

**ELECTRONIC DETERMINATION OF THE
LIVERPOOL LOCAL PLANNING PANEL MEETING**

28 June 2024

Held via Electronic Determination

Panel: Stephen Alchin (Chair)
Annette Ruhotas (Expert)
Jan Murrell (Expert)
Jeremy Thomas (Community Representative)

No conflicts of interest were declared by any Panel member in relation to the one item on the agenda.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 1

28 June 2024

ITEM No:	1
APPLICATION NUMBER:	DA-77/2023
SUBJECT:	Demolition of existing structures and the construction of a multi dwelling housing development comprising 12 attached dwellings with at grade parking
LOCATION:	8, 10, 12 Mayberry Crescent, Liverpool 2170
OWNER:	Monument Plan Pty Ltd
APPLICANT:	Monument Plan Pty Ltd
AUTHOR:	Mitchell Brown - APP

ISSUES RELATED TO THE APPLICATION

At its meeting on 29 April 2024, the Panel deferred consideration of this development application. The Panel felt that, while there was some merit in the application, certain matters – notably drainage, but also some issues related to parking, setbacks and the BASIX certificate – needed to be addressed further. Accordingly, the Panel invited the applicant to submit revised plans to the Council by 5 June 2024, addressing the issues noted above.

On 28 June 2024 the Panel reconvened via electronic determination. The Panel considered a report from Council officers on amended plans and documents submitted by the applicant, and concluded that all of the issues identified at the meeting on 29 April had been satisfactorily dealt with in the amended documentation.

VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

The Panel resolved to approve the development application subject to the following conditions of consent as recommended in the Council officer's report to the Panel.

28 June 2024

CONDITIONS OF APPROVAL

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

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, by the undermentioned conditions.

- a) Architectural plans, prepared by MDP, project number 2211:

Plan Name	Sheet Number	Issue	Date
Coversheet	DA.00	F	17/05/2024
Demolition Plan	DA.01	F	17/05/2024
Site Location Plan	DA.02	F	17/05/2024
Site Analysis Plan	DA.03	F	17/05/2024
Ground Floor	DA.04	F	17/05/2024
First Floor	DA.05	F	17/05/2024
Second Floor	DA.06	F	17/05/2024
Roof Plan	DA.07	F	17/05/2024
Elevations 1	DA.08	F	17/05/2024
Elevations 2	DA.09	F	17/05/2024
Elevations 3	DA.10	01	17/05/2024
Sections	DA.11	F	17/05/2024
Shadow Diagrams	DA.12	F	17/05/2024
Sun Perspectives 1	DA.13	F	17/05/2024
Sun Perspectives 2	DA.14	F	17/05/2024
Area Computations 1	DA.15	F	17/05/2024
Area Computations 2	DA.16	01	17/05/2024
Window / Door Schedule	DA.17	F	17/05/2024
Material / Finishes Schedule	DA.18	F	17/05/2024

- b) Stormwater drainage plans, prepared by NY Civil Engineering:

Plan Name	Drawing No.	Revision/ Issue	Date
Coversheet	D1	D	16/05/2024
Stormwater Management Plan	D2	D	16/05/2024
WSUD/OSD Catchment Plan	D3	D	16/05/2024
Stormwater and Sediment Control Details	D4	D	16/05/2024
Easement Plan	D5	D	16/05/2024
Sediment Control Plan	D6	D	16/05/2024

- c) Landscape Plans, prepared by A Total Concept Landscape Architects & Swimming Pool Designers

Plan Name	Drawing No.	Revision/ Issue	Date
Proposed Landscape Plan – Sheet 1 of 2	L/01	C	31/01/2024
Proposed Landscape Plan – Sheet 2	L/02	C	31/01/2024

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

28 June 2024

of 2			
Proposed Landscape Plan – Sheet 1 of 2	L/03	C	31/01/2024
Proposed Landscape Plan – Sheet 2 of 2	L/04	C	31/01/2024

d) Documents

Report Name	Date	Reference	Prepared by
BASIX Certificate	14 May 2024	1365095M_05	Building & Energy Consultants Australia
Traffic Response Letter	14/05/2024	-	CJP Consulting Engineers
Construction and Demolition Management Plan	09/10/2023	-	Applicant
Waste Management Plan	31/01/2024	G	Elephants Foot Consulting
Arborist Report	04/10/2023	-	The Ents Tree Consultancy
Flood Risk Report	06/10/2023	E220628	NY Civil Engineering
Geotechnical Report	07/12/2022	P2761_01	Morrow Geotechnics Pty Ltd
Building Code of Australia Assessment Report	21/12/2022	3	Custom Development Certifications

Endeavour Energy Requirements

- The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 15/03/2023.

Sydney Water Requirements

- The development is to demonstrate compliance with the relevant requirements issued by Sydney Water, issued 08/05/2023.

Works at no cost to Council

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

Plan Amendments

- The plans are to be amended, to the satisfaction of the PCA, to include at least 1 covered carparking space for Unit 11. Building materials must have consideration for the solar access impacts to the private open space of Unit 11.

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.

28 June 2024

Special Condition

6. The proposed development involves the deletion of a segment of the existing drainage easement and the creation of a new easement, including the construction of new pipes and pits. Prior to the issue of a Construction Certificate, Applicant is required to submit:
 - a) Details Linen plan, 88B form and Admin sheet prepared by registered surveyor showing the new location of easement with pits and pipes. Standard fees as per Council's fees & charges are required.
 - b) Regarding the cancellation of the existing easement, the land registry for 20ECE is to be submitted. A Works as Executed plan prepared by a registered surveyor showing all pipes and pits constructed within the proposed new easement is to be submitted. A linen plan showing the clear location of the cancelled part of the easement is required to be submitted.
7. Before the issue of a Construction Certificate, the Principal Certifier must ensure the plans and specifications detail the following required amendments to the approved plans and documents:
 - a) The proposed external materials are to have a maximum solar absorption of 0.7.

Comply with EP&A Act

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

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

Section 7.11 Payment (Established Areas 2018)

9. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2018 – Contributions Plan.

The total contribution is **\$134,819** 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 (Attachment 2).

28 June 2024

Site Development Work

10. 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.

Fee Payments

11. 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:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works. The required Long Service Levy payment, under 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.

Notification

12. 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.

S138 Roads Act – Minor Works in the public road

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

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION
PAGE 6

28 June 2024

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

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

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Visit following link to apply for relevant works required for S138:

<https://eplanning.liverpool.nsw.gov.au/Pages/Lodge/Home.aspx>

S138 Roads Act – Roadworks requiring approval of civil drawings

14. 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:
- A 1.5m wide footpath to be constructed at the frontage of Mayberry Crescent as per Council's specifications;
 - Removal of all redundant laybacks and driveways and construction of concrete kerb and gutter and road verge in those locations is required.

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

15. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval prepared by NY CIVIL ENGINEERING, reference number E220628 _ Drawing number D1,D2,D3,D4,D5,D6_ revision D dated 16/05/2024.

The OSD systems needs to ensure that:

- i. The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.

28 June 2024

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- ii. 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.
 - iii. The outlet pipe across the public footpath area shall be RHS galvanised steel box-section pipe and have minimum downgrade of 1%.
 - iv. A stainless-steel orifice plate is to be utilised.
 - v. The outlet pipe from the discharge control pit shall be sized to convey 2 times the PSD of the orifice outlet, and the orifice plate shall be centrally located over the outlet pipe. Discharge to an adjoining overflow pit with SL at least matching the TWL of the basin can be utilised.
 - vi. The outlet pipe with direct connection to the kerb and gutter is to be adjusted at the orifice plate end to suit the footpath levels and ensure adequate cover to the pipe.
 - vii. Engineering plans and supporting calculations for the OSD system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.
 - viii. 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.

Water Quality

16. 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
 - 3. ATLAN FILTER CHAMBER as per approved plan and hydraulics engineer's design to be installed in water quality basin as per Council's DCP section 6.5.

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

Flooding

17. Habitable floor level shall be no lower than the 1% AEP flood plus half a metre freeboard (i.e., 13.4m + 0.5m = 13.9m Australian Height Datum).

The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e., 13.4m + 0.5m = 13.9m Australian Height Datum).

28 June 2024

On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards (Ref: Job Reference - E220628, Drawing Nos. D3 & D4, Issue: B, dated: 06/10/2023, NY Civil Engineering Pty Ltd). The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream or Council stormwater system. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.

No loading on easements

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

Dilapidation Report

19. Prior to the issue of a Construction Certificate, a dilapidation report of all infrastructure fronting the development in Mayberry Crescent 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 10m either side of the development.

Performance Bond

20. Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Liverpool City Council for construction of stormwater drainage in Mayberry Crescent.

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

Note: Contact Council's Land Development Section for further information relating to bond requirements.

Cladding

21. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

28 June 2024

Products banned under the Building Products (Safety) Act 2017

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

Retaining Walls on Boundary

23. 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.

Access, Car Parking and Manoeuvring

24. 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.
25. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- (a) Off street access and parking complies with AS2890.1,
 - (b) Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, in accordance with AS2890,
 - (c) Sight distance at the street frontage has been provided in accordance with AS 2890.1, and
 - (d) All vehicles can enter and exit the site in a forward direction.

Traffic and Parking

26. The applicant is to discuss with Council's Traffic Management Section of the traffic requirements prior to undertaking the detailed design of traffic facilities, signs and line marking 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.

28 June 2024

Public Domain Works – Street Lighting

27. 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.

Street Lighting Upgrade

28. The applicant/developer shall consult Council's Traffic Management Section for streetlight upgrade requirement for the site.

Provision of Services

29. 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.

30. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
31. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
- a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of

28 June 2024

construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Site Works

32. 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.

Tree Protection

33. Tree protection measures are to be implemented in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by The Ents Tree Consultancy dated 4/10/2023.

C. PRIOR TO WORKS COMMENCING

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

Commencement of Building work

34. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.
35. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction Certificates

36. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
37. Prior to the commencement of any building works, the following requirements must be complied with:

28 June 2024

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- (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from an accredited certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A principal certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The principal certifier must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Notification/Principal Certifying Authority

- 38. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
 - (a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.

Residential Building Work

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

Demolition Works

- 40. 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,

28 June 2024

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- (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 an NSW Work Cover 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 NSW Work Cover requirements.
41. At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:
- a) Name
 - b) address,
 - c) contact telephone number,
 - d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
 - e) the contact telephone number of council and
 - f) the contact telephone number of SafeWork NSW (4921 2900).
42. Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Site Notice Board

43. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Construction Requirements

44. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

Site Facilities

45. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

Construction Traffic Management Plan

46. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Liverpool City Council's Transport Management Section for endorsement. The CTMP is to be submitted via an application form available on Council's website.

A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection at any time by an authorised Council officer.

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

Waste Management

47. Prior to works commencing, any domestic waste bins issued by Liverpool City Council that may be present on the site, must be returned to Council. Please ring 1300 36 2170 to advise of any bins which are empty and ready to be removed – the removal will be noted on Council's rates system.

Sydney Water

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

"DIAL BEFORE YOU DIG"

49. 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

28 June 2024

contacting the Dial before you dig service in advance of any construction or planning activities.

Waste Classification and Disposal of Contaminated Soil and Material

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

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

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

Sediment & Erosion Control

51. 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 Management

52. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
53. 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](#)

The Road Occupancy permit and Road Opening approval application, is to include Traffic Control Plans including details for pedestrian management,

28 June 2024

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.

The road occupancy permit and road opening approval with approved traffic control measures shall be implemented during construction. A copy of the road occupancy permit and road opening approval shall be available on site at all times. Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Work Zone

54. 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.

Traffic Control Plan

55. 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 Work’s on Road” and the Roads and Traffic Authority publication “Traffic Control at Worksites” and certified by an appropriately accredited Road 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.

Environmental Management

56. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site;
- (b) Measures to suppress odours and dust emissions;
- (c) Selection of traffic routes to minimise residential noise intrusions;
- (d) Soil and sediment control measures;

28 June 2024

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- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
57. 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.

D. DURING CONSTRUCTION

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

Implementation of the Site Management Plans

58. While site work is being carried out:
1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.

Demolition Inspections

59. 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 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.
 - (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.

28 June 2024

Handling of Asbestos during demolition

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

Building Inspections

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

Identification Survey Report

63. 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.
64. 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.

28 June 2024

Construction Requirements

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

Hours of Construction Work and Deliveries

67. 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.

Craning and Hoardings

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

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

28 June 2024

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

Refuse Disposal

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

Security Fence

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

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

Removal of Dangerous and/or Hazardous Waste

72. 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.

Contamination

73. 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).
74. 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.

28 June 2024

Record Keeping of Imported Fill

75. 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.

Unidentified Contamination

76. 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 notified to Council and the accredited certifier immediately after discovery.

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.

Environmental Controls

77. 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.
78. 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.
79. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Air Quality

80. Dust screens shall be erected and maintained in good repair around the perimeter of the area being remediated for the duration of works and until such time as dust nuisance is unlikely.
81. 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 Certifying Authority may direct that such work is not to proceed.

28 June 2024

82. 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.

Major Fill / Earthworks

83. 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.

Drainage Connection

84. 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.

Aboriginal Heritage

85. As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery. In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

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

86. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

28 June 2024

Protection of Adjoining Sites

87. In the event that proposed works damages any adjoining land or building on adjoining land, any rectification works are the responsibility of the developer.

Waste Management

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

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

89. Any asbestos materials encountered during the demolition work, must be removed, handled, wrapped and disposed of in accordance with the relevant legislation, regulations and safe work practices, of the NSW EPA and SafeWork NSW, in force at the time. The licenced disposal facility for any asbestos that is found, must be advised to both Council and the PCA.
90. All solid and liquid waste is to be removed from the site by a registered waste contractor.
91. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
92. All solid waste stored on site is to be covered at all times.
93. All demolition, excavation and construction wastes must be separated as they are generated, and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes are to go to landfill with all materials to be recycled, as per the construction waste management plan submitted. No waste materials, other than any nominated as being re-used on site, are to be left behind at the completion of the works.
94. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Water Quality

95. 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.

28 June 2024

Pollution Control

- 96. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
- 97. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Traffic Management

- 98. If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
- 99. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
- 100. Applications must be made to Council's Traffic & Transport Section for temporary road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.
- 101. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and to be in accordance with the RMS Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RMS Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.
- 102. All works within the road reserve, including the approved sign and line making scheme, are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Guide to Signs and Markings.
- 103. Directional signage indicating the location of parking, "in" and "out", crossings and directional arrows are to be provided in accordance with the Council approved stamped plans.

Street Lighting

104. 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.

Car Parking Areas

105. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The 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 to be appropriately line marked and sign posted in accordance with the approved 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.

Termite Protection

106. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:
- (a) The method of protection;
 - (b) The date of installation of the system;
 - (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - (d) The need to maintain and inspect the system on a regular basis

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

Construction Environmental Management Plan (CEMP)

107. The CEMP requirements must remain in place, adhered to and be maintained throughout the period of the development.

28 June 2024

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):

Works-as-executed plans and any Other Documentary Evidence

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

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

Stormwater Compliance

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

- a) On-site detention system/s,
 - b) Stormwater pre-treatment system/s,
 - c) Overland flow path works
 - d) Flood control works
-
1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 2. Have met the design intent with regard to any construction variations to the approved design, and
 3. Any remedial works required to been undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

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

- a) On-site detention system/s,
- b) Stormwater pre-treatment system/s,
- c) Overland flowpath works,
- d) Flood control works

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

28 June 2024

Construction Guidelines and Construction Specification for Civil Works.

Certificates

111. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) 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.
112. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
113. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:
 - (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Cladding

114. Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Liverpool City Council clearance – Roads Act/ Local Government Act

115. 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.

Bonds

116. A maintenance bond in the form of a bank guarantee or cash bond, shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required

28 June 2024

as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council's acceptance of final works.

Rectification of Damage

117. 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 Mayberry Crescent will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Landscape

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

Traffic

119. All road and traffic management works, including required public street lights, directional signage and linemarking, are to be completed to Council's satisfaction.

Visitor Parking

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

BASIX

121. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Display of Street Numbers

122. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

28 June 2024

Waste Management

123. Prior to issue of an Occupation Certificate, all required waste equipment (with the exception of the waste bins themselves), is to be installed and commissioned, and all permanent waste signage necessary is to be installed.
124. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with copies of all waste transport and disposal dockets, demonstrating that waste materials associated with the project, have been taken to and recycled at the waste facilities nominated in the approved waste management plan.

Landscaping

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

G. CONDITIONS RELATING TO USE

Car Parking

126. A total of 26 off street car parking spaces and 12 bicycle spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:
 - a. 23 spaces for residents;
 - b. Three (3) spaces for visitors;
127. All parking areas shown on the approved plans must be used solely for this purpose.

Landscaping

128. 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.

Mail-boxes

129. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
130. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

28 June 2024

Lighting

131. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

H. ADVISORY

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

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

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

28 June 2024

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.