



**Land and Environment
Court**
of New South Wales

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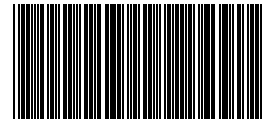
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Your Ref:



D0001ZXOTK

7 August 2024

NOTICE OF ORDERS MADE

Case number 2023/00203811
Case title FLDC PTY LTD v Liverpool City Council

On 7 August 2024 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Applicant is granted leave to rely upon the amended plans and documentation referred to in the index at Annexure A.
- (2) The appeal is upheld.
- (3) The Applicant is to pay the Respondent's costs thrown away pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979 as agreed or assessed.
- (4) Development Application DA19/2023 for the demolition of existing buildings and structures, construction and operation of a three storey childcare centre over basement accommodating 120 children, together with associated facilities, access, and landscaping, at 73 Lachlan Street, Warwick Farm being Lots 1 and 2 in Deposited Plan 1058859 is determined by the grant of consent subject to conditions contained in Annexure B.

For the Registrar

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-19/2023

Development: Demolition of existing structures and construction of a 4-storey centre-based childcare centre facility over 2 levels of basement car parking to accommodate 120 children.

Site: 73 Lachlan Street, Warwick Farm (Lots 1 & 2 DP 1058859)

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

Date of determination: 07 August 2024

Date from which consent takes effect: Date of determination.

ATTACHMENTS:

- 1. Section 7.12 Payment Form**
- 2. Sydney Water Requirements**
- 3. Endeavour Energy Requirements**

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 73 Lachlan Street, Warwick Farm (Lots 1 & 2 DP 1058859).

The conditions of consent are as follows:

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

DEFINITIONS

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

CONDITIONS

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

CONDITIONS OF APPROVAL

A. THE DEVELOPMENT

Approved Plans

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

Plan Name	Project No.	Sheet No.	Date	Revision	Prepared by
Architectural Plans					
Cover Page	P2204WAR	DA001	28/5/24	CC	FLDC Architects
Site Analysis	P2204WAR	DA002	28/5/24	CC	FLDC Architects
Proposed Site / Roof Plan	P2204WAR	DA100	28/5/24	CC	FLDC Architects
Proposed Lower Basement Floor Plan	P2204WAR	DA101	28/5/24	CC	FLDC Architects
Proposed Upper Basement Floor Plan	P2204WAR	DA102	28/5/24	CC	FLDC Architects
Proposed Ground Floor Plan	P2204WAR	DA103	28/5/24	CC	FLDC Architects
Proposed Level 1 Floor Plan	P2204WAR	DA104	28/5/24	CC	FLDC Architects
Proposed Level 2 Floor Plan	P2204WAR	DA105	28/5/24	CC	FLDC Architects
Proposed Level 3 Floor Plan	P2204WAR	DA106	28/5/24	CC	FLDC Architects
Proposed Elevations	P2204WAR	DA200	28/5/24	CC	FLDC Architects
Proposed Elevations	P2204WAR	DA201	28/5/24	CC	FLDC Architects
Fencing Elevations	P2204WAR	DA202	28/5/24	CC	FLDC Architects
Proposed Sections	P2204WAR	DA300	28/5/24	CC	FLDC Architects
Driveway Sections	P2204WAR	DA301	28/5/24	CC	FLDC Architects
Garbage Room Section	P2204WAR	DA302	28/5/24	CC	FLDC Architects

Shadow Diagrams – 21 Mar	P2204WAR	DA400	28/5/24	CC	FLDC Architects
Shadow Diagrams – 21 June	P2204WAR	DA401	28/5/24	CC	FLDC Architects
Shadow Diagrams – 21 Sep	P2204WAR	DA402	28/5/24	CC	FLDC Architects
Shadow Diagrams – 21 Dec	P2204WAR	DA403	28/5/24	CC	FLDC Architects
Landscape Plan	P2204WAR	DA500	28/5/24	CC	FLDC Architects
Schedule of Colours & Materials	P2204WAR	DA600	28/5/24	CC	FLDC Architects
Schedule of Colours & Materials	P2204WAR	DA601	28/5/24	CC	FLDC Architects
3D Perspectives	P2204WAR	DA700	28/5/24	CC	FLDC Architects
Demolition Plan	P2204WAR	DA800	28/5/24	CC	FLDC Architects
Stormwater Plans					
Stormwater Drainage Details	2341	S1/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S2/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S3/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S4/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S5/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S6/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S7/7	16/5/24	G	John Romanous & Associates
Landscape Plans					
Concept Plan – LG		1/7 Pages	March 2024		Edible Kids Gardens

Planting Plan – LG		2/7 Pages	March 2024		Edible Kids Gardens
Concept Plan – L1		3/7 Pages	November 2023		Edible Kids Gardens
Concept Plan – L2		4/7 Pages	November 2023		Edible Kids Gardens
Planting Plan – L2		5/7 Pages	December 2023		Edible Kids Gardens
Concept Plan – L3		6/7 Pages	November 2023		Edible Kids Gardens
Planting Plan – L3		7/7 Pages	March 2024		Edible Kids Gardens

Report Name	Job Number	Date	Revision	Prepared by
Detailed Site Investigation Certification	2405 CEnvP SCS DSI	13/02/24		Old Maple Pty Ltd
Detailed Site Investigation Report	N7609	8/02/24		Neo Consulting
Embedding the Noise Management Policy		8/02/24		Ology Early Childhood Consuting
Plan of Management		February 2024	Version 1.6	Ology Early Childhood Consulting
Noise Impact Assessment	22145.1	19/02/24	4	VMS Australia
Noise Impact Letter to Council		19/02/24		VMA Australia
Traffic & Parking Impact Assessment	230678.01FA	5/03/24		McLaren Traffic Engineering & Road Safety Consultants
Statement of Environmental Effects	WF-103/22	20/12/22		BMA Urban
Clause 6.6 Water Quality and Quantity Report		12/02/24		John Romanous & Associates
Clause 7.5 Design Excellence Report		24/04/24		FLDC Architects
Schedule of Amendments		24/06/24		FLDC Architects
Solar Access Letter				Ology Early Childhood Consulting
Supplementary Report – Ventilation in an Early		29/01/24		Ology Early Childhood Consulting

Childhood Setting				
Social Impact Comment Initial Assessment Form				Sublime Developments

Works at no cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Site Development Work

Submission of Amended Architectural Plans

3. Amended architectural plans shall be submitted to and approved by a Senior Development Assessment Planner of Liverpool Council prior to the issue of a Construction Certificate that provides the following:
 - a) The amended architectural plans shall include details of photovoltaic panels proposed on the roof of the building to harness solar from the sun to generate electricity for the building as a low-energy alternative;
 - b) The amended architectural plans shall also include the provision of crash resistance barriers to be constructed to the relevant standards supported by engineering certification along the Sydney Road frontage of the site;
 - c) The solid wall fencing proposed along the Sydney Road frontage of the site shall be of masonry construction to the match the materials and finishes of the building.

Site Development Work

4. 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.
5. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Notification

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

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

Fee Payments

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

The following fees are applicable and payable:

1. Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
2. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
3. Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under 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 a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

Provision of Services

8. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, 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.

Sydney Water Requirements

9. The development is to be carried out in accordance with all relevant requirements issued by Sydney Water, issued 11 April 2021 (Attachment 2).

Provision of Services - Endeavour Energy

10. 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 Private Certifying Authority.
11. The development is to be carried out in accordance with all relevant requirements issued by Endeavour Energy, issued 21 June 2024 (Attachment 3).

Provision of Services – Telco

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

Recommendations of Acoustic Report

13. The recommendations provided in the approved acoustic report titled *DA Noise Impact Assessment Childcare Centre, 73 Lachlan Street, Warwick Farm NSW 2170*, prepared by VMS Australia, report reference 22145.1, Revision 4, dated 19 February 2024 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall 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 shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

Food Premises Construction

15. To ensure compliance with the relevant standards and requirements, the following details are to be submitted to the Principal Certifying Authority for approval:
 1. Plans, to scale, demonstrating the proposed floor layout as well as associated works is in compliance with;
 - (i) AS46742004 – Design, construction and fitout of food premises,
 - (ii) Food Standards Code (Australia),
 - (iii) Building Code of Australia,
 2. Proposed/altered mechanical ventilation system/s (Building Code of Australia & Australian Standard 1668 Part 1 & 2).

Mechanical Plant and Equipment

16. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report titled *DA Noise Impact Assessment Childcare Centre, 73 Lachlan Street, Warwick Farm NSW 2170*, prepared by VMS Australia, report reference 22145.1, Revision 4, dated 19 February 2024.

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

Erosion and sediment control plan

17. 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 certifier:
- i. Council's relevant development control plan,
 - ii. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
 - iii. 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).

Waste Storage Area – Construction

18. All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:
- a) Sufficient space for access by staff, storage and easy manoeuvring of bins;
 - b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls coved to the floor;
 - c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
 - d) Adequate ventilation to the external air by natural or mechanical means;
 - e) The door to the room must be tight fitting and self-closing;
 - f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
 - g) Sufficient lighting to permit usage at night; and
 - h) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

Any modifications to the construction of the waste storage area require Council's prior written Approval.

Waste Management Plan requirements

19. Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared in accordance with
- i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and
 - ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and include the following information—
 - a) the contact details of the person removing waste;

- b) an estimate of the type and quantity of waste;
- c) whether waste is expected to be reused, recycled or sent to landfill;
- d) the address of the disposal location for waste.

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

Provision of Services – Street Lighting

20. 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 existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief.

Detailed Design Drawings

21. The applicant is to undertake detailed design of traffic facilities, signs and linemarking in the existing and/or proposed public domain.

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

NOTE: It is advised that the applicant discuss with Council's Traffic Management Section of the traffic requirements prior to preparation of the detailed design drawings.

Road Works

22. 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.

Public Domain Works – Street Lighting

23. 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.

Liverpool CBD – Communication Conduits

24. 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.

Liverpool CBD – Footpath Paving and Landscaping Works

25. Periphery Type/Core Type paving shall be installed along the entire Lachlan Street and Sydney Road/Hume Highway 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.

Retaining Walls on Boundary

26. 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.

S138 Roads Act – roadworks requiring approval of civil drawings

27. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of
- Removal of existing footpath and construction of 1.5m wide footpath at Lachlan Street frontage
 - Proposed driveway is in sub-standard condition. Therefore, construction of new driveway is required.
 - Redundant driveway to be demolished and replaced with kerb & gutter including reinstate of road verge.

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

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

On Site Detention

28. On-site Stormwater Detention (OSD) shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by John Romanous & Associates, reference number 2341_ S1/7 to S7/7 _ revision G dated 16/05/2024.

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

Engineering plans and supporting calculations for the onsite 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 onsite detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's OnSite Stormwater Detention policy and Technical Specification.

- i. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is collected, within the site, and conveyed through the site without adverse impact on the development (including the proposed OSD) or adjoining properties.
- ii. The outlet pipe across the public footpath area shall be RC pipe or concrete encased.
- iii. A stainless-steel orifice plate is to be utilised.
- iv. Child proof access to the basin area.
- v. 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 OSD policy and Technical Specification.

Stormwater Discharge – Basement Car parks

29. 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.

Lift entry points and services rooms in the basement shall be set a minimum of 100mm above the design top of water level or surface level of the tank (whichever is higher).

Water Quality

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

The Construction Certificate must be supported by:

1. Specification & installation details of the stormwater pre-treatment system
2. The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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

Access, Car Parking and Manoeuvring – General

31. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Dilapidation report

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

Dilapidation Report Private Property (Excavations)

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

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

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

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

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

Preparation of mechanical ventilation plans

34. 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:

- a. Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and
- b. ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - i. cause a nuisance to persons within or nearby to the premises, or
 - ii. 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.

Construction Environmental Management Plan (CEMP)

35. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:
- a) Asbestos Management Plan;
 - b) Project Contact Information;
 - c) Site Security Details;
 - d) Timing and Sequencing Information;
 - e) Site Soil and Water Management Plan;
 - f) Dust Control Plan;
 - g) Air Monitoring;
 - h) Odour Control Plan;
 - i) Health and Safety Plan;
 - j) Waste Management Plan;
 - k) Incident management Contingency; and
 - l) 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.

Fire Safety Measures

36. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

Cladding

37. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC 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.

C. PRIOR TO WORKS COMMENCING

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

Updated Landscape Plan

38. A revised landscape plan that include an updated plant schedule shall be submitted to and approved by a Senior Development Assessment Planner of Liverpool City Council reflecting quantity, species, and mature height of all landscaping to be installed across the development.

Sediment & Erosion Control

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

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

Traffic Control Plan

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

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

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

Hazardous material survey before demolition

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

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

The report must include at least the following information:

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

6. identification of the disposal sites to which the hazardous materials will be taken

Condition - Reason

To require a plan for safely managing hazardous materials

Recommendations of Detailed Site Investigation Report

42. The recommendations provided in the approved detailed site investigation titled *DA Detailed Site Investigation {DSI} – 73 Lachlan Street, Warwick Farm NSW 2170*, prepared by Neo Consulting, report reference N7609, dated 8 February 2024 shall be implemented prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements.

Groundwater Dewatering Management Plan

43. A groundwater dewatering management plan (DWMP), prepared by a suitably qualified person must be submitted to the PCA and is to be prepared in accordance with the Department of the Environment and Energy (DoEE) Guideline for “Groundwater and Dewatering Management Plans (GWDMP)”, the NEPC (2013) National Environmental Protection (Assessment of Site Contamination) Amendment Measures 1999, the NSW DPIE (2021) Minimum requirements for building site groundwater investigations and reporting, information for developers and consultants and any other related or relevant guideline or legislation.
44. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
 - a) Any excavation, below the base of the footings of a building on an adjoining allotment of land, and
 - b) The notice shall be given seven (7) days prior to the commencement of work.

Excavation

45. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

Sydney Water

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

Waste Classification and Disposal of Contaminated Soil and Material

47. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority with 30 days of the waste being disposed.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Construction Traffic Management Plan (CTMP)

48. 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.

Work Zone

49. 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.

Where a work zone is required, an application must be submitted to and approved by Council's Transport Management Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions temporarily altered will need to be submitted to and approved by Council's Liverpool Local Traffic Committee.

Road Occupancy Permit

50. Road occupancy and road opening approvals will be required from Council to undertake works within the existing road reserve. The following applications are available on Council's website and can be lodged online attaching all required documents indicated on the application form.

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

Demolition Works

51. Demolition works shall be carried out in accordance with the following:
- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by the PCA and shall

- include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
 - c) The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements.

Erosion and sediment controls in place

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

Hours of Construction Work and Deliveries

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

Refuse Disposal

54. Adequate refuse disposal methods and builder's 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.

Waste Management Plan

55. While site work is being carried out:
- a) all waste management must be undertaken in accordance with the waste management plan, and
 - b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Soil Management

56. 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:
- i. 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.
 - ii. All fill material imported to the site must be:
 - a) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or
 - b) a material identified as being subject to a resource recovery exemption by the NSW EPA; or
 - c) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Air Quality

57. 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.

Water Quality

58. 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.

Environmental Management

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

General Site Works – Stormwater connection

60. 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.

General Site Works – Existing Hydrology

61. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.

Air Quality – Stabilisation

62. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

Ventilation

63. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
64. To ensure that adequate provision is made for ventilation of the building, the design, construction, installation and commissioning of the mechanical ventilation systems(s) shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

D. DURING CONSTRUCTION

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

Erosion Control Measures

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

Drainage Connection

66. 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.

General Site Works Sediment

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

Handling of asbestos during demolition

68. While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
 2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
 3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

Condition - Reason

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

Removal of dangerous and/or hazardous waste

69. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Soil management

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

Condition - Reason

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

Waste Management Plan

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

Note: Any noncompliance with this requirement will result in penalties being issued.

Unidentified Contamination

72. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Pollution Control Site Operations

73. During construction the consent holder is to ensure building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, formwork, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

Noise and Vibration requirements

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

Condition - Reason

To protect the amenity of the neighbourhood during construction.

Pollution Control Truck Movements

75. 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.

Construction Noise and Vibration

76. 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.

Car Parking Areas

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

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

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

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

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

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

Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity.

Directional Signage

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

Public Domain Works

79. 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’.

Public Domain Works – Street Lighting

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

Building Work

81. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2021, to monitor compliance with the relevant standards of construction, Council’s development consent and the construction certificate.

Identification Survey Report

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

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

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

Demolition Inspections

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

- a) immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works,

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and

- b) immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Toilet Facilities

84. 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

be a temporary chemical closet approved under the *Local Government Act 1993*.

General Site Works – Surface contours

85. 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.

General Site Works – Runoff

86. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

General Site Works – Sediment

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

Air Quality

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

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Air Quality – Vehicle Movement

89. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Water Quality

90. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Erosion Control – Stabilisation

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

Contamination

92. 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*, and *Managing Land Contamination – Planning Guidelines* (Planning NSW/EPA 1998).

Major Filling/ Earthworks

93. 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.

Imported Fill Material

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

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

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

Record Keeping of Imported Fill

95. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:
- a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
 - b) Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
 - c) the results of any chemical testing undertaken on fill material.

Food Premises – Construction

96. The construction, fit-out and finishes of the premises must comply with the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 Design, construction and fit-out of food premises.
97. The construction, fitout and finishes of the kitchen and any bottle preparation areas within the premises shall comply with the Australian Standards 4674-2004, *Food Act 2003* and Regulations thereunder. Construction is to include, but not be limited to the following:
- a) All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level;
 - b) Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg. stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling;
 - c) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor;
 - d) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture;
 - e) The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm;
 - f) All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - (i) at least 75mm high;
 - (ii) finished level to a smooth even surface;
 - (iii) recessed under fittings to provide a toe space of not more than 50mm;
 - (iv) rounded at exposed edges; and

- (v) coved at the intersection of the floor and wall to a minimum radius of 25mm.
- g) The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof;
- h) The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint;
- i) All service pipes and electrical conduits shall be either:
 - (i) concealed in floors, walls, ceiling or concrete plinths, or
 - (ii) fixed with brackets so as to provide at least:
 - 25mm clearance between the wall and the pipe/conduit; &
 - 100mm between the floor and the pipe/conduit
 - pipes so installed are not to run underneath fittings.
- j) All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas;
- k) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin;
- l) The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned;
- m) All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level;
- n) The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction;
- o) A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C;
- p) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment;
- q) A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least: - 45°C in one bowl for washing purposes; and - 77°C in the other bowl for rinsing purposes, together with a thermometer accurate to 1°C.
- r) Discharge of commercial trade wastewater is to be approved by Sydney Water. Before selecting or installing trade wastewater pre-treatment devices at a retail food business, refer to Plumbing for retail food businesses produced by Sydney Water.
- s) A cleaners sink shall be provided. The sink is NOT to be within an area where open food is handled.
- t) The grease trap is NOT to be located within an area where food is being handled.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Section 7.12 Payment (Liverpool Contributions Plan 2018 Liverpool City Centre)

98. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents **2%** of the cost of the development and is imposed in accordance with Section 7.12 of *Liverpool Contributions Plan 2018 Liverpool City Centre*.

The total contribution is **\$110,000** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form.

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

Occupation Certificate

99. The premises must not be occupied until an OC is issued by the PC. Copies of all documents relied upon for the issue of the occupation certificate must be attached to the OC and registered with Council.

Landscape Implementation Report

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

Liverpool City Council clearance – Roads Act/ Local Government Act

101. 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.

Works as executed General

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

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

Stormwater Compliance

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

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

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

Restriction as to User and Positive Covenant

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

1. Onsite detention system/s,
2. Stormwater pretreatment system/s,
3. Overland flowpath works,
4. Flood control works, and/or
5. Basement Carpark pumpout system:

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

Rectification of Damage

105. 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 Lachlan Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Directional Signage

106. Prior to the issue of an Occupation Certificate, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Footpaths

107. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

Dilapidation Report

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

Public Domain Works – Street Lighting

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

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

Operational Plan of Management

110. A plan of management shall be prepared addressing the Site Servicing Arrangements, particularly that service vans are to attend the site outside the peak drop-off/pick-up hours. The plans shall also include the following provisions:
- A requirement that parents use the on-site parking provisions when attending the site. A 3-strike policy for those noted as using on-street parking spaces will need to be in place and enforced.
 - Inclusion of a monetary incentive to staff to encourage the use of public transport and reduce dependency on private vehicle trips.

A copy of the plan shall be submitted to and endorsed by Council's Transport Management Team prior to the issue of any occupation Certificate.

Recommendations of Acoustic Report

111. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled *DA Noise Impact Assessment Childcare Centre, 73 Lachlan Street, Warwick Farm NSW 2170*, prepared by VMS Australia, report reference 22145.1, Revision 4, dated 19 February 2024. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

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

Mechanical Ventilation Certification

112. 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.

Certificates

113. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

Certificates

114. The Principal Certifying Authority (Building) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

Certificates

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

Section 73 Sydney Water Certificate

116. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation certificate.

Sydney Water

117. Prior to the issue of an Occupation Certificate, the PCA must be satisfied that the development is connected to and serviced by the Sydney Water reticulated sewer system.

Occupational Hygienist Report for Asbestos removal

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

Site Amalgamation

119. Prior to the issue of an occupation certificate, evidence from Land Property Information shall be provided to the satisfaction of the PCA that the two parent lots have been amalgamated.

Linen

120. The provision and management of any linen must comply with the following:
- a. The premises operator must provide clean linen for the use of each child;
 - b. All linen, including toweling and other bed coverings which come into contact with children must be changed immediately after each use.
 - c) All mattresses must be fitted with washable waterproof mattress protectors.

- d. Separate receptacles with fitting lids must be provided for the storage of used and clean linen to prevent contamination; and
- e) Evidence of a commercial contract to launder linen must be provided to Council upon request. Alternatively, a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed on the premises and provided with hot water at all times. Should linen be laundered onsite, a suitable clothes dryer is required to be located onsite to dry all linen appropriately.
- f) An appropriate clothes dryer is to be made available for the drying of towels.

F. CONDITIONS RELATING TO USE

Maintenance of Landscaping

121. 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.

Car Parking Management

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

Car Parking

123. A total of 28 off-street car parking spaces must be provided in accordance with Council's relevant development control plan. Two of the spaces must be designed and signposted/marked for the specific use of persons with a disability.

Vehicle Access

124. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles.

All vehicles must be driven in a forward direction, onto and away from the development, and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off-Street Car Parking.

Loading Areas

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

Waste Collection and Management

126. 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.

Waste Storage Area

127. 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.

Hours of Operation

128. The hours of operation of the premises are limited to:

7.00am to 6.00pm, Monday to Friday

The childcare centre is not permitted to operate on Saturdays, Sundays or Public Holidays.

Childcare Centres

129. Approval is granted for a maximum of one hundred and twenty (120) children to be on the premises at one time, in accordance with the following groupings:

- 20 children (0- 2 years old)
- 30 children (2-3 years old); and
- 70 children (3 years and over)

Childcare Centres

130. A maximum number of 18 educators are permitted to work at the childcare centre at any given time.

Noise Complaints register

131. The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:

- a) the date and time, where relevant, of the complaint;
- b) the means by which the complaint was made (telephone, mail or email);
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- f) 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 childcare centre shall be operated in accordance with the approved Operational Plan of Management, Noise Management Plan and Complaints Handling Procedure at all times.

Lighting

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

Noise - Silent Alarm System

133. Any alarm installed on the site is to be "silent back to base" type.

Noise – General

134. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period ($L_{Aeq (15 \text{ minute})}$) that exceeds the $L_{A90 (15 \text{ minute})}$ background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
 - iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
 - iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Acoustic Report

135. An acoustic report prepared by a suitably qualified acoustic consultant must be submitted to Liverpool City Council for its assessment and approval within three (3) months of occupation/completion of the development. The report must include but not be limited to the following information:
- (A) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled DA Noise impact assessment childcare centre, 73 Lachlan Street, Warwick Farm NSW 2170 report reference (22145.1, Revision 4) prepared by VMA Australia dated 19 February 2024;
 - (B) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
 - (C) All complaints received from local residents in relation to the operation of the premises/development; and
 - (D) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations must be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

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

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

Smokefree Environment Act and Smokefree Environment Regulation

136. The Applicant and Occupier of the premises are alerted to the requirements of the *Smokefree Environment Act 2000* and *Smokefree Environment Regulation 2016*. Nothing in this consent is to be taken to imply that the development meets the requirements of the aforementioned legislation. In the event that the Applicant and/or Occupier wishes to facilitate smoking within the premises, they must ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the *Smokefree Environment Act 2000* and *Smokefree Environment Regulation 2016*.

Food business Notification

137. All retail food businesses must notify Liverpool City Council of their food activity details. The food business notification must be completed in the approved form and comprise all information specified in the Food Safety Standards.

Deliveries & Access

138. Deliveries and service vehicles are to be scheduled to access the site outside of peak am and pm pick up and drop off times to minimise conflict between different vehicle modes, pedestrians and conflict over car parking spaces.
139. Prominent notices shall be placed at the entry and exit to the car park informing people to enter and leave the car park quietly.

Supervision of Children

140. Supervision of all children shall be undertaken at all times when they are involved in outdoor play/activities as well as the arrival and departure from the childcare centre to ensure all practical measures are implemented to limit noise to neighbours.

Information Package/letter drops

141. Information packages/letter drops are to be provided to all properties within a 250m radius of the childcare centre advising of any event such as award and presentation events or end of year celebrations where an increase in the demand for off-site car parking is expected.

Inspection Fee

142. Council's Authorised Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and Fees and Charges.

Noise – Music and other activities

143. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670;
 - b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies;
 - c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises; and
 - d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Educational Establishment – Music

144. The doors and windows of the childcare centre shall be closed at all times when used for noise generating activities including but not limited to singing, musical instruments and amplified sound equipment.

Operational Management Plan

145. The applicant or person in charge of operations is to ensure the approved amended Operational Plan of Management is complied with at all times.
146. The applicant be advised to consider accommodating delivery vehicles on site by arranging deliveries to occur outside of the peak drop-off and pick-up period for the childcare by including this in its Operational Management Plan. This will enable service vans to use vacant visitors parking spaces.

Graffiti

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

Waste

148. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
149. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.

G. ADVISORY

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

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

- c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- g) “DIAL BEFORE YOU DIG”

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

h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

ATTACHMENT 1 – Section 7.12 Payment Form

**CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**
Liverpool Contribution Plan 2018 Liverpool City Centre

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the CPI March Quarter 2023 and will be adjusted at the time of payment in accordance with the conditions of consent.**

APPLICATION NO: DA-19/2023

APPLICANT: FLDC PTY LTD

**PROPERTY: 73 LACHLAN STREET, WARWICK FARM
Lots 1 & 2 in DP 1058859**

**PROPOSAL: Demolition of existing structures and construction of a 4-storey
centre-based childcare centre facility over 2 levels of basement
car parking to accommodate 120 children.**

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2018 Established Areas		
Georges River Foreshore	\$28,000	GL.10000001869.10105
Pioneer Park	\$4,000	GL.10000001869.10105
Apex Reserve	\$2,000	GL.10000001869.10217
Georges River Pedestrian Crossing	\$5,000	GL.10000001869.10218
Discovery Park	\$5,000	GL.10000001869.10219
Community Facility Upgrade	\$12,000	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$30,000	GL.10000001865.10220
Peripheral Streetscape works	\$20,000	GL.10000001865.10221
Footpath widening in City Centre	\$4,000	GL.10000001865.10222
TOTAL	\$110,000	

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

RECORD OF PAYMENT

Total Amount paid: _____ Date: _____

Receipt No.: _____ Cashier: _____

ATTACHMENT 2 – Sydney Water Requirements



11 April 2023

Greg Mottram
Liverpool City Council
mottramg@liverpool.nsw.gov.au

RE: Development Application DA-19/2023 at 73 Lachlan Street, Warwick Farm.

Thank you for notifying Sydney Water of DA-19/2023 at 73 Lachlan Street, Warwick Farm, which proposes the demolition of the existing structures and the construction of a new three (3) storey childcare centre with basement car parking capable of accommodating 124 children.

Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in planning the servicing needs of the proposed development.

Sydney Water position:	No objection – Condition of Consent applies.
Condition of Consent which applies:	Section 73 and Building Plan Approval required
Requirement:	Attached information sheet detailing Sydney Water next steps should be provided to Proponent.
Additional comments:	

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

Appendix 1 and 2 is included for Council's reference. The information sheet should be provided to all proponents as part of their condition of consent and will be uploaded onto the NSW Planning Portal as part of Sydney Water's referral advice.

If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Planning Team
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

The advice in this letter has been prepared under Section 78 of the Sydney Water Act 1994. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au

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Appendix 1

Section 73 Compliance Certificate

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

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

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

Building Plan Approval

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

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

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

Sydney Water's [Tap in™](#) online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

The advice in this letter has been prepared under Section 78 of the Sydney Water Act 1994. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.

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Out of Scope Building Plan Approval

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

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

The detailed review is to ensure that:

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

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

Tree Planting

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

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

The advice in this letter has been prepared under Section 78 of the Sydney Water Act 1994. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.

Sydney Water Corporation ABN 49 776 225 038

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Appendix 2

Requirements for Business Customers for Commercial and Industrial Property Developments.

Trade Wastewater Requirements

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

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

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

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

Backflow Prevention Requirements

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

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

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

Before you install a backflow prevention device:

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

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

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

The advice in this letter has been prepared under Section 78 of the Sydney Water Act 1994. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au

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Water Efficiency Recommendations

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

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

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

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

Contingency Plan Recommendations

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

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

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

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

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

The advice in this letter has been prepared under Section 78 of the Sydney Water Act 1994. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au

Delivering essential and sustainable water services for the benefit of the community

ATTACHMENT 3 – Endeavour Energy Requirements

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

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-19/2023	CNR-53311	Greg Mottram	21/06/2024	12/07/2024	21/06/2024

Address	Land Title
73 LACHLAN STREET WARWICK FARM 2170	Lots 1 & 2 DP 1058859

Scope of Development Application or Planning Proposal

Demolition of the existing improvements and construction of a new three (3) storey child care centre with basement car parking capable of accommodating 124 children, operating between the hours of 7:00am - 6:00pm (Monday to Friday).

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

Within or adjacent to the property the electrical network used in the distribution / supply of electricity are:

Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
Overhead Power Lines				
☒ Low voltage	☒	☐	☐	☐
☒ High voltage	☒	☐	☐	☐
☐ Transmission voltage	☐	☐	☐	☐
☒ Pole / tower	☒	☐	☐	☐
Underground Cables				
☐ Low voltage	☐	☐	☐	☐
☒ High voltage	☒	☐	☐	☐
☐ Transmission voltage	☐	☐	☐	☐
☐ Streetlight / pillar	☐	☐	☐	☐
Substation				
☐ Pole mounted	☐	☐	☐	☐
☐ Padmount	☐	☐	☐	☐
☐ Indoor	☐	☐	☐	☐
☐ Zone	☐	☐	☐	☐
☐ Transmission	☐	☐	☐	☐
Other: Underground earth cables.	☐	☐	☐	☐

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).

High voltage above 1,000 volts a.c and less than 33,000 volts a.c. [33 kilovolts (kV)].

Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).

*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.

** Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.

***Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

Other: provide detail of electricity infrastructure / apparatus.

POWER
together

Endeavour Energy

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† 153 716

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10 Darcy Street Parramatta NSW 2150
PO Box 811, Seven Hills NSW 1734
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Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒.

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

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

Environmental Services Team

P 133 718

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Dharug/Wiradjuri/Dharawal/Gundungarra/Yuin Country

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

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

- The electricity distribution network generally provides a single customer connection point for each developable lot for the provision of electricity supply for a basic low voltage connection service where the total maximum demand is no greater than 100 amperes 230 volts (single phase) or no greater than 63 amperes 400 volts (three phase).
- To ensure an adequate connection, the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- An extension or augmentation of the existing electricity distribution network may be required. Whilst there are distribution substations in the area which are likely to have some spare capacity sufficient to provide for any additional load from the proposed development, it is not unlimited.

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

- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.
- The low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW'.
- The electricity distribution network relies in part on the retention of appropriate building setbacks to the road frontages to allow for line route / network design options and to provide safety clearances to conductors. Particular regard needs to be had to secondary road frontages or where overhead power lines are located near side or rear boundaries where lesser building setbacks apply. The higher the voltage, the greater the safety clearance required. This is also in keeping with a policy of prudent avoidance.

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

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

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

The Architectural Plans / Class 1 Drawings – Final show a proposed minimum 950 mm building setback to part of the roof of the Lachlan Street road frontage which has both low voltage and 11 kV high voltage overhead power lines ie. the building may not comply with the minimum required safety clearances.

- The minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV) and includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

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

- Whilst there may be no restrictions in legislation that stop sensitive uses such as schools, pre-schools, day / child care centres being placed next to electricity infrastructure, prudent avoidance measures should however be implemented.

As a guide Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Table 1 'Minimum easement widths', requires a minimum easement width of 9 metres for low voltage up to 22,000 volt / 22 kilovolt (kV) high voltage overhead power lines ie. 4.5 metres to both sides of the centreline of the conductors. With the observance of these separation distances, electric and magnetic fields (EMF) should not exceed the recommended magnetic field public exposure limits.

Nonetheless the applicant may wish to commission an independent review to provide an overall assessment and the consideration and adoption of prudent avoidance principles.

- Driveways should be designed to increase the separation to the any electricity infrastructure on the road verge as much as reasonably possible. NSW Streets Opening Coordination Council 'Guide to Codes and Practices for Streets Opening' in Section 5.10. 'Vehicular Footpath Crossing' indicates the minimum separation of 1500 millimetres is required from a pole to the skirting of an industrial / commercial driveway ie. a child care centre is regarded as a commercial use regardless of it being located within a residential zone.
- Care must be taken to ensure that excavation activities do not infringe on or affect the integrity of the electricity distribution network.
- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

Endeavour Energy's G/Net master facility model.

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

Easement (or other form of property tenure).

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

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

Condition or Advice

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

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

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

Decision

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

Objection

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

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

Further Advice

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



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

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

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

Accredited Service Providers

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

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

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

Duty of Care

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

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

Annexure A

Plan Name	Project No.	Sheet No.	Date	Revision	Prepared by
Architectural Plans					
Cover Page	P2204WAR	DA001	28/5/24	CC	FLDC Architects
Site Analysis	P2204WAR	DA002	28/5/24	CC	FLDC Architects
Proposed Site / Roof Plan	P2204WAR	DA100	28/5/24	CC	FLDC Architects
Proposed Lower Basement Floor Plan	P2204WAR	DA101	28/5/24	CC	FLDC Architects
Proposed Upper Basement Floor Plan	P2204WAR	DA102	28/5/24	CC	FLDC Architects
Proposed Ground Floor Plan	P2204WAR	DA103	28/5/24	CC	FLDC Architects
Proposed Level 1 Floor Plan	P2204WAR	DA104	28/5/24	CC	FLDC Architects
Proposed Level 2 Floor Plan	P2204WAR	DA105	28/5/24	CC	FLDC Architects
Proposed Level 3 Floor Plan	P2204WAR	DA106	28/5/24	CC	FLDC Architects
Proposed Elevations	P2204WAR	DA200	28/5/24	CC	FLDC Architects
Proposed Elevations	P2204WAR	DA201	28/5/24	CC	FLDC Architects
Fencing Elevations	P2204WAR	DA202	28/5/24	CC	FLDC Architects
Proposed Sections	P2204WAR	DA300	28/5/24	CC	FLDC Architects
Driveway Sections	P2204WAR	DA301	28/5/24	CC	FLDC Architects
Garbage Room Section	P2204WAR	DA302	28/5/24	CC	FLDC Architects
Shadow Diagrams – 21 Mar	P2204WAR	DA400	28/5/24	CC	FLDC Architects
Shadow Diagrams – 21 June	P2204WAR	DA401	28/5/24	CC	FLDC Architects

Shadow Diagrams – 21 Sep	P2204WAR	DA402	28/5/24	CC	FLDC Architects
Shadow Diagrams – 21 Dec	P2204WAR	DA403	28/5/24	CC	FLDC Architects
Landscape Plan	P2204WAR	DA500	28/5/24	CC	FLDC Architects
Schedule of Colours & Materials	P2204WAR	DA600	28/5/24	CC	FLDC Architects
Schedule of Colours & Materials	P2204WAR	DA601	28/5/24	CC	FLDC Architects
3D Perspectives	P2204WAR	DA700	28/5/24	CC	FLDC Architects
Demolition Plan	P2204WAR	DA800	28/5/24	CC	FLDC Architects
Stormwater Plans					
Stormwater Drainage Details	2341	S1/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S2/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S3/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S4/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S5/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S6/7	16/5/24	G	John Romanous & Associates
Stormwater Drainage Details	2341	S7/7	16/5/24	G	John Romanous & Associates
Landscape Plans					
Concept Plan – LG		1/7 Pages	March 2024		Edible Kids Gardens
Planting Plan – LG		2/7 Pages	March 2024		Edible Kids Gardens
Concept Plan – L1		3/7 Pages	November 2023		Edible Kids Gardens
Concept Plan – L2		4/7 Pages	November 2023		Edible Kids Gardens

Planting Plan – L2		5/7 Pages	December 2023		Edible Kids Gardens
Concept Plan – L3		6/7 Pages	November 2023		Edible Kids Gardens
Planting Plan – L3		7/7 Pages	March 2024		Edible Kids Gardens

Report Name	Job Number	Date	Revision	Prepared by
Detailed Site Investigation Certification	2405 CEnvP SCS DSI	13/02/24		Old Maple Pty Ltd
Detailed Site Investigation Report	N7609	8/02/24		Neo Consulting
Embedding the Noise Management Policy		8/02/24		Ology Early Childhood Consulting
Plan of Management		February 2024	Version 1.6	Ology Early Childhood Consulting
Noise Impact Assessment	22145.1	19/02/24	4	VMS Australia
Noise Impact Letter to Council		19/02/24		VMA Australia
Traffic & Parking Impact Assessment	230678.01FA	5/03/24		McLaren Traffic Engineering & Road Safety Consultants
Clause 6.6 Water Quality and Quantity Report		12/02/24		John Romanous & Associates
Clause 7.5 Design Excellence Report		24/04/24		FLDC Architects
Schedule of Amendments		24/06/24		FLDC Architects
Solar Access Letter				Ology Early Childhood Consulting
Supplementary Report – Ventilation in an Early Childhood Setting		29/01/24		Ology Early Childhood Consulting
Social Impact Comment Initial Assessment Form				Sublime Developments