

LIVERPOOL CITY COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-177/2024 PAN-424780
Applicant	THE TRUSTEE FOR MERA FIFTEENTH PROPERTY 4/295 -299 PENNANT HILLS RD THORNLEIGH NSW 2120
Description of development	RESIDENTIAL SUBDIVISION OF TWO LOTS INTO 79 LOTS OVER 2 STAGES INCLUDING DEMOLITION OF EXISTING DWELLINGS & STRUCTURES, TREE REMOVAL, ROAD CONSTRUCTION, STORMWATER DRAINAGE, SERVICING, & EARTHWORKS WITHIN LOTS 362 & 363 IN D.P.2475 AT 365 - 375 FIFTEENTH AVENUE, AUSTRAL
Property	365 FIFTEENTH AVENUE AUSTRAL NSW 2179 LOT 362 DP 2475 375 FIFTEENTH AVENUE AUSTRAL NSW 2179 LOT 363 DP 2475
Determination:	Approved Consent Authority - Council
Date of determination	1/04/2025
Date from which the consent operates	1/04/2025
Date on which the consent lapses	1/04/2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of approved consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Peer review (Authorising Officer) sign-off is incomplete

sign-off is incomplete

Person on behalf of the consent authority

For further information, please contact Assessing (Contact Officer) sign-off is incomplete / *sign-off is incomplete*

Terms and Reasons for Conditions

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

General Conditions

1.	(A001) Stages of Consent						
	This consent approves						
	<table><tr><th>Stage</th><th>Development Works</th></tr><tr><td>1</td><td>Demolition of all structures, tree removal, earthworks, subdivision of 2 lots into 52 residential lots and 3 residue lots (Lot 53, Lot 54 & Lot 55), construction of Road 2, Road 3 & Road 4</td></tr><tr><td>2</td><td>Construction of temporary access on residue Lot 53 and construction of Road 01</td></tr></table>	Stage	Development Works	1	Demolition of all structures, tree removal, earthworks, subdivision of 2 lots into 52 residential lots and 3 residue lots (Lot 53, Lot 54 & Lot 55), construction of Road 2, Road 3 & Road 4	2	Construction of temporary access on residue Lot 53 and construction of Road 01
Stage	Development Works						
1	Demolition of all structures, tree removal, earthworks, subdivision of 2 lots into 52 residential lots and 3 residue lots (Lot 53, Lot 54 & Lot 55), construction of Road 2, Road 3 & Road 4						
2	Construction of temporary access on residue Lot 53 and construction of Road 01						
	Condition reason: To ensure all parties are aware of the scope and stages of the development.						
2.	(A002) Approved plans and supporting documentation						

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

Plan Name	Drawing Number	Revision	Date	Drawn By
PLAN OF PROPOSED SUBDIVISION - STAGE 1 OF LOTS 362 & 363 IN D.P. 2475 365 - 375 FIFTEENTH AVENUE - AUSTRAL	A1 Sheet I 1 of 2		20/09/2024	P. S. GRAHAM & ASSOCIATES PTY LTD
PLAN OF PROPOSED SUBDIVISION - STAGE 2 OF LOTS 362 & 363 IN D.P. 2475 365 - 375 FIFTEENTH AVENUE - AUSTRAL	A1 Sheet I 2 of 2		20/09/2024	P. S. GRAHAM & ASSOCIATES PTY LTD
BUILDING ENVELOPE PLAN FOR PROPOSED SUBDIVISION OF LOTS 362 & 363 IN D.P. 2475 365 - 375 FIFTEENTH AVENUE - AUSTRAL	A1 Sheet I 1 of 1		20/09/2024	P. S. GRAHAM & ASSOCIATES PTY LTD
BIN STORAGE & PRESENTATION PLAN FOR PROPOSED SUBDIVISION OF LOTS 362 & 363 IN D.P. 2475 365 - 375 FIFTEENTH AVENUE - AUSTRAL	A1 Sheet A 1 of 1		23/09/2024	P. S. GRAHAM & ASSOCIATES PTY LTD
DEMOLITION PLAN/DETAIL SURVEY OF LOTS 362 & 363 IN D.P 2475 365-375 FIFTEENTH AVENUE - AUSTRAL	A1 Sheet A 1 of 2		29/04/2023	P. S. GRAHAM & ASSOCIATES PTY LTD

Documents

Report Name	Date	Reference	Prepared By
Preliminary Salinity Assessment Report 365 & 375 Fifteenth Avenue Austral 2179 Lots 362 & 363 in DP 2475	28 November 2023	P34034.2_L01	Geotest Services Pty Ltd.
Waste Management Plan & Demolition Statement	September 2024	S.15856	P S Graham & Associates Pty Ltd
Traffic Noise Assessment Report	15 April 2024	7869-1R Rev A	Day Design Pty Ltd
Preliminary & Detailed Site Investigation 365 & 375 Fifteenth Avenue, Austral 2179 Lots 362 & 363 in DP 2475	19 December 2023	P34034.1_R01 Version F01	Geotest Services Pty Ltd.
Remedial Action Plan 365 & 375 Fifteenth Avenue, Austral 2179 Lots 362 & 363 in DP 2475	25 January 2024	Project Ref. P34034.1_R02 Version: F01	Geotest Services Pty Ltd.
Traffic Impact Assessment	4 October 2024	23.259r01v02	Traffix
Bushfire Assessment and Recommendations	7 December 2023	100B – 487	Sydney Bushfire Consultants
Arboricultural Assessment and Tree Protection Plan	-	Version 1.0	Vertical Tree Management & Consultancy Pty Ltd

In the event of any inconsistency between the approved plans and documents, the approved **Documents** prevail.

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

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

3.	(A015) General Terms of Approval and External Referral Comments All General Terms of Approval issued by Rural Fire Services (dated 5 June 2024) and Transport for New South Wales (dated 20 May 2024), shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval. A copy of the General Terms of Approval are attached to this decision notice. All requirements of Sydney Water, issued in their correspondence dated 28 August 2024, shall be complied with prior, during and at the completion of construction in accordance with their comments, which are attached to this decision notice. Condition reason: To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.
4.	(A025) Comply with EP&A Act The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, must be fully complied with at all times. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council. Condition reason: This condition is imposed to ensure compliance with legislative requirements.
5.	(A032) Shoring and adequacy of adjoining property 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— 1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and 2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— 1. the person having the benefit of the development consent owns the adjoining land, or 2. the owner of the adjoining land gives written consent to the condition not applying. Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.
6.	(A050) Works at no cost to Council All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
7.	(A060) Erection of signs

	1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— 1. showing the name, address and telephone number of the principal certifier for the work, and 2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and 3. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— 1. maintained while the building work, subdivision work or demolition work is being carried out, and 2. removed when the work has been completed. 4. This section does not apply in relation to— 1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or 2. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
8.	(A130) Council Wastewater Requirements The development must provide for a physical sewerage connection to each created allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Liverpool City Council will not accept any temporary facilities to service the site, including pump-out sewage systems. Condition reason: To promote orderly development supported by adequate infrastructure.
9.	(A951) Fifteenth Avenue Widening Land Requirement The applicant is to set aside Lot 55 as a residue allotment having a width of 20 metres to facilitate the widening of Fifteenth Avenue resulting in a road corridor width of 40.115 meters, as proposed by the applicant. Condition reason: To ensure fairness, transparency and probity.

Subdivision Work Before Issue of a Subdivision Work Certificate

10.	(B010) Design amendments Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: 1. The landscape plan is to be amended to remove the reference to lots 54 to 79. This area is to be replaced and nominated as a residue lot in accordance with the approved subdivision plans contained at condition A002 Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.
11.	(B048) Street Lighting Upgrade

	The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and can be lodged online. This form is to be used to seek Council requirements for upgrading or installing new street lights at all frontages. Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas. The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief. Condition reason: To ensure adequate street lighting is provided for the development.
12.	(B054) Retaining Walls on Boundary All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures. Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall. Condition reason: To ensure fairness, transparency and probity.
13.	(B055) S138 Roads Act - roadworks requiring approval of civil drawings 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 the section of Beaufort Avenue that has been made redundant and construction of kerb and gutter and footpath and associated civil works in Sixteenth Avenue also, 1.5m wide concrete footpath on Sixteenth Avenue. 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. Condition reason: To ensure fairness, transparency and probity.
14.	(B075) Fee Payments Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. The following fees are applicable and payable: (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery. (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve. These fees are reviewed annually and will be calculated accordingly. Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.
15.	(B081) Site Development Work Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Subdivision Work Certificate has been issued.

	Condition reason: To prevent unauthorised commencement of building works.
16.	(B095) Long Service Levy Before the issue of a Subdivision Works Certificate, the long service levy must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Principal Certifying Authority Condition reason: To ensure the long service levy is paid.
17.	(B112) Notification In the event that Council is not the Principal Certifier (PC), the PC must advise Council, in writing of: (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or (b) The name and permit of the owner-builder who intends to do the work. If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed. Condition reason: To advise Council of the details of licensed contractors or owner-builder for the approved development.
18.	(B135) Provision of Services - Sydney Water Prior to the issue of a Subdivision Works Certificate, an application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, is to be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92. Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA, prior to the issue of a Subdivision Works Certificate. Condition reason: To ensure fairness, transparency and probity.
19.	(B136) Provision of Services - Endeavour Energy Prior to the issue of a Subdivision Works Certificate, a written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the Principal Certifier. Condition reason: To ensure fairness, transparency and probity.
20.	(B137) Provision of Services - Telecommunications Prior to the issue of a Subdivision Works Certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997: 1. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and 2. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications. Condition reason: To ensure fairness, transparency and probity.
21.	(B149) S138 Roads Act - Minor Works in the public road

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

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

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

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

Condition reason: To ensure fairness, transparency and probity.

22. **(B158) Construction Traffic Management Plan (CTMP)**

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

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

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

Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.

23. **(B168) Subdivision Work Certificate**

Prior to the issue of a Subdivision Works Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with plans by C&M Consultant Engineers, reference number 02751, revision 3, dated 11/12/2024 and all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The following is also to be addressed:

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

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

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

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

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

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

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

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

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

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

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

Condition reason: To ensure fairness, transparency and probity.

24. **(B322) Inter-allotment Drainage**

Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a pit located immediately within the lot boundary of each lot created by the subdivision at the lowest point in the line or a maximum pit spacing of 40m.

Condition reason: To ensure fairness, transparency and probity.

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

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

1. Asbestos Management Plan;
2. Project Contact Information;
3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;
7. Dust Control Plan;
8. Air Monitoring;
9. Odour Control Plan;
10. Health and Safety Plan;
11. Waste Management Plan;
12. Incident management Contingency; and
13. Unexpected Finds Protocol.

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

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

26. **(B400) Road design criteria table**

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

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Sixteenth Avenue	16m	4.5m (half road)	3.5m	One side	3x10 ⁵
Road 1	13m	8m	2.1m	One side	5x10 ⁴
Road 2	16m	10.2m	3.05m	Both sides	3x10 ⁵
Road 3	16m	10.2m	3.05m	Both sides	3x10 ⁵
Road 4	16m	10.2m	3.05m	Both sides	3x10 ⁵

Condition reason: To ensure fairness, transparency and probity.

27. **(B404) Road Safety Audit**

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

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

Condition reason: To ensure fairness, transparency and probity.

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

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

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

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

	The Certifying Authority shall ensure and certify that: 1. Off street access and parking complies with AS2890.1, 2. Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid/ Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2, 3. Sight distance at the street frontage has been provided in accordance with AS 2890.1 and 4. All vehicles can enter and exit the site in a forward direction. Condition reason: To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.
30.	(B453) No Loading on Easements Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence. Condition reason: To ensure fairness, transparency and probity.
31.	(B456) On-Site Detention On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by C&M Consulting Engineers, reference number 02751, revision 3, dated 11/12/2024. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification. Condition reason: To ensure fairness, transparency and probity.
32.	(B462) Water Quality 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: (a) Specification & installation details of the stormwater pre-treatment system (b) The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue. Condition reason: To ensure fairness, transparency and probity.
33.	(B464) Temporary Access Roads The proposed temporary access road through lot 54 shall be constructed with of permanent quality road construction standard as per Council's Subdivision and Construction specifications. The temporary access road carriageway over lot 54 shall be bounded on both sides by standard kerb and gutter extending with standard geometric returns into the proposed permanent road reserves. Condition reason: To ensure fairness, transparency and probity.
34.	(B555) Detailed Design Drawings

	The applicant is to discuss with Council's Traffic Management Section of the traffic requirements prior to undertaking the detailed design of traffic facilities, signs and linemarking in the existing and/or proposed public domain. 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. Condition reason: To ensure that detailed design of the required traffic facilities is submitted and approved.
35.	(B560) Road Works Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section. Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.
36.	(B950) Flooding Requirements

Prior to the issue of a Subdivision Works Certificate, detailed design plans, drawings and reports are required and shall be submitted to Council's Floodplain Engineering Section for review and endorsement demonstrating the following:

1) Existing overland flows running through the site shall be captured and managed to ensure that the proposed development does not have adverse flooding impact on adjoining properties (Reference: R02751-FL, Overland Flow Study for 365 & 375 Fifteenth Avenue Austral, Revision: A, dated 14 December 2023, C&M Consulting Engineers Pty Ltd).

2) The stormwater drainage system for the proposed development must account for future developments on upstream properties. The design of the stormwater pipe system shall ensure it has sufficient capacity to handle increased post-development flows from these upstream sources.

3) The proposed development shall be consistent with the Council's design of Basin 17 and its trunk drainage system.

4) During the 1% AEP storm event, the depth of flooding on the road shall not exceed 0.2 meters, and the product of velocity and depth shall not exceed 0.4 square meters per second.

5) Stormwater flows generated from the proposed development site shall be managed using interim on-site detention (OSD) basins as detailed in the stormwater management report (Ref: R02751-SWMP, Stormwater Management Plan for 365 & 375 Fifteenth Avenue Austral, Revision: A, dated December 2023) and accompanying design plans (Ref: Drawing Nos. 02751_201, 02751_202, 02751_651 & 02751_652, Revision: 01, dated: 06/12/2023) by C&M Consulting Engineers Pty Ltd.

The basins shall be designed to ensure that peak post-development discharges from the site do not exceed peak pre-development discharges for the 20%, 5%, and 1% AEP storm events. The design must also demonstrate that the site discharge will drain by gravity to the nominated point of discharge. The interim OSD basin shall be maintained on-site until Basin 17 and the associated trunk drainage system are constructed, and the stormwater networks to the basin are established.

6) Interim on-site water quality treatment facilities shall be provided to ensure that stormwater runoff leaving the site complies with Council's water quality standards, as outlined in the stormwater management report (Ref: R02751-SWMP, Stormwater Management Plan for 365 & 375 Fifteenth Avenue Austral, Revision: A, dated December 2023) and the accompanying design plans (Ref: Drawing Nos. 02751_201, 02751_202, 02751_651 & 02751_652, Revision: 01, dated 06/12/2023) by C&M Consulting Engineers Pty Ltd.

The water quality treatment works shall be designed using MUSIC modelling software, and the performance of the water quality treatment system must be verified using Council's MUSIC link. Interim water quality basins shall be maintained on-site until Basin 17 and the streetscape raingardens are constructed in accordance with Council's masterplan.

7) Interim streetscape silt trap devices shall be provided at the proposed raingarden locations (marked as "Proposed Raingarden Locations" in Schedule 1 - Austral & Leppington North Precinct DCP, 18 June 2021). The design of the silt trap shall be in accordance with interim silt trap device construction details provided in Liverpool Growth Centre Precincts DCP, 18 June 2021, and/or the detailed design of the streetscape raingarden presented in the Development of Streetscape Raingarden Masterplan for Austral and Leppington North.

Condition reason: To ensure fairness, transparency and probity.

Before Subdivision Work Commences

37.	(C001) Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between— 7:00am to 6:00pm on Monday to Friday 8:00am to 1:00pm on Saturday Condition reason: To protect the amenity of neighbouring properties.
38.	(C002) Payment of fees Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the certifier: 1. inspection fees Condition reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property
39.	(C005) Subdivision Work Certificates Prior to the commencement of any subdivision works, the following requirements must be complied with: (a) Subdivision Work 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 Subdivision Work Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act, (c) A copy of the Subdivision Work Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment, (d) A Principal Certifier (PC) must be appointed to carry out the necessary inspections and to issue a subdivision certificate, and (e) The PC must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given. Condition reason: To require approval to proceed with building work.
40.	(C012) Commencement of building works Subdivision work shall not commence prior to the issue of a Subdivision Works Certificate. Subdivision work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land. Condition reason: To require approval to proceed with building work.
41.	(C027) Matters to be addressed prior to commencement of Subdivision Works Work on the subdivision shall not commence until: (a) a Construction Certificate (if required) has been issued, (b) a Principal Certifying Authority has been appointed for the project, and (c) any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with. A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision. Condition reason: To ensure fairness, transparency and probity.
42.	(C055) Site Facilities

	Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
43.	(C065) Sydney Water Development plans must be processed and approved by Sydney Water. Condition reason: To require Sydney Water approval to proceed with building work.
44.	(C070) "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. Condition reason: To ensure building works do not impact local underground assets.
45.	(C117) Erosion and sediment controls in place 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). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
46.	(C125) Erosion and sediment control plan Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifying authority 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
47.	(C126) Environmental Management 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: 1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place. Condition reason: To ensure fairness, transparency and probity.
48.	(C155) Work Zone

	A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space. A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form. Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
49.	(C201) Road Occupancy Permit 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 Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
50.	(C205) Traffic Control Plan 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. Condition reason: To ensure fairness, transparency and probity.
51.	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
52.	(C466) Dilapidation report Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifying Authority Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 5 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time. Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
53.	(C560) Road Works Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section.

Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.

Before Subdivision Work

54.	(D005) Building Work The subdivision works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the subdivision works certificate. Condition reason: To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.
55.	(D010) Building Work The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works. Condition reason: To require approval to proceed with building work following each critical stage inspection.
56.	(D038) Toilet Facilities Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: (a) be a standard flushing toilet connected to a public sewer, or (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or (c) be a temporary chemical closet approved under the Local Government Act 1993. Condition reason: To ensure the required site management measures are implemented during construction.
57.	(D045) Hours of work Site work must only be carried out between the following times – For work/civil work/demolition work, including delivery of materials is only permitted on the site from 7:00am to 6:00pm on Monday to Friday For work/civil work/demolition work, including delivery of materials is only permitted on the site from 8:00am to 1:00pm on Saturday Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
58.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
59.	(D055) Refuse Disposal Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented during construction.
60.	(D063) Craning and Hoardings

	If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works. Condition reason: To ensure the required traffic management measures are implemented during construction.
61.	(D070) Notification of Damage The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
62.	(D125) General Site Works - Sediment The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land. Condition reason: To minimise impacts to adjacent vegetation and habitat.
63.	(D130) Removal of dangerous and/or hazardous waste All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
64.	(D165) Public Domain Works All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW/RMS 'Delineation Guidelines'. Condition reason: To ensure that the development covers all required costs associated with the development.
65.	(D170) Council On Street Assets Council's on-street assets and local road network are to be protected and kept in a serviceable state at all times. At the direction of Council, the applicant/project manager shall undertake remediation works, at no cost to Council and to Council's satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
66.	(D180) Waste management

	While site work is being carried out: 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following: • The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
67.	(D205) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
68.	(D240) Vegetation - Weeds No known environmental weeds or known invasive plant species shall be included in the landscaping or revegetation. Hygiene practices shall be employed to avoid the spread of invasive plants. Condition reason: To limit the spread of weeds.
69.	(D241) Footpaths Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent. Condition reason: To ensure fairness, transparency and probity.
70.	(D250) Vegetation - Mulch Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements. Condition reason: To limit the spread of weeds.
71.	(D255) Vegetation - Imported Soil or Mulch Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land. Condition reason: To limit the spread of weeds.
72.	(D265) Vegetation Clearing - Fauna Protection Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits. Condition reason: To minimise harm caused to fauna during vegetation clearing.
73.	(D425) Site Remediation Works

	The site must be remediated in accordance with: (a) Remediation Action Plan P34034.1_R02 Version: F01 prepared by Geotest Services Pty Ltd, dated 25 January 2024. (b) State Environmental Planning Policy (Resilience and Hazards) 2021; (c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and (d) The guidelines in force under the Contaminated Land Management Act 1997. A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved Remediation Action Plan. Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/ recommencement of works. Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.
	Condition reason: To ensure the suitability of land for the proposed development.
74.	(D426) Soil management While site work is being carried out, the Principal Certifying Authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Principal Certifying Authority 2. All fill material imported to the site must be: 1. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or 2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or 3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
75.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
76.	(D445) Air Quality Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works. Condition reason: To ensure fairness, transparency and probity.

77.	(D450) Air Quality
	During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.
	Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
78.	(D475) Imported Fill Material
	During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes.
	Condition reason: To ensure soils introduced onsite do not result in drainage issues.
79.	(D552) Implementation of the site management plans
	While site work is being carried out:
	1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
	2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
80.	(D553) Erosion & Sediment Control
	Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
	Condition reason: To ensure fairness, transparency and probity.
81.	(D554) Erosion & Sediment Control
	The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
	Condition reason: To ensure fairness, transparency and probity.
82.	(D555) Erosion Control - Maintenance
	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
	Condition reason: To ensure the required site management measures are implemented during construction.
83.	(D560) Erosion Control
	Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
	Condition reason: To ensure the required site management measures are implemented during construction.
84.	(D565) Water Quality
	During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.
	Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
85.	(D570) Pollution Control - Site Operations

	During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
86.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
87.	(D582) Aboriginal Cultural Heritage - Staff and Contractors All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW <i>National Parks and Wildlife Act 1974</i> and the NSW <i>Heritage Act 1977</i>. They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Subdivision Certificate. Condition reason: To ensure fairness, transparency and probity.
88.	(D583) Aboriginal Cultural Heritage - Unexpected Finds The National Parks and Wildlife Act 1974 protects all Aboriginal Cultural Heritage in New South Wales. Where a proposal has the potential to impact on Aboriginal Cultural Heritage objects and places, whether the presence is known or not, a permit is to be sought from Heritage NSW. In the event that Aboriginal Cultural Heritage objects or places are encountered/discovered, works must cease immediately and Council and Heritage NSW notified. The finds are to be investigated by an experienced archaeologist and no works are to recommence onsite until approved by Heritage NSW and Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
89.	(D584) Skeletal Remains In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders. Condition reason: To ensure fairness, transparency and probity.
90.	(D590) Public Domain Works - Street Lighting Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
91.	(D596) Drainage Connection Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection. Condition reason: To ensure fairness, transparency and probity.

92.	(D597) Major Filling/ Earthworks All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works. The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority. Condition reason: To ensure fairness, transparency and probity.
93.	(D598) Soil testing - Subdivisions Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings". Condition reason: To ensure fairness, transparency and probity.
94.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
95.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
96.	(D660) Construction Noise and Vibration 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 Environmental Management Plan (CEMP). Condition reason: To protect the amenity of the neighbourhood during construction.
97.	(D662) Demolition of Septic Tank and Effluent Disposal Area Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM). Any septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website (www.health.nsw.gov.au). Condition reason: To ensure fairness, transparency and probity.
98.	(D664) Contamination

	The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998). Condition reason: To ensure fairness, transparency and probity.
99.	(D666) Record Keeping of Imported Fill Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works: 1. The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration; 2. The results of a preliminary contamination assessment carried out on any fill material used in the development. 3. The results of any chemical testing of fill material. Condition reason: To ensure fairness, transparency and probity.
100.	(D668) Traffic Management Applications must be made to Council's Traffic & Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information. Condition reason: To ensure fairness, transparency and probity.
101.	(D670) Construction Traffic Management Plan The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase. Condition reason: To ensure fairness, transparency and probity.
102.	(D672) Street Trees The street trees to be used can be any or all of the following in the locations as shown on the approved plans; • Eleocarpus reticulatus (Blue Berry Ash) • Fraxinus griffithii (Evergreen Ash) • Tristrianopsis Laurina (Luscious Water Gum) • Lophostemon Confertus (Brush Box) Each tree is to have a minimum pot size of 100lt or if the approved landscape plan specifies larger, the larger pot size is to be adopted. The tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level. Condition reason: To ensure fairness, transparency and probity.

Before Issue of a Subdivision Certificate

103.	(F006) Payment of Development Contributions
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Payment of section 7.11 contributions

Before the release of the first subdivision certificate (Linen Plan), the applicant must pay a total contribution of \$3,538,964.00 as calculated at the date of this consent to Council under section 7.11 of the EP&A Act in accordance with the Austral and Leppington North Contributions Plan 2021

The applicant must pay the following contributions to council for:

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2021 ALN		
Local Community Facilities - Land	\$38,363	GL.3011210001870.10227
Local Recreation - Land	\$1,638,624	GL.3011210001869.10228
Local Recreation - Works	\$467,789	GL.3011210001869.10229
Local Transport Facilities - Land Residential	\$127,764	GL.3011210001865.10230
Local Transport Facilities - Works Residential	\$295,964	GL.3011210001865.10231
Local Transport Facilities - Land Non Residential	\$0	GL.3011210001865.10230
Local Transport Facilities - Works Non Residential	\$0	GL.3011210001865.10231
Local Drainage Facilities - Land	\$397,386	GL.3011210001866.10232
Local Drainage Facilities - Works	\$558,462	GL.3011210001866.10233
Administration	\$14,612	GL.3011210001872.10234
TOTAL	\$3,538,964	

The cost (and consequently the levy amount) must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

$$\text{Indexed development cost (\$)} = (\$Co \times \text{Current PPI}) / \text{Base PPI}$$

Where:

\$Co	is the original development cost estimate assessed at the time of the issue of the development consent
Current PPI	is the Producer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment
Base PPI	is the Consumer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Payment of section 7.11 contributions must be made directly to Liverpool City Council.

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

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

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

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

104. **(F007) Special Infrastructure Contribution (SIC)**

	The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a subdivision certificate, is issued in relation to any part of the development to which this consent relates. Condition reason: To ensure any SIC is finalised at the specified time.
105.	(F015) Linen Plans and 88B Instruments In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed). Condition reason: To ensure fairness, transparency and probity.
106.	(F020) Linen Plans and 88B Instruments The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release. Condition reason: To ensure fairness, transparency and probity.
107.	(F026) Removal of waste upon completion Before the issue of a Subdivision Certificate: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and 2. written evidence of the waste removal must be provided to the satisfaction of the certifier. 3. both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project have been deposited at the waste facilities nominated in the approved waste management plan. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
108.	(F030) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
109.	(F035) Linen Plans and 88B Instruments Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in Council's Design Specification for Subdivisions (as amended). Condition reason: To ensure fairness, transparency and probity.
110.	(F037) Liverpool City Council clearance - Roads Act/ Local Government Act Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
111.	(F045) Linen Plans and 88B Instruments Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
112.	(F070) Linen Plans and 88B Instruments

	A Restriction as to User over Proposed Lots (53 and 54) is to be created under Section 88B of the Conveyancing Act 1919 in the following terms: No further development of the lot burdened is to take place unless it is approved by a Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, and payment of Section 7.11 Contributions and Special Infrastructure Contributions. The Restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.
113.	(F073) Linen Plans & 88B (Temporary Access Roads) The Temporary Access Road over lot 54 shall have a restrictive covenant preventing sale of the land without Council's permission. Council shall not reasonably withhold permission for removal of the covenant over lot 54 when proper legal access is completed over neighbouring lands and the temporary access road works and services demolished or relocated to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.
114.	(F080) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden the corner lots, with a restriction as to user that driveway crossings must not be located closer than 6m to the kerb and gutter tangent point. Condition reason: To ensure fairness, transparency and probity.
115.	(F082) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user that the dwellings to be erected on each lot on lots of an area less than 300sqm, being proposed Lots (1, 2, 4, 6, 9, 11, 13, 14, 16, 22, 26, 32, 34, 35, 37, 39, 42, 44, 46, 47, 49, 50, 51) are to be sited and constructed in accordance with the approved Building Envelope Plans and notice of determination (Development Consent) issued by Council for Development Application No. (177/2024. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant. Condition reason: To ensure fairness, transparency and probity.
116.	(F084) Linen Plans and 88B Instruments For any "zero lot" development, the applicant shall create an easement for maintenance and access 900mm wide for single storey development and 1200mm wide for two storey development. The benefitted and burdened lots are identified on the approved plans. A restriction as to user identifying the burdened lots is to be created within the Section 88B Instrument. Condition reason: To ensure fairness, transparency and probity.
117.	(F086) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user and positive covenant over all proposed Lots that: Dark coloured roofing material with low solar reflectivity is prohibited for all future development. All future developments are to include high albedo and high emittance roofing materials and be light coloured. The restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.
118.	(F088) Linen Plans and 88B Instruments

	Prior to the issue of the subdivision certificate a restriction to user and positive covenant relating to the "Temporary On-Site Detention System" shall be registered on proposed Lot 53. 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. The temporary onsite detention (OSD) basin facilities within Lot 53 shall be maintained by the developer until the downstream drainage system is connected to either the district detention basin or to the major trunk drainage system. Council's approval via written consent shall be obtained for the removal of the temporary OSD basin facilities and for undertaking further developments within Lot 53. The temporary on-site water quality control measures shall be maintained until the downstream regional basin is constructed and operational. Condition reason: To ensure fairness, transparency and probity.
119.	(F090) Street Trees & Tree Planting Prior to the issue of a Subdivision Certificate, street trees are to be planted or an Outstanding Works Bond for Street Tree planting shall be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
120.	(F092) Temporary Turning Heads Prior to the issue of a Subdivision Certificate, a management plan shall be prepared for the eventual decommissioning of the temporary turning heads. The plan is to include the demolition of all sacrificial works, the construction of any footpath, kerb and gutter and the embellishment of the verge. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided by a registered quantity surveyor. All temporary turning heads are to be equipped with appropriate signage, at the developers expense, directing that there be 'No Stopping' in the area of the turning head required for truck turning. This signage is to be maintained until the temporary turning head is removed, and the road in question is opened to the free and continuous passage of all traffic. The Outstanding Works bond will be refunded once the road reserve has been restored to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
121.	(F105) Service Providers

	The following documentation must be provided before the issue of a subdivision certificate: (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development must be submitted to the certifier before the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells. (b) Notification of arrangement for the development from Endeavour Energy must be submitted to Council. (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with: i) The requirements of the Telecommunications Act 1997; ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications. Condition reason: To promote orderly development supported by adequate infrastructure.
122.	(F130) Bonds A maintenance bond in the form of a bank guarantee or cash bond, shall be lodged with Council prior to the issue of a subdivision certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works. Condition reason: To ensure fairness, transparency and probity.
123.	(F150) Dilapidation Report Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer. Condition reason: To ensure fairness, transparency and probity.
124.	(F160) Validation Report Before the issue of a subdivision certificate, a detailed validation report must be submitted to the certifier. The Report must be prepared in accordance with: 1. NSW Contaminated Land Planning Guidelines (1998); 2. Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and 3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). The Validation Report must be prepared or reviewed and approved by a suitably qualified environmental consultant. The report's cover or title page of the document must include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme. The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan. Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme. Condition reason: To ensure the suitability of land, mitigate potential risks to human health and the environment and facilitate compliance with legislative requirements.
125.	(F162) Remediation Work - Notice of Completion

	Within thirty (30) days of completion of remediation work, a notice of completion as required to be provided to Council under Clause 4.14 of State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4, to confirm that the remediation has been carried out in accordance with the Remedial Action Plan, requirement(s) of this consent, and State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4. The notice of completion of remediation work shall be in writing and prepared in accordance with Clause 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4. Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement. Condition reason: To ensure fairness, transparency and probity.
126.	(F164) Occupational Hygienist Report for Asbestos removal On completion of the asbestos removal works, an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifier. Condition reason: To ensure fairness, transparency and probity.
127.	(F180) Decommissioning of On-Site Sewage Management System/s Following the decommissioning of the on-site sewage management system and before the issue of a subdivision certificate, a certificate must be submitted to Liverpool City Council certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF). A template decommissioning certificate can be found on Council's website www.liverpool.nsw.gov.au Condition reason: To mitigate potential risks to human health and the environment.
128.	(F200) Completion of Subdivision Works Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works. Condition reason: To ensure fairness, transparency and probity.
129.	(F205) Street Naming Prior to the issue of a Subdivision Certificate, street signs must be erected on-site, consistent with the existing street names and those approved by the Geographical Names Board of NSW, for the proposed roads. Where street names have not been allocated, an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site. The proposed names must be in accordance with Council's Street Naming Policy. Notes: Allow eight (8) weeks for notification, advertising and approval. Condition reason: To ensure new street names are approved and displayed in accordance with Council's Street Naming Policy.
130.	(F216) Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

	Condition reason: To ensure fairness, transparency and probity.
131.	(F217) Outstanding Works Bond for Temporary Access Roads A management plan shall be prepared for the eventual decommissioning of the temporary access road works. The plan is to include the relocation of any temporary services and shall be signed off by the relevant service authorities, which has elected to utilise the temporary access road corridor over lot 54. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided. The Outstanding Works bond will be refunded once an alternate public road access has been provided and the temporary access road works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
132.	(F225) Linemarking & Signage Prior to the issue of select a Subdivision Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee. Note: Allow eight (8) weeks for approval by the Local Traffic Committee. Condition reason: To ensure fairness, transparency and probity.
133.	(F230) Rectification of Damage Prior to the issue of a Subdivision Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works within Fifteenth Avenue or Sixteenth Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing. Condition reason: To ensure fairness, transparency and probity.
134.	(F235) Subdivision Compliance

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

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in DWG format and PDF format to Council along with two hard copies of the WAE plans.
- b) A collation of attribute data is to be provided for all civil works. The data shall be completed in accordance with Councils 'WAE Submission Standard' and the excel template 'Inclusion of Attribute Data'. This standard and excel template can be obtained by contacting Council's Asset Planning & Management Department on 1300 36 2170.
- c) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- d) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatching, the depth of any fill within 0.3m depth ranges.
- e) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- g) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading
 - Verification of any imported fill material
 - Soil classification for all residential lots
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures

Condition reason: To ensure fairness, transparency and probity.

135. **(F240) Footpaths**

Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent.

Condition reason: To ensure fairness, transparency and probity.

136. **(F245) Stormwater Compliance**

	Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the: (a) On-site detention system/s (b) Stormwater pre-treatment system/s 1. Have been satisfactorily completed in accordance with the approved Subdivision Works Certificate and the requirements of this consent. 2. Have met the design intent with regard to any construction variations to the approved design. 3. Any remedial works required to been undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings. Condition reason: To ensure fairness, transparency and probity.
137.	(F250) Restriction as to User and Positive Covenant Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the: (a) On-site detention system/s (b) Stormwater pre-treatment system/s Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works. Condition reason: To ensure fairness, transparency and probity.
138.	(F407) Repair of infrastructure Before the issue of a Subdivision Certificate: 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. Condition reason: To ensure any damage to public infrastructure is rectified.
139.	(F590) Street Lighting in New Subdivisions 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 SC application. All cost associated with the installation of street lighting shall be borne by the developer. Condition reason: To ensure adequate street lighting is provided for the development.
140.	(F959) Linen Plans and 88B Instruments A Restriction as to User over Proposed Lot 53 is to be created under Section 88B of the Conveyancing Act 1919 in the following terms: Proposed Lot 53 is to remain as a residue lot and the lot is not to be sold and is to remain under the ownership of the developer until the temporary basin has been decommissioned (which includes removal of pipe/s and structures associated with the basin construction, and basin filling). The Restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.

141.	(F960) Linen Plans and 88B Instruments
	The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user and positive covenant over Lot 53 that: Lot 53 is to remain a residue parcel until consolidation and development with the adjoining property (385 Fifteenth Avenue) occurs. No development is to occur on Lot 53 until public road access via the extension of Clearfield Avenue is available. The restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.
142.	(F961) Linen Plans and 88B Instruments
	The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user and positive covenant over proposed Lot 54 that: Lot 54 is to be developed for residential purposes with a minimum dwelling density of no less than 25 dwellings per hectare. The restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.

Land Subdivision Demolition Work Before Demolition Work Commences

144.	(C004) Asbestos removal signage
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos. Condition reason: To alert the public to any danger arising from the removal of asbestos
145.	(C040) Demolition Works
	Demolition works shall be carried out in accordance with the following: - Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. - Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council. - The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements. Condition reason: To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.
146.	(C042) Disconnection of services before demolition work
	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. Condition reason: To protect life, infrastructure and services

147.	(C044) Hazardous material survey before demolition 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
148.	(C046) Notice of commencement for demolition 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: 1. name 2. address, 3. contact telephone number, 4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and 5. the contact telephone number of council and 6. the contact telephone number of SafeWork NSW (4921 2900). Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries
149.	(C048) Site preparation Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete: 1. Protective fencing and any hoardings to the perimeter on the site 2. Access to and from the site 3. Construction traffic management measures 4. Protective measures for on-site tree preservation and trees in adjoining public domain 5. Onsite temporary toilets 6. A garbage container with a tight-fitting lid Condition reason: To ensure fairness, transparency and probity.
150.	(C055) Site Facilities Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
151.	(C117) Erosion and sediment controls in place 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). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

152.	(C125) Erosion and sediment control plan Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifying authority 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
153.	(C126) Environmental Management 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: 1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place. Condition reason: To ensure fairness, transparency and probity.
154.	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
155.	(C466) Dilapidation report Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifying Authority Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 5 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time. Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
156.	(C501) Return of existing bins Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to 365 & 375 Fifteenth Avenue, Austral, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on Council's rates system. Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.
157.	(C502) Remove and destroy refrigerants

	Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation. Condition reason: To ensure that development activities do not result in the liberation of CFC or HFC refrigerants that contribute to global warming and damage the environment, and requires any refrigerants to be captured and destroyed at a facility licensed to do that.
158.	(C531) Waste management plan - an approved document of this consent Before site work commences, a waste management plan for the development must be provided to the principal certifying authority Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.

During Demolition Work

159.	(D950) Demolition Materials All demolition, excavation and construction wastes must be separated into their different types as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips. No waste materials, other than those specifically noted in the waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure fairness, transparency and probity.
160.	(D045) Hours of work Site work must only be carried out between the following times – For work/civil work/demolition work, including delivery of materials is only permitted on the site from 7:00am to 6:00pm on Monday to Friday For work/civil work/demolition work, including delivery of materials is only permitted on the site from 8:00am to 1:00pm on Saturday Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
161.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
162.	(D055) Refuse Disposal Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented during construction.
163.	(D070) Notification of Damage

	The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
164.	(D075) Demolition Inspections 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 work, 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. Condition reason: To require approval to proceed with demolition work following each stage inspection.
165.	(D076) Handling of asbestos during demolition 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
166.	(D130) Removal of dangerous and/or hazardous waste All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
167.	(D180) Waste management

	While site work is being carried out: 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following: • The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
168.	(D205) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
169.	(D265) Vegetation Clearing - Fauna Protection Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits. Condition reason: To minimise harm caused to fauna during vegetation clearing.
170.	(D426) Soil management While site work is being carried out, the Principal Certifying Authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Principal Certifying Authority 2. All fill material imported to the site must be: 1. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or 2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or 3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

171.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
172.	(D450) Air Quality During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
173.	(D552) Implementation of the site management plans While site work is being carried out: 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition reason: To ensure site management measures are implemented during the carrying out of site work.
174.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
175.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
176.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
177.	(D584) Skeletal Remains In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

	Condition reason: To ensure fairness, transparency and probity.
178.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
179.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
180.	(D660) Construction Noise and Vibration 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 Environmental Management Plan (CEMP). Condition reason: To protect the amenity of the neighbourhood during construction.
181.	(D951) Demolition Waste 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. Condition reason: To ensure fairness, transparency and probity.

On Completion of Demolition work

182.	(H005) Waste disposal verification statement On completion of demolition work: 1. a signed statement must be submitted to the Principal Certifying Authority verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, - and 2. if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Principal Certifying Authority within 14 days of completion of the demolition work. Condition reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan
183.	(H026) Removal of waste upon completion

	After completion of all site work: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the Principal Certifying Authority Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
184.	(H064) Completion of landscape and tree works After the clearing of vegetation, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
185.	(H407) Repair of infrastructure After completion of all site work: 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. Condition reason: To ensure any damage to public infrastructure is rectified.

Remediation Work Before Remediation Work Commences

186.	(C055) Site Facilities Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
187.	(C117) Erosion and sediment controls in place 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). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
188.	(C125) Erosion and sediment control plan Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifying authority 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

189.	(C126) Environmental Management 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: 1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place. Condition reason: To ensure fairness, transparency and probity.
190.	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
191.	(C466) Dilapidation report Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifying Authority Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 5 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time. Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
192.	(C501) Return of existing bins Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to 365 & 375 Fifteenth Avenue, Austral, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on Council's rates system. Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.

During Remediation Work

193.	(D045) Hours of work Site work must only be carried out between the following times – For work/civil work/demolition work, including delivery of materials is only permitted on the site from 7:00am to 6:00pm on Monday to Friday For work/civil work/demolition work, including delivery of materials is only permitted on the site from 8:00am to 1:00pm on Saturday Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
194.	(D049) Security Fence

	A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
195.	(D055) Refuse Disposal Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented during construction.
196.	(D070) Notification of Damage The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
197.	(D130) Removal of dangerous and/or hazardous waste All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
198.	(D180) Waste management While site work is being carried out: 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following: • The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
199.	(D205) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

	Condition reason: To minimise impacts to adjacent vegetation and habitat.
200.	(D265) Vegetation Clearing - Fauna Protection Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits. Condition reason: To minimise harm caused to fauna during vegetation clearing.
201.	(D425) Site Remediation Works The site must be remediated in accordance with: - Remediation Action Plan P34034.1_R02 Version: F01 prepared by Geotest Services Pty Ltd, dated 25 January 2024. - State Environmental Planning Policy (Resilience and Hazards) 2021; - National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and - The guidelines in force under the Contaminated Land Management Act 1997. A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved Remediation Action Plan. Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/ recommencement of works. Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme. Condition reason: To ensure the suitability of land for the proposed development.
202.	(D426) Soil management While site work is being carried out, the Principal Certifying Authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: - 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 Certifying Authority - All fill material imported to the site must be: - Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or - a material identified as being subject to a resource recovery exemption by the NSW EPA; or - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
203.	(D430) Unidentified Contamination

	Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
204.	(D450) Air Quality During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
205.	(D475) Imported Fill Material During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes. Condition reason: To ensure soils introduced onsite do not result in drainage issues.
206.	(D552) Implementation of the site management plans While site work is being carried out: 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition reason: To ensure site management measures are implemented during the carrying out of site work.
207.	(D555) Erosion Control - Maintenance Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
208.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
209.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
210.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.

	Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
211.	(D584) Skeletal Remains In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders. Condition reason: To ensure fairness, transparency and probity.
212.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
213.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
214.	(D660) Construction Noise and Vibration 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 Environmental Management Plan (CEMP). Condition reason: To protect the amenity of the neighbourhood during construction.

On Completion of Remediation work

215.	(H026) Removal of waste upon completion After completion of all site work: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the Principal Certifying Authority Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
216.	(H407) Repair of infrastructure

After completion of all site work:

1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or
2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To ensure any damage to public infrastructure is rectified.

General advisory notes

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

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

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

Dictionary

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

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

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

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

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

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

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

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

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

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

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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