed private waste contractor to provide waste bins to each residence and legally dispose of the contents of those bins. The bins to be provided to each residence are general waste, co-mingled recycling and garden organics bins, and the volumes of those bins and the frequency of their collection, are to be no less than the equivalent service for single residences supplied through Council. The garden organics bin service shall change to a FOGO bin service in line with the timing required by the NSW EPA. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the developer. Council should be provided with indemnity against claims for loss or damage, should they take over the service at some point in the future. The restriction as to user may not be extinguished or altered, except with the consent of Liverpool City Council.
	Condition reason: To ensure new FOGO requirements are adhered to.

Before Issue of a Subdivision Certificate

150. (F015) Linen Plans and 88B Instruments	In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed). Condition reason: To ensure fairness, transparency and probity.
151. (F020) Linen Plans and 88B Instruments	The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release. Condition reason: To ensure fairness, transparency and probity.
152. (F030) Linen Plans and 88B Instruments	The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policies. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
153. (F035) Linen Plans and 88B Instruments	Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in Council's Design Specification for Subdivisions (as amended). Condition reason: To ensure fairness, transparency and probity.
154. (F037) Liverpool City Council clearance - Roads Act/ Local Government Act	Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

	Condition reason: To ensure fairness, transparency and probity.
155. (F045) Linen Plans and 88B Instruments	
	Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.
	Condition reason: To ensure fairness, transparency, and probity.
156. (F060) Linen Plans and 88B Instruments	
	The following restriction as to user must be placed over proposed Lots 1 and 2 DP 83255 and Lot 40 DP 730528. Details shall be submitted with the application for a Subdivision Certificate.
	(a) No Construction Certificate shall be issued for a building on the lot burdened until on site drainage detention has been designed in accordance with Council's On-Site Detention Policy and Construction Specification, and
	(b) No Occupation Certificate for a building shall be issued until the designed on-site detention system has been constructed on the subject lot and a licensed Surveyor prepares a "Work As Executed" plan and is certified as complying with the approved detention design by an appropriate accredited professional engineer.
	Details shall be submitted with the application for a Subdivision Certificate.
	Condition reason: To ensure fairness, transparency and probity.
157. (F105) Service Providers	
	The following documentation must be provided before the issue of a subdivision certificate:
	(a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development must be submitted to the certifier before the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.
	(b) Notification of arrangement for the development from Endeavour Energy must be submitted to Council.
	(c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
	i) The requirements of the Telecommunications Act 1997;
	ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
	iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground.
	Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications.
	Condition reason: To promote orderly development supported by adequate infrastructure.
158. (F150) Dilapidation Report	

	Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
	Condition reason: To ensure fairness, transparency and probity.
159. (F200) Completion of Subdivision Works	
	Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.
	Condition reason: To ensure fairness, transparency and probity.
160. (F230) Rectification of Damage	
	Prior to the issue of a Subdivision Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.
	Any rectification works within Speed Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.
	Condition reason: To ensure fairness, transparency, and probity.
161. (F235) Subdivision Compliance	

	Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifier: (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans, (b) The WAE drawings shall 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, (c) 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, (d) 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, (e) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification, (f) Structural Engineer's construction certification of all structures, and (g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include: 1. Compaction reports for road pavement construction, 2. Compaction reports for bulk earthworks and lot regrading, 3. Soil classification for all residential lots, and 4. Statement of Compliance. (h) 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. Condition reason: To ensure fairness, transparency and probity.
162.	(F245) Stormwater Compliance Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that the: (a) On-site detention system/s (b) Stormwater pre-treatment system/s (c) Basement Carpark pump-out system 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent. 2. Have met the design intent with regard to any construction variations to the approved design. 3. Any remedial works required to been undertaken has been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings. Condition reason: To ensure fairness, transparency and probity.
163.	(F250) Restriction as to User and Positive Covenant

	Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the: (a) On-site detention system/s (b) Stormwater pre-treatment system/s (c) Overland flow path works (d) Flood control works (e) Basement carpark pump-out system Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works. Condition reason: To ensure fairness, transparency and probity.
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Occupation and Ongoing use

164.	(G004) Plan of Management
	The approved Plan of Management 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.
	Condition reason: To ensure fairness, transparency and probity.
165.	(G015) Washing on Balconies
	The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street
	Condition reason: To restrict hanging of washing on balconies visible from any street.
166.	(G028) Release of securities
	After Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with the bond conditions in this consent.
	Condition reason To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.
167.	(G060) Graffiti removal
	During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.
	Condition reason: To protect and preserve the visual amenity of the surrounding public domain.
168.	(G065) Unreasonable Noise and Vibration
	The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.
	Should an offensive noise complaint be received and verified by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and a report must be submitted to Liverpool City Council for review upon request. Any noise attenuation recommendations approved by Liverpool City Council must be fully implemented and verified in writing by a suitably qualified acoustic consultant. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical

	Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.
	Condition reason: To mitigate potential offensive noise and amenity impacts.
169.	(G100) Waste Collection and Management
	Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins.
	Condition reason: To mitigate potential risks to human health and the environment.
170.	(G130) Waste Storage Area
	Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
	Condition reason: To mitigate potential risks to human health and the environment.
171.	(G190) Use of Parking Spaces
	The following parking spaces should be used solely for the purpose it has been provided. 1. Unrestricted resident car parking 2. Visitor car parking 3. Accessible car parking 4. Motorcycle parking 5. Cycle parking 6. Delivery area 7. Garbage pick-up area 8. Washing bay
	Condition reason: To ensure that adequate parking and loading are provided.
172.	(G200) Car Parking/Loading Provisions
	A total of 64 off street car parking spaces must be provided in accordance with Council's requirements including one accessible and six adaptable parking spaces.
	Condition reason: To ensure that adequate parking and loading are provided.
173.	(G370) Use of building intruder alarm/s
	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.
	Condition reason: To mitigate potential acoustic impacts and facilitate compliance with legislative requirements.
174.	(G390) Noise - General
	Noise associated with the use of the premises, including mechanical plant and equipment, must not give rise to any one or more of the following: 1. The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment must not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997. 2. The operation of any mechanical plant, equipment, public address system or other amplified

	sound equipment installed on the premises must not cause: 1. i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017); 2. ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors; 3. iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and 4. iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
	Condition reason: To mitigate potential intrusive noise and amenity impacts.
175. (G400) Air emissions	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. Condition reason: To mitigate potential risks to human health and the environment.
176. (G410) Landscaping	Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed. An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained. Condition reason: To require records to be provided, after occupation, documenting that landscaping is appropriately maintained.
177. (G767) Use of air conditioner/s on residential premises	Any air conditioner/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or ii. before 7:00am or after 10:00pm on any other day; or (b) cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or (c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A). Condition reason: To protect the residential amenity of neighbouring properties.

178.	(G768) Use of pump/s on residential premises Any pump/s used on the residential premises including but not limited solar water pumps, rainwater tank pumps and associated equipment must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): i. before 8:00am or after 8:00pm on any Saturday, Sunday or public holiday; or ii. before 7:00am or after 8:00pm on any other day; or (b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or (c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A). Condition reason: To protect the residential amenity of neighbouring properties.
179.	(G769) Use of heat pump water heater/s on residential premises Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or ii. before 7:00am or after 10:00pm on any other day; or (b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or (c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A). Condition reason: To protect the residential amenity of neighbouring properties.

On Completion of Work

180.	(H022) Post-construction dilapidation report After completion of all site work a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier detailing whether: 1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and 2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and 3. a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). Conditions reason: To identify any damage to adjoining properties resulting from site work on the development site.
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181.	(H026) Removal of waste upon completion After completion of all site work: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
182.	(H064) Completion of landscape and tree works After the clearing of vegetation, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. Condition reason: To protect the residential amenity of neighbouring properties.
183.	(H407) Repair of infrastructure After completion of all site work: 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. Condition reason: To ensure any damage to public infrastructure is rectified.

(I) ADVISORY

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

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

- Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

- Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designed development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- “DIAL BEFORE YOU DIG”

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

- TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on Phone Number 1800 810 443.

- The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any

work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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.