

Item Number:	1
Application Number:	DA-470/2022/A
Approved Development Approved by Land & Environment Court (LEC No: 2022/299477 - 19 April 2023)	Subdivision of Lot 22 approved under DA-1166/2015, into a Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages
Proposed Development:	<p>Modification to Development Consent DA-470/2022/A under Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i>, to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove to construct 12 dwellings that were approved originally.</p> <p>Stage 1 Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.</p> <p>Stage 2 Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.</p>
Property Address	140 Sixth Avenue, Austral
Legal Description:	Lot 22 DP 1286912
Applicant:	UPG 245 Pty Ltd
Land Owner:	UPG 245 Pty Ltd
Cost of Works:	\$0
Recommendation:	Approved, subject to modified conditions of consent
Assessing Officer:	Pradip Adhikari

1. EXECUTIVE SUMMARY

On 31 October 2022 the Liverpool Local Planning Panel (LLPP) considered the subject application (DA-470/2022/A). The panel concluded to defer as follows.

1. *The applicant is to:*
 - a) *Submit written evidence of consultation with the owner of the adjoining land part Lot 1077 in DP 2475 and demonstrate that there is an intention to cooperate in the orderly development of the ultimate proposed lot layout. This is light of the submitted Orderly Development Plan reference SK04 prepared by The Bathla Group September 2023 being reliant on road access from within Lot 1077.*
 - b) *Address how the applicant intends to comply with Condition 107.*
2. *Points a and b are to be addressed by the applicant within 14 days of this decision. After submission of the required information within this period, and following consideration by Council's Officers, the application is to be referred to the Panel for determination*
3. *The wording and applicability of Conditions 20, 98, 99 and 107 is to be considered by Council's officers in the future assessment report.*

Council has subsequently responded to the items requested by the panel. This report details both the applicants and Council's response to the deferred matters by the LLPP.

2. HISTORY/BACKGROUND

The subject application was considered by the LLPP at its meeting on 29 July 2024. This report details Council's response to the deferred matters by the LLPP.

LPP comments:

1. **The applicant is to:**
 - a) **Submit written evidence of consultation with the owner of the adjoining land part Lot 1077 in DP 2475 and demonstrate that there is an intention to cooperate in the orderly development of the ultimate proposed lot layout. This is light of the submitted Orderly Development Plan reference SK04 prepared by The Bathla Group September 2023 being reliant on road access from within Lot 1077.**

Applicant Comment: *We have engaged with the neighbour a 2nd time through our Real Estate Agent (as he won't discuss directly with us) the options of either buying his land, selling our land or selling to a 3rd party. The neighbour has indicated he is not interested in either of these options – refer our Real Estate*

Agents confirmation of the neighbour's position, via email dated 13/3/24. Any further contact we've been advised will be considered harassment and will not be passed on.

Council Comment: Council does not agree that the Applicant's response sufficiently demonstrates that at present there is an intention to cooperate in the orderly development of the ultimate proposed lot layout. Specifically, Lot 19 must be created as a residue lot (for orderly further development in the future), because Lot 19 cannot be reasonably developed as contemplated by the SEPP for residential allotments with direct access to Browns Road. In addition, it is Council's view that no consent should not be granted unless it provides a robust planning safeguard to ensure the eventual orderly development of Lot 19. To that end, Council suggests the following condition of consent be imposed under the heading of 'Part A: The Development' to provide the necessary planning safeguard to assurance the orderly development of proposed Lot 19:

5A. Lot 19 shall not be developed until such time Browns Road is constructed on the adjoining site to the east, and any such development of Lot 19 incorporates land to the east of Browns Road in Lot 1077 DP 2475 with direct access from Browns Road.

It is further noted that the owner of adjoining site to the east (Lot 1077 DP 2475) had a Pre-Development Application (PL-1/2024) meeting and Council provided written advice on 6 March 2024 suggesting working with neighboring site for orderly development. The following advice was provided.

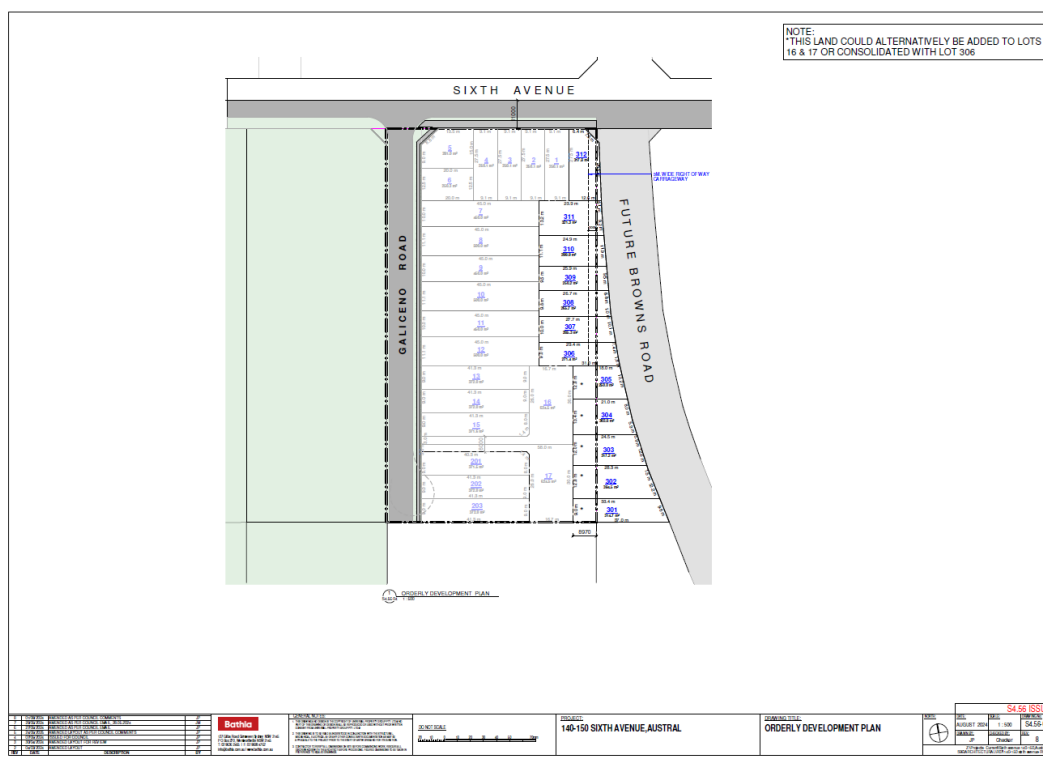
"The sites adjacent to the east and west of the proposed site both have approved Development Applications which have followed the approved ILP and road network, including the creation of residue parcels to facilitate orderly development. The Applicant needs to work with neighbouring sites to amalgamate and integrate their development with the neighbouring sites."

Additionally, Council can impose a similar condition like Condition 107 to any consent for the future proposal to the adjoining site to the east, which will assist both the owners to consolidate the residue lot and, the land between Browns Road and the subject site to develop orderly.

b) Address how the applicant intends to comply with Condition 107.

Note: - Lot 22 in condition 107, now is referred to as Lot 19 in the proposed modification application.

Applicant Comment: *The condition is straight forward, however as an alternative, Lot 19 could be subdivided as per the submitted Orderly Development Plan S4.46-04, with an access battle-axe handle and the eastern side providing 6 allotments as illustrated on S4.56-04 Rev 8. The southern portion could alternatively be added to Lots 16 and 17 or consolidated with Lot 306.*



Council Comment: Council does not support the indicative plan submitted by the applicant prepared by *Bathla, Drawing No. S4.56-04, Revision 8, dated 01/08/2024*, specifically the 3m wide right of carriageway which demonstrates how legal access could occur when Lot 19 is subdivided in the future. Council does not support the sterilisation of land to the east through the creation of a right of carriageway, however Council notes the following for the panel’s consideration:

- At the LLPP meeting on 29 July 2024 the Applicant mentioned the intention to leave residue Lot 19 undeveloped until such time Browns Road is developed.
- A condition of consent similar to Condition 107 can be imposed to any future development consent to the adjoining site to the east, which will

assist both the owners to consolidate residual land and both sites to develop orderly.

- The proposed condition abovementioned in 1a) be imposed to any future development consent to the adjoining site to the east (subject to appropriate wording specific to the site) and the subject application.
- Recent Pre-Development Application advice (PL-1/2024) has been issued to the adjoining site to the east which states that Council will not entertain any proposal to develop either site independently in its entirety.

Considering the above, Council believes that Condition 107 in its current form could be satisfied once development has occurred to the site to the East and Browns Road is developed.

2. ***Points a and b are to be addressed by the applicant within 14 days of this decision. After submission of the required information within this period, and following consideration by Council's Officers, the application is to be referred to the Panel for determination***

Council Comment: A Request for Additional Information (RFI) letter dated 31 July 2024 was sent to the Applicant, and a response provided on 2 August 2024 with the following documents:

- Covering letter,
- Email correspondence with adjoining property and
- Indicative residue lot subdivision plan.

The above have been provided as attachments to this report.

3. ***The wording and applicability of Conditions 20, 98, 99 and 107 is to be considered by Council's officers in the future assessment report.***

Condition 20: Construction Certificate for Subdivision Works

Council Comment: Following further discussions with Councils Land Development Engineer, Condition 20 is not required to be deleted, however, is recommended to be modified as follows:

Construction Certificate for Subdivision Works

20. Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans are amended to match the approved Subdivision Plan, Building Envelope Plan, ~~and Architecturals~~, yielding consistent stormwater water management, water quality, and road construction outcomes, with the approved concept plan/s prepared by

Bathla, Drawing no. SW-E2115-2022 (Sheet 1 to 19), Revision B dated 12.06.2024, and that 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 amended plans are specifically required to show;

- Amendment to approved Road 1 typical sections to comply with the Liverpool Growth Centres Precinct DCP dated 18 June 2021. Refer to figure 3-15, Typical Local Street.
- Road drainage systems designed to accommodate the flows from upstream catchment to the site. Details shall be provided on the plans accompanying with a construction certificate.
- A Public Domain Plan indicating location of Council Street Trees in front of each allotment, except ***Lots 7-15 and 201-203*** where the street trees are to be located between the driveway crossings.

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
- Inter-allotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- 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 conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning temporary OSD systems

Condition 98: SECTION 7.11 PAYMENT - Liverpool Contributions Plan 2014 Austral & Leppington North

Council Comment: Councils Coordinator Contributions Planning has reviewed the Panels request and confirms that contributions for the subject application will be imposed under the Liverpool Contributions Plan 2014 - Austral & Leppington

North due to the reduction of lots and reduced demand for infrastructure in the locality.

Condition 99: Special Infrastructure Contribution (SIC)

Council Comment: The SIC Levy is still applicable to the proposed development, with the Western Sydney Growth Areas to be transitioned to the Housing and Productivity Contribution by 1 July 2026. For further information please see the below link:

<https://www.planning.nsw.gov.au/sites/default/files/2023-05/housing-and-productivity-contribution.pdf>

For the panels convenience please see the below exclusion area mapping for Housing and Productivity Contributions. The exclusion map includes the subject site.

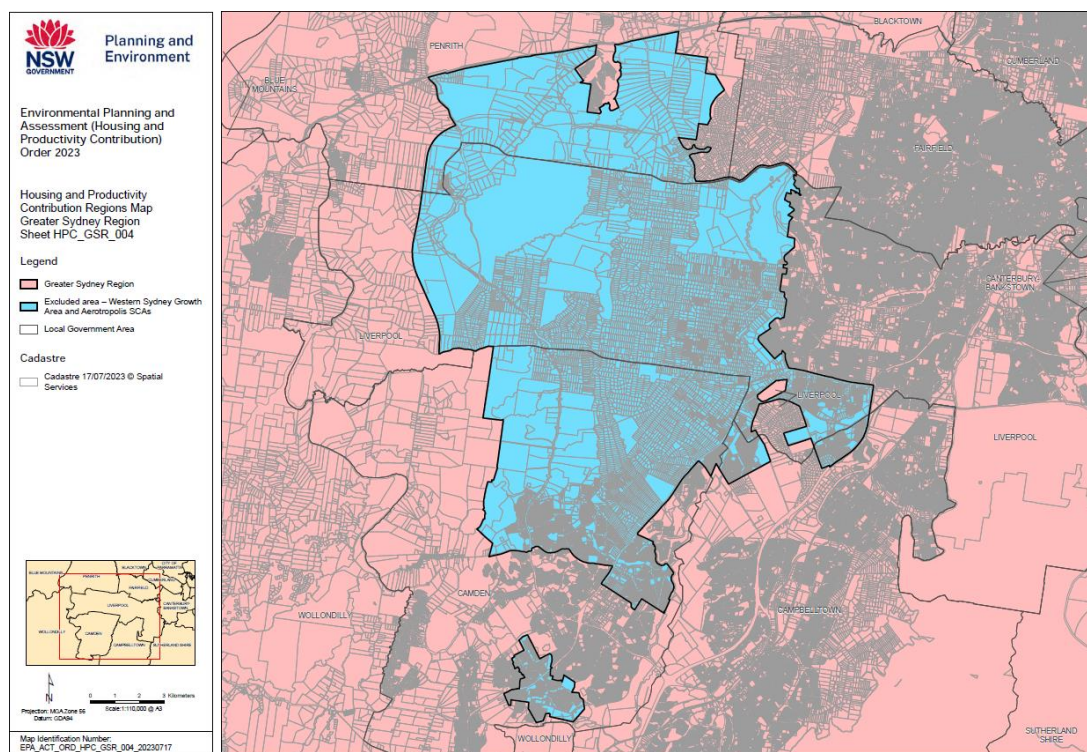


Figure 1: Housing and Productivity Contribution Regions Map Greater Sydney Region Sheet HPC_GSR_004

Condition 107: Restriction as to User and Positive Covenant

Council Comment: Please see discussion above in 1b). Council believes the condition imposed is sufficient.

3. CONCLUSION AND RECOMMENDATION

Additional information has been submitted in response to Council's RFI dated 31 July 2024, which has been reviewed. The subject Modification Application DA-470/2022/A related to 140 Sixth Avenue, Austal is recommended for approval, subject to conditions.

ATTACHMENTS

1. Liverpool Local Planning Panel Meeting Minutes – 29 July 2024
2. Statement of Environmental Effect (cover letter)
3. Plans of the proposal
4. Draft Consent

Attachment 1: Liverpool Local Planning Panel Meeting Minutes – 29 July 2024

29 JULY 2024

ITEM No:	2
APPLICATION NUMBER:	DA-470/2022/A
SUBJECT:	<p>Modification to Development Consent DA-470/2022/A under Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i>, to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove the proposal to construct 12 dwellings.</p> <p>Stage 1 Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head, to be further subdivided into 3 residential lots in Stage 2, and one residue superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.</p> <p>Stage 2 Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed Lot 16 to create 3 residential lots.</p>
LOCATION:	140 Sixth Avenue, Austral
OWNER:	UPG 245 Pty Ltd
APPLICANT:	UPG 245 Pty Ltd
AUTHOR:	Pradip Adhikari

DETERMINATION OF THE PANEL:

Modification Development Application DA-470/2022/A seeking approval for the modification to Development Consent DA-470/2022/ under Section 4.56 of the *Environmental Planning and Assessment Act 1979*, to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove the proposal to construct 12 dwellings is deferred for the following reasons:

1. The applicant is to:
 - a. Submit written evidence of consultation with the owner of the adjoining land part Lot 1077 in DP 2475 and demonstrate that there is an intention to cooperate in the orderly development of the ultimate proposed lot layout. This is light of the submitted Orderly Development Plan reference SK04 prepared by The Bathla Group September 2023 being reliant on road access from within Lot 1077.

LIVERPOOL CITY COUNCIL

**LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION
PAGE 4**

29 JULY 2024

- b. Address how the applicant intends to comply with Condition 107.
2. Points a and b are to be addressed by the applicant within 14 days of this decision. After submission of the required information within this period, and following consideration by Council's Officers, the application is to be referred to the Panel for determination
3. The wording and applicability of Conditions 20, 98, 99 and 107 is to be considered by Council's officers in the future assessment report.

ISSUES RELATED TO THE APPLICATION

The Panel raises concern with the lack of evidence of consultation with adjoining landowner with regards to the treatment of the residual lot and the adjoining land that is in different ownership. Further information is requested to confirm that orderly development of the subject site and the adjoining land will not be impeded if this modification application is approved. On this basis the application is deferred.

VOTING NUMBERS:

4-0

Attachment 2: Statement of Environmental Effect (cover Letter)

Thursday, 1st August 2024

Pradip Adhikari
Liverpool City Council
33 Moore Street
Liverpool NSW 2170

Dear Sir/Madam,

Description: Submission of Additional Information
Property: LOT-22 DP1286912 – 140 SIXTH AVENUE, AUSTRAL NSW 2179
Application No: DA-470/2022/A

Liverpool City Council has requested to provide additional information concerning the above-mentioned property on 31st July 2024.

Writing this response to address all the matters listed in Council's Letter:

Town planning Information

1. The applicant is to:

- a. Submit written evidence of consultation with the owner of the adjoining land part Lot 1077 in DP 2475 and demonstrate that there is an intention to cooperate in the orderly development of the ultimate proposed lot layout. This is light of the submitted Orderly Development Plan reference SK04 prepared by The Bathla Group September 2023 being reliant on road access from within Lot 1077.

Response – We have engaged with the Neighbour a 2nd time through our Real Estate Agent (as he won't discuss directly with us) the options of either buying his land, selling our land or selling to a 3rd party. The Neighbour has indicated he is not interested in either of these options – refer our Real Estate Agents confirmation of the Neighbour's position, via email dated 13/3/24. Any further contact we've been advised will be considered harassment and will not be passed on.

- b. Address how the applicant intends to comply with Condition 107.

107. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden Lot 19 with a restriction such that the lot shall not be developed until such time Browns Avenue is constructed on the adjoining site to the east, and that any such development shall result in a minimum of 5 6 dwellings/allotments, and will likely require the payment of contributions, works in the road reserve, and connection to services.

Response – The condition is straight forward, however as an alternative, Lot 19 could be subdivided as per the submitted Orderly Development Plan S4.56-04, with an access battle-axe handle on the eastern side providing 6 allotment s as illustrated on S4.56-04 Rev 8. The southern portion could alternatively be added to Lots 16 and 17, or consolidated with Lot 306.



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

We hope that the above clarification and provided information will address the concerning matters and the application can be considered worthy of support.

Please let us know if the council needs any further clarification or information during the assessment.

Regards,

A handwritten signature in blue ink, appearing to read "Paul Solomon".

Paul Solomon
Development Director
Universal Property Group Pty Ltd
Email: paul.solomon@bathla.com.au
Contact: 0414 154 842

Attachments:

- Real Estate Agent email dated 13/3/24
- Drawing SK4.56-04 Rev 8 – Orderly Development Plan

Paul Solomon

From: Gary Ghassibe | OC Real Estate Group <gary@ocrealestategroup.com.au>
Sent: Wednesday, 13 March 2024 5:14 PM
To: Gabriella
Cc: Paul Solomon
Subject: RE: FW: PAN-381066 DA-470/2022/A Status Update 140-150 Sixth Avenue Austral

Afternoon Gabriella & Paul,

I can confirm our client did not respond to my email sent on Monday the 11th outline the offer put forward by Bathla.

I have now contacted our client through a phone call and he has advised me verbally he is not interested in purchasing your portion of land.

I have asked our client Mustapha to place that correspondence in writing which has refused to do so - Mustapha has quote/unquote "I'm telling you I'm not interested that's it"

Hope this is sufficient for your records.

Regards

Gary Ghassibe | [0424 520 489](tel:0424520489)

Licensed Real Estate Agent

Accredited Auctioneer

Justice of the Peace

t [02 4621 4988](tel:0246214988)

w www.ocrealestategroup.com.au

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----- Original message -----

From: Gabriella <Gabriella@bathla.com.au>
Date: 13/3/24 4:24 pm (GMT+10:00)
To: Gary Ghassibe | OC Real Estate Group <gary@ocrealestategroup.com.au>
Cc: Paul Solomon <paul.solomon@bathla.com.au>
Subject: RE: FW: PAN-381066 DA-470/2022/A Status Update 140-150 Sixth Avenue Austral

AUSTRAL NORTH NOMINEE PTY LTD
4.04 12 CENTURY CIRC
NORWEST NSW 2153

SECTION 4.56 MODIFICATION OF DEVELOPMENT CONSENT

(In accordance with the provisions under Section 4.56 of the EP&A Act 1979)

ADDRESS: 140 SIXTH AVENUE, AUSTRAL NSW 2179
LOT 22 DP 1286912

DESCRIPTION: *Modification to Development Consent DA-470/2022 under Section 4.56 of the Environmental Planning and Assessment Act 1979. The consent approved the subdivision of Lot 22 in Deposited Plan 1286912 and the Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages, on land legally described as Lot 22 in DP 1286912 (formally Lot 2 in DP 201643) and known as 140 Sixth Avenue, Austral (the consent).*

The proposed modification to the consent seeks approval as follows:

Amended subdivision layout, removal of 1 residential lot resulting in 20 residential lots and 1 residue lot and to removal of the requirement/approval to construct 12 dwellings. The proposed development is to be carried out in the following stages:

Stage 1

Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.



Customer Service Centre Ground floor, 35 Moore Street, Liverpool NSW 2170 DX 5030 Liverpool

All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170

Fax 9821 9333 Email lcc@liverpool.nsw.gov.au

Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

Stage 2

Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, the application has been approved. Development Consent DA-470/2022/A has been relevantly amended as follows (deletions struck through and new/amended conditions in **red, bold and italic**):

Amended conditions of Development Consent DA-470/2022 are as follows:

STAGED APPROVAL

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development Works	Part Reference	Condition Reference
1	<p>Torrens Title subdivision of Lot 22 DP1286912 approved under DA-1166/2015, into 17 residential lots, construction of eight (8) dwellings (in 4 semi-detached built forms), four (4) residue lots (Lots 18-21) over which is to be located a temporary on-site detention basin (OSD) and temporary turning head, one (1) residue super-lot (Lot 22) set aside for future development, and site remediation, construction of roads and associated civil works.</p> <p><i>Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.</i></p>	All Parts	All conditions as relevant to the stage
2	<p>Decommissioning of the temporary turning and temporary OSD over Lots 18,19,20 & 21, rehabilitation of the land for residential purposes, and construction of four (4) dwellings (in 2 semi-detached built forms).</p> <p><i>Decommissioning and rehabilitation of</i></p>	All Parts	All Condition as relevant to the stage

	temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.		
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Approved Plans

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

Plan Name	Ref No.	Date	Revision	Prepared By
Subdivision Plan	DA02	22.03.23	4	The Bathla Group
Subdivision Plan-Stage 1	S4.56-01	28/05/2024	7	The Bathla Group
Subdivision Plan – Stage 2	S4.56-02	28/05/2024	7	The Bathla Group
Building Envelope Plan	DA04	20.02.23	4	The Bathla Group
Building Envelope Plan	S4.56-03	28/05/2024	7	The Bathla Group
Typical Lot 7.2 Site Plan	DA06	20.02.23	4	The Bathla Group
Typical Lot 7.2 Floor Plans	DA07	20.02.23	4	The Bathla Group
Typical Lot 7.2 Elevations, Sections, and Shadow Analysis	DA08	20.02.23	4	The Bathla Group
Typical Lot 10,11,16,17 Wide Floors Option 1	A2002	20.02.23	4	The Bathla Group
Typical Lot 10,11,16,17 Wide Elevations Option 1	A1312	20.02.23	-	The Bathla Group
Typical Lot 12,13,18,19 Wide Floors Option 2	A2002	20.02.23	-	The Bathla Group
Typical Lot 12,13,18,19 Wide Elevations Option 2	A1312	20.02.23	-	The Bathla Group
Typical Lot 14,15,20,21 Wide Floors Option 1	A2002	20.02.23	-	The Bathla Group
Typical Lot 14,15,20,21 Wide Elevations Option 1	A1312	20.02.23	-	The Bathla Group
Colour Schedule	-	24.02.22	-	The Bathla Group
Typical Landscape Plan	LP-01	27.02.23	-	The Bathla Group
Street Tree Plan	LP-01	04.06.2024	2	Bathla
Civil Engineering Design	8247-DA-000	11.02.22	A	Indesco

	to 8247-DA-504			
Civil Engineering Plan	Drawing No. SW-E2115-2022 Sheet 1 to 19	12.06.2024	B	Bathla

Report Name	Date	Reference	Prepared By
Aboriginal Due Diligence Assessment	17 November 2021	-	APEX Archaeology
BASIX Certificate	01 March 2023	1376874M	es2 design
DA Acoustic Assessment	22 March 2022	20220248.1/22 03A/R0/PF	Acoustic Logic
Preliminary Tree Assessment	8 October 2021	Job No. 5744	Monaco Designs PL
Geotechnical Site Investigation Report	4 April 2022	NE1032	Geotesta
Level 3 Odour Impact Assessment	24 February 2022	-	Environodour Australia Pty Ltd
Stormwater Management Report	11 February 2022	Project No: 8247	Indesco
Traffic and Parking Assessment Report	7 March 2022	Ref: 21824	Varga Traffic Planning Pty Ltd

Sydney Water Requirements

- The development is to comply with all relevant requirements issued by Sydney Water, dated 26 July 2022 (Attachment 3).

Endeavour Energy Requirements

- The development is to with all relevant requirements issued by Endeavour Energy, dated 24 June 2022 (Attachment 4).

Stages of Consent

- This consent approves site remediation works *and* subdivision works, ~~and construction of dwellings~~ in the following manner;
 - The remediation and/or validation confirming that the subject land is not contaminated prior to any subdivision ~~and dwelling construction~~ works on the developable land the subject of this DA-470/2022 *and DA-470/2022/A*
 - The issue of a Subdivision Works Certificate ~~and Construction Certificates~~, and substantial works commencing for the Stage 1 subdivision works ~~and dwelling construction~~ at any time within the 5 year lapse date of this consent.
 - ~~The issue of a Subdivision certificate for Lots 1-21 upon Stage 1 Subdivision works (including temporary OSD over lots 18-21) and dwelling construction works being completed up to the first floor slab for Lots 10-17.~~
 - ~~The issue of Occupation Certificates for Lots 10-17 only upon issue of a~~

~~Subdivision Certificate for those lots.~~

- e. Stage 2 works relating to the decommissioning of the temporary on-site detention basin and temporary turning head, and rehabilitation of that land prior to any subdivision works ~~and dwelling construction~~, and the issue of any Subdivision Certificate, being able to occur, only once down-stream drainage works and adjoining land road construction are complete and associated restrictions over the site removed.
- f. The issue of ~~Construction~~ **Subdivision work** Certificates for the Stage 2 dwelling construction over Lots 201-203 only when decommissioning of the temporary on-site detention basin and temporary turning head has been completed.
- ~~g. The issue of Occupation Certificates for the dwellings on Lot 18-21 when dwelling construction on those lots has been completed.~~

Works at no cost to Council

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

Added condition

- 5A. ***Lot 19 shall not be developed until such time Browns Road is constructed on the adjoining site to the east, and any such development of Lot 19 incorporates land to the east of Browns Road in Lot 1077 DP 2475 with direct access from Browns Road.***

B. PRIOR TO ISSUE OF A SUBDIVISION WORKS AND CONSTRUCTION CERTIFICATES

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

Demolition Works DA-457/2022

- 6. The approved demolition works the subject of DA-457/2022 are required to have occurred prior to the issue of any Subdivision Works and Construction Certificates the subject of this DA-470/2022.

Fee Payments

- 7. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/ Construction Certificate. The following fees are applicable:
 - a. Damage Inspection Fee;
 - b. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and

- c. Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the Environmental Planning & Assessment Act 1979

These fees are reviewed annually and will be calculated accordingly.

Comply with EP&A Act (General)

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

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

~~Prescribed condition (General)~~

9. ~~In accordance with Section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2021, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:~~
 - ~~(a) Complying with the Deemed to Satisfy Provisions; or~~
 - ~~(b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).~~

~~Commencement of building works (Prior to works commencing)~~

10. ~~Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.~~

~~Products banned under the Building Products (Safety) Act 2017~~

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

Site Development Work

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

13. ~~Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.~~
14. ~~Plans and structural details certified by a practicing qualified Engineer are to be submitted to the Certifying Authority demonstrating that for the approved dwellings on Lots 801-809, the footings and slabs are designed in accordance with the lot classification requirements of Australian Standard AS2870 "Residential Slabs & Footings" and to the requirements of Liverpool City Council.~~

Stormwater Concept Plan

15. Stormwater Plans and details certified by a practicing qualified Engineer shall be provided ensuring that:
- a) rainwater tanks are provided for the approved dwellings as per the approved BASIX Certificate,
 - b) prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool

Notification

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

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

17. Any works constructed on private property will require the consent of the affected property owner.

S138 Roads Act – Minor Works in the public road

18. Prior to the issue of a Construction Certificate a S138 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 the following:
- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

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

Note:

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

S138 Roads Act – Roadworks requiring approval of civil drawings

19. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Road works in Sixth 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 1: 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.

Construction Certificate for Subdivision Works

20. Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans are amended to match the approved Subdivision Plan, Building Envelope Plan, and ~~Architectural~~, yielding consistent stormwater water management, water quality, and road construction outcomes, with the approved concept plan/s prepared by Indesco, reference number 8247-DA, Revision A, dated 11 February 2022, **Bathla, Drawing no. SW-E2115-2022 (Sheet 1 to 19), Revision B dated 12.06.2024** and that 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 amended plans are specifically required to show;

- Amendment to approved Road 1 typical sections to comply with the Liverpool Growth Centres Precinct DCP dated June 18 2021. Refer to figure 3-15, Typical Local Street.
- Road drainage systems designed to accommodate the flows from upstream catchment to the site. Details shall be provided on the plans accompanying with a construction certificate.
- A Public Domain Plan indicating location of Council Street Trees in front of each allotment, except Lots ~~40-24~~ **7-15 and 201-203** where the street trees are to be located between the driveway crossings.

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
- Inter-allotment drainage

- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- 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 conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning temporary OSD systems

The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon, and may be amended if required to match the approved Subdivision Plan.

Road design criteria table

21. 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	Carriage way Width	Verge	Footpath (1.5m wide)	ESA
Sixth Avenue	20m	5.5m	4.5m	2.5m	2 x 10 ⁶
Road No.1 (Galiceno Road)	13.5m	9m	3.5m	1.5m	3 x 10 ⁵

Road Safety Audit

22. 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.

On-Site Detention

23. On-Site Detention shall be provided generally in accordance with the concept plan/s prepared by Indesco, reference number 8247-DA, revision A, dated 11 February 2022, prepared by **BATHLA, reference number Drawing No. SW-E2115-2022, revision B, dated 12.06.2024**, which are amended to satisfy Condition 20 of this consent, to match the approved Subdivision Plan.

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.

Water Quality

24. 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:

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

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

Access, Car Parking and Manoeuvring – General

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

Inter-allotment drainage

26. 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.

Dilapidation report

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

Dilapidation Report Private Property (Excavations)

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

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

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

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

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

Traffic condition

29. Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved.

Flood related conditions

30. Following conditions shall be satisfied prior to the construction certificate:
- a) A detailed stormwater drainage design prepared by a qualified practicing civil engineer must be provided for assessment. The design shall align with the Concept Engineering Plan for 140-150 Sixth Avenue, Austral, Rev A **B**, dated 4/2022 **02.06.2024 and** Concept Stormwater Management Report for 140-150 Sixth Avenue, Austral, Rev A, dated 11/02/2022 prepared by INDESCO (which is required to be amended to satisfy Condition 17, to match the approved Subdivision Plan), and shall include all engineering details for collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades and water quality treatment trains. The design shall consider the following:
 - Provision of capturing fully developed upstream catchment flows from the eastern side of the development site and conveyed to the point of discharge,
 - Demonstrate that the site discharge can be discharged to the nominated point of discharge by gravity,
 - Provision of energy dissipation and scour protection work at the the outlet of tailout drain.
 - b) The temporary on-site detention (OSD) basin shall provide adequate flow attenuation to ensure that the peak post-development flow do not exceed peak

predevelopment flow for the 20%, 5% and 1% storm events. The OSD basin shall not be removed without Council's written consent.

- c) The stormwater design shall incorporate interim streetscape silt trap devices in accordance with the Liverpool Growth Centre Precincts Development Control Plan, June 2021. The DCP can be downloaded from the link below. https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/mastertest/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Main+Body+June+2021+S-3453.PDF Schedule 1 of the DCP can be downloaded from the link below. https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/mastertest/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Schedule+1+June+2021_S-3453.pdf

The detailed design of interim streetscape silt trap devices can be obtained from council upon request.

- d) Interim on-site water quality treatment system shall be provided and maintained. Water quality treatment system shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.
- e) Temporary on-site detention and water quality treatment basin shall be provided and maintained until regional Basin 16 and their associated trunk drainage systems are constructed. Temporary basin shall not be removed without Council's written consent.
- f) Written consent from property owner of Lot 1103 DP 2475 (61 Fifth Avenue) shall be obtained to undertake any necessary work as indicated in the concept stormwater plan.

Construction Environmental Management Plan (CEMP)

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

- a) Asbestos Management Plan;
- b) Project Contact Information;
- c) Site Security Details;
- d) Timing and Sequencing Information;
- e) Site Soil and Water Management Plan;
- f) Noise and Vibration Control Plan;
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency; and
- m) 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.

Waste Management Plan (WMP)

32. Prior to issue of a construction certificate, a Waste Management Plan (WMP) for the development must be provided to the Principal Certifying Authority for approval, indicating destination to registered receivers of any waste materials generated from site and dwelling construction works.

Services

33. All services required to adequately service the development are to be shown on the engineering drawings submitted for the Construction Certificate approval including duct configurations, road

Provision of Services – Residential Subdivision

34. Prior to the issue of a Construction Certificate, written evidence is to be made available to Council that:
- a) An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, has been 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.

- b) Arrangements have been discussed with Endeavour Energy for the provision of electrical services to the development.
- c) Telecommunications infrastructure can be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Company’s standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure
 - Unless otherwise stipulated by telecommunications legislation at the time of construction, the development will need to be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

35. Detailed civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act, and a copy registered with Council.
36. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.141A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
37. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
38. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.
39. ~~Prior to the commencement of any building works, the following requirements must be complied with:~~
 - ~~a. Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.~~
 - ~~b. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.~~
 - ~~c. A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.~~
 - ~~d. a principal certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and~~
 - ~~e. The principal certifier must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.~~

Matters to be addressed prior to commencement of Subdivision Works

40. Work on the subdivision shall not commence until:
 - a Construction Certificate (if required) has been issued,
 - a Principal Certifying Authority has been appointed for the project, and
 - 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.

Notification/Principal Certifying Authority

41. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.18 of the Act.
42. The PCA must advise Council of the intended date to commence work which is the subject of the consent, by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum notice period of two (2) working days must be given.
43. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
 - a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - b) The notice shall be given seven (7) days prior to the commencement of work.
44. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

~~Residential Home Building Work~~

45. ~~Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:~~
 - ~~(a) In the case of work for which a principal contractor is required to be appointed:

 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act,~~
 - ~~(b) in the case of work to be done by an owner-builder:

 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,~~

~~Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.~~

Site Notice Board

46. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- (a) The name, address and telephone number of the principal certifying authority for the work; and
- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Unauthorised entry to the premises is prohibited.

Sediment & Erosion Control

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

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

Construction traffic management plan

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

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

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

Detailed design drawings

49. Detailed design drawings of the proposed roads including a signs and line marking scheme prepared by a suitably qualified person is to be submitted to and approved by Council's Transport Management Section, via the Liverpool Traffic Committee and subsequent Council Meeting.

The design needs to include the following:

- Driveway crossing location for each lot.
 - On-street vehicle parking spaces in front of the subdivision lots.
 - Local Area Traffic Management (LATM) measures at subdivision road intersections and on long stretches of straight roads (80-120m).
 - Signs and line marking scheme on the proposed local roads.
 - Temporary turning head that can accommodate Council's waste collection trucks (approx. 9.9m long). The trucks should be able to make no more than three-point turn without encroaching on driveways, footpaths or road verges.
50. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

Traffic Control Plan

51. 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:

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

Work Zone

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

Road Occupancy Permit

53. Applications must be submitted to and approved by Council's Transport Management Section, under Section 138 of the NSW Roads Act, for any works within or occurring from the public road reserve.

Approval is issued via a Road Occupancy Permit and/or Road Opening Approval, which can be located on Council's Website.

The Road Occupancy Permit and Road Opening Approval applications are to include Traffic Control Plans, also detailing pedestrian management, prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Transport for NSW publication "Traffic Control at Worksites" and must be certified by a suitably qualified person.

The Road Occupancy Permit and Road Opening Approval, with approved traffic control measures, shall be implemented during the associated construction activities. A copy of the Road Occupancy Permit and Road Opening Approval shall be available on site at all times.

It is the responsibility of the applicant to ensure adequate time is allowed for Council to assess and issue approval for any permits. All minimum assessment periods are included on the applicable forms.

Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Toilet Facilities

54. 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*.

Site Facilities

55. 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.

Waste Classification

56. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

D. DURING CONSTRUCTION

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

Building Compliance

57. ~~The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.~~
58. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works.
59. ~~The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue,~~

~~until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.~~

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

60. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.
61. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Hours of Construction Work and Deliveries

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

Construction Noise and Vibration

63. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan

Security Fence

64. 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.

Construction Requirements

65. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or construction activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Works within the road reserve

66. All works within the road reserve are to be at the applicant cost and all signage shall be in accordance with the Transport for NSW's (RTA's) Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
- a) If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved will be required.
 - b) Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
 - c) Applications must be made to Council's Traffic and 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.
 - d) The endorsed CTMP is to be implemented during the construction.

Site Remediation Works

67. The site must be remediated in accordance with;
- a) Preliminary Site Investigation, 140-150 Sixth Ave Austral NSW 2179 - Document No. NE1032, prepared by Geotesta dated 25 January 2023
 - b) *State Environmental planning Policy No. 55 -- Remediation of Land*,
 - 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*.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

Council must be informed in writing of any proposed variation to the remediation works. Council must approve these variations in writing prior to commencement/ recommencement of works.

Unidentified Contamination

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

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

Contamination

69. The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act, 1997*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and *Managing Land Contamination - Planning Guidelines* (Planning NSW/EPA 1998).

Imported Fill Material

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

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

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

Record Keeping of Imported Fill

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

Waste Classification and Disposal of Contaminated Soil and Material

72. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment Operations (Waste) Regulation*

2014 and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*, prior to off-site disposal.

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

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

Erosion and sediment control

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

Major Filling/ Earthworks

74. 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.

Soil testing - Subdivisions

75. Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

Footpaths

76. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential access roads and both sides of all collector and distributor roads.

Removal of dangerous and/or hazardous waste

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

General Site Works

78. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
79. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind

velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

80. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
81. 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 it 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.
82. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
83. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.
84. 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.

Historic Archaeology

85. As required by the *Heritage Act 1977* in the event that historical relics are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Heritage Division must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the NSW Heritage Division.

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

Aboriginal Cultural Heritage - Staff and Contractors

86. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW *National Parks and Wildlife Act 1974* and the NSW *Heritage Act 1977*. They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who

has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

Aboriginal Cultural Heritage - Unexpected Finds

87. As required by the *National Parks and Wildlife Service Act 1974* in the event that Aboriginal cultural heritage objects or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *National Parks and Wildlife Service Act 1974* to obtain the necessary approvals/permits from the OEH

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

Skeletal Remains

88. 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.

Vegetation

89. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
90. 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.
91. 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.

Street Trees

92. The street trees to be used can be any or all of the following in the locations as shown on the plans approved by the Construction Certificate;
- Angophora Floribunda (Rough-barked Apple)
 - Eleocarpus reticulatus (Blue Berry Ash)
 - Fraxinus griffithii (Evergreen Ash)
 - Tristianopsis Laurina (Luscious Water Gum)

Street Lighting

93. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider to assess adequacy of street lighting along a development site frontage and submit a report on whether the existing street lighting needs to be upgraded.

If upgrade is required, the ASP Level 3 service provider is to submit a Public Lighting Design Brief to Council's Transport Management Section, to specify design requirements for the required upgrade.

A street lighting design plan prepared by the accredited service provider is to be submitted to and approved by Council's Transport Management Section and the electricity service provider (currently Endeavor Energy), prior to construction.

The street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

Road works

94. All new roads are to be implemented in accordance with the detailed design as approved by Council.

Public Domain Works

95. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.

All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

Waste

96. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Waste Management Plan

97. The Waste Management Plan submitted to and approved prior to the issue of a CC, must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer. Note: Any non-compliance with this requirement will result in penalties being issued.

E. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

Section 7.11 Payment (Liverpool Contributions Plan 2014 Austral and Leppington North Precincts)

98. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2014 Austral and Leppington North Precincts as amended.

The contribution is ~~\$600,000~~ **\$576,251** and will be adjusted at the time of payment in accordance with the contributions plan.

Stage 1= \$480,000

Stage 2 = ~~\$120,000~~ **\$96,251**

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au
Payment must be accompanied by the attached form.

Special Infrastructure Contribution (SIC)

99. 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.

Completion of Subdivision Works

100. 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.

Site Contamination Validation Report

101. After completion of the remedial works and prior to the issue of a Subdivision Certificate, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. This Report shall be prepared in accordance with Guidelines for Consultants Reporting on Contaminated Sites produced by Office of Environment and Heritage, and must confirm the site is suitable for the proposed use as per State Environmental Planning Policy (Resilience and Hazards) 2021.

Subdivision Compliance documentation

102. 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) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) 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.
- e) 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.
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
- h) Structural Engineer's construction certification of all structures

Stormwater Compliance

103. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the on-site detention systems, stormwater pre-treatment systems and overland flow path works
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.

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

Restriction as to User and Positive Covenant

104. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:
- (i) On-site detention system/s
 - (ii) Stormwater pre-treatment system/s
 - (iii) Temporary turning head

Shall be registered on the title of the property (Lots 18-21). 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.

Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems

105. 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.

Restriction as to User and Positive Covenant

106. Prior to the issue of the Subdivision Certificate, the final plan of subdivision must be supported by an 88B Instrument, agreed to by Council. The 88B Instrument must burden Lots 4-5, 7, & 8 **Lots 1-6** with a restriction pertaining to the approved Building Envelope Plans for future dwelling construction and ~~must burden Lots 10-21 with a restriction as to user that the dwellings to be erected on each lot and all associated site works, including any retaining walls and finished levels to be sited and constructed, in accordance with approved plans for this Development Application No. 470/2022.~~ Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.
107. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden Lot 19 with a restriction such that the lot shall not be developed until such time Browns Avenue is constructed on the adjoining site to the east, and that any such development shall result in a minimum of **5 6** dwellings/allotments, and will likely require the payment of contributions, works in the road reserve, and connection to services.

Construction of Dwellings

108. ~~Prior to the issue of a Subdivision Certificate on Lots 10-21, the approved dwellings must have been constructed in accordance with the restriction up to at least the first floor slab, including all external and any internal masonry and formwork.~~

Linen Plans & 88B

109. 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 if required.
110. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release
111. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils 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.
112. 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 councils design specification for subdivisions (as amended).
113. 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.

Service Providers

114. Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to 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.
115. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
116. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Street Trees

117. All proposed street trees must be planted and bonded prior to the issue of a Subdivision Certificate.

Linemarking & Signage

118. Prior to the issue of a Subdivision Certificate, the installation of regulatory / advisory linemarking and signage, plans are to be completed. Signage and Linemarking plans shall be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Notes: Allow eight (8) weeks for approval by the Local Traffic Committee.

Street Naming

119. Prior to the issue of a Subdivision Certificate 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:

1. Allow eight (8) weeks for notification, advertising and approval.

Rectification of Damage

120. 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 Sixth Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

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

Bonds

122. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), 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 12 months from the date of Council acceptance of final works.

F. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR DWELLINGS

The following conditions are to be complied with or addressed prior to issue of an Occupation Certificate by Council:

~~Liverpool City Council clearance – Roads Act/ Local Government Act~~

123. ~~Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.~~

~~Building Compliance~~

124. ~~An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979).~~

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

126. ~~In accordance with the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2021, in relation to residential building work, the requirements of the Home Building Act 1989 must be complied with.~~

~~Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.~~

Registration of Lots 801-809

127. ~~Prior to the issue of an Occupation Certificate for any of the dwellings, evidence is to be submitted to the PCA indicating the registration of approved Lots 10-21 with the LRS, on which the dwellings were approved, as shown on approved plans.~~

Landscaping

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

BASIX

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

Mechanical Ventilation Certification

130. ~~Prior to the issue of an Occupation Certificate (Interim or Final), a certificate shall be submitted to the Principal Certifying Authority, certifying that:~~

~~a. The mechanical ventilation exhaust systems have been installed in accordance with Australian Standard AS1668 Part 1 and 2.~~

~~b. The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics — Description and Measurement of Environmental Noise).~~

Garbage Services

131. ~~The owner/developer of the site is to contact Liverpool City Council — Sustainable Environment section to determine the required number of waste/garbage bins for the dwellings as well as serving requirements. These waste/garbage bins are to be kept within the curtilage of each dwelling, except before and after collection days.~~

Landscaping

132. ~~Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.~~ Waste Storage Area
133. ~~Waste bins must be kept within the curtilage of each dwelling. Bins must not be stored or allowed to overflow into landscaped areas or the rear lanes, must not obstruct the entry/exit of the driveway, and must not leave the site onto neighbouring, public or private properties.~~

Note: This determination notice is strictly for changes sought under Modification Application DA-470/2022/A. No approval is granted or implied for any other works / changes proposed to the submitted development.

ADVISORY NOTES:

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (a) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (b) The Section 4.56 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (c) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact Pradip Adhikari on the abovementioned contact details.

Yours faithfully

William Attard
MANAGER
DEVELOPMENT ASSESSMENT

ATTACHMENT 2 – Section 7.11 Payment Forms

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 Liverpool Contribution Plan 2014 Austral and Leppington North

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

APPLICATION NO: DA-470/2022/A

APPLICANT: Austral North Nominees Pty Ltd

PROPERTY: 47 AND 53 SEVENTEENTH AVENUE, AUSTRAL
Lot A in DP 373652 and Lot 217 in DP 2475

PROPOSAL: Modification to Development Consent DA-470/2022 under Section 4.56 of the Environmental Planning and Assessment Act 1979 to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 2 residue lot and to remove to construct 12 dwellings that was approved originally.

~~Stage 1 - Torrens Title subdivision of Lot 22 in Deposited Plan 1286912 and into 17 residential lots, construction of eight (8) dwellings (in 4 semi-detached built forms), four (4) residue lots (Lots 18-21) over which is to be located a temporary on-site detention basin (OSD) and temporary turning head, one (1) residue super-lot (Lot 22) set aside for future development, and site remediation, construction of roads and associated civil works.~~

Stage 1 - Torrens Title subdivision of 17 residential lots and two residue lots, one lot for OSD to further subdivide into 3 lots in stage 2 and one (1) residue Superlot that is set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works.

Note: Stage 1 number of lots remain unchanged so the contribution amount remains the same.

Stage 1:

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2014 ALN		
Local Community Facilities - Land	\$10,606	GL.3011210001870.10190
Local Recreation - Land	\$234,789	GL.3011210001869.10191
Local Recreation - Works	\$0	GL.3011210001869.10192
Local Transport Facilities - Land	\$34,016	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194
Local Drainage Facilities - Land	\$194,703	GL.3011210001866.10195
Local Drainage Facilities - Works	\$0	GL.3011210001866.10196
Administration	\$5,886	GL.3011210001872.10197
<u>TOTAL</u>	<u>\$480,000</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____ Date: _____

Receipt No.: _____ Cashier: _____

(Continue) ATTACHMENT 2 – Section 7.11 Payment Forms

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 Liverpool Contribution Plan 2014 Austral and Leppington North

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

APPLICATION NO: DA-470/2022/A

APPLICANT: Austral North Nominees Pty Ltd

PROPERTY: 47 AND 53 SEVENTEENTH AVENUE, AUSTRAL
Lot A in DP 373652 and Lot 217 in DP 2475

PROPOSAL: Modification to Development Consent DA-470/2022 under Section 4.56 of the Environmental Planning and Assessment Act 1979 to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 2 residue lot and to remove to construct 12 dwellings that was approved originally.

The development will be in following stages:

~~Stage 2 - Decommissioning of the temporary turning and temporary OSD over Lots 18, 19, 20 & 21, rehabilitation of the land for residential purposes, and construction of four (4) dwellings (in 2 semi-detached built forms).~~

Stage 2 - Decommission of OSD and Torrens Title subdivision of 3 residential lots.

Stage 2

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2014 ALN		
Local Community Facilities - Land	\$1,989	GL.3011210001870.10190
Local Recreation - Land	\$69,259	GL.3011210001869.10191
Local Recreation - Works	\$0	GL.3011210001869.10192
Local Transport Facilities - Land	\$21,315	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194
Local Drainage Facilities - Land	\$0	GL.3011210001866.10195
Local Drainage Facilities - Works	\$0	GL.3011210001866.10196
Administration	\$3,688	GL.3011210001872.10197
<u>TOTAL</u>	<u>\$96,251</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____ **Date:** _____

Receipt No.: _____ **Cashier:** _____

ATTACHMENT 3: Requirements of Sydney Water



26 July 2022

Our Ref: 200547

Jasmin Klaime
Liverpool City Council
klaimej@liverpool.nw.gov.au

RE: Development Application DA-470/2022 at 140-150 Sixth Avenue, Austral

Thank you for notifying Sydney Water of DA-470/2022 at 140-150 Sixth Avenue, Austral, which proposes subdivision of land into 18 lots comprising 16 Torrens title lots, 1 superlot and 1 residue lot including construction of public roads, stormwater drainage works and other associated site works. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 100mm CICL watermain (laid in 1961) on Sixth Avenue.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- The proposed development is located within an existing wastewater catchment draining to SP1183.
- Extensions of Sydney Water assets will be required to service this property

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

Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", written over a horizontal line.

Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Attachment 1

Section 73 Compliance Certificate

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

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

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

Building Plan Approval

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

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

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

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

Out of Scope Building Plan Approval

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

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

The detailed review is to ensure that:

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

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

Tree Planting

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

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

ATTACHMENT 4: Requirement of Endeavour Energy

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



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-470/2022	CNR-41588	Jasmin Klaime	24/06/2022	15/07/2022	5/07/2022

Address	Land Title
140-150 SIXTH AVENUE AUSTRAL 2179	Lot 2 DP 201643

Scope of Development Application or Planning Proposal
Subdivision of land into 18 lots comprising 16 Torrens title lots, 1 superlot, and 1 residue lot including construction of public roads, stormwater drainage works and other associated site works.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:
<p>There are:</p> <ul style="list-style-type: none"> • No easements benefitting Endeavour Energy (active easements are indicated by red hatching). • Low voltage and 11,000 volt / 11 kilovolt (kV) (constructed at 22,000 volts / 22 kV) high voltage overhead power lines (including two poles) to the road verge / roadway. • Three low voltage overhead services conductors coming from the poles on the road verge going the customer connection point for the existing dwellings (two being extended service conductors using customer owned / private poles on the site).



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ABN 11 247 365 823

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input type="checkbox"/>	5	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	6	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995 (NSW)</i> .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
<input type="checkbox"/>	<input type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.

Condition	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy	
Completed by:	Decision
Cornelis Duba	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)	
<ul style="list-style-type: none"> The Statement of Environmental Effects does not appear to address in detail whether the electricity services are available and adequate for the proposed development. <p>5.8 Electricity and Telecommunication Supply Electricity and telecommunication services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements.</p> To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. An extension and / or augmentation of the existing local network will be required. Whilst there are several existing distribution substations in the area likely to have some spare capacity, it is not unlimited and may not be sufficient to facilitate the proposed development. <p>Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed (including possible consideration of the development potential / load of the super and residue allotments).</p> Any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Endeavour Energy's network asset design policy is to progressively underground all new urban residential developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present in proximity of the site, it will require undergrounding as the development proceeds. The minimum required safety clearances and controls for building and structures and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP). <p>Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV).</p> The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements. 	

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application ie. if a padmount substation is not required on the site. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Yours faithfully

Cornelis Duba

Development Application Specialist

Sustainability & Environment

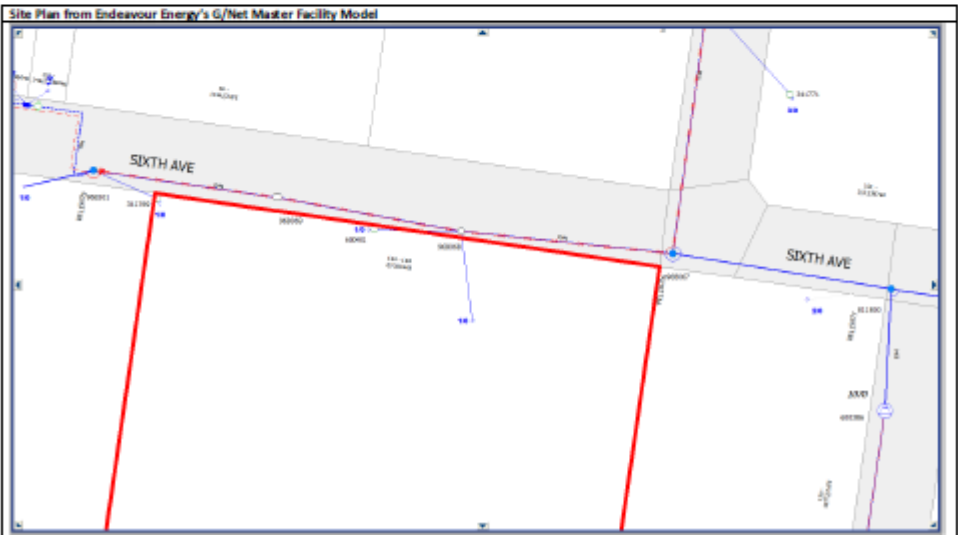
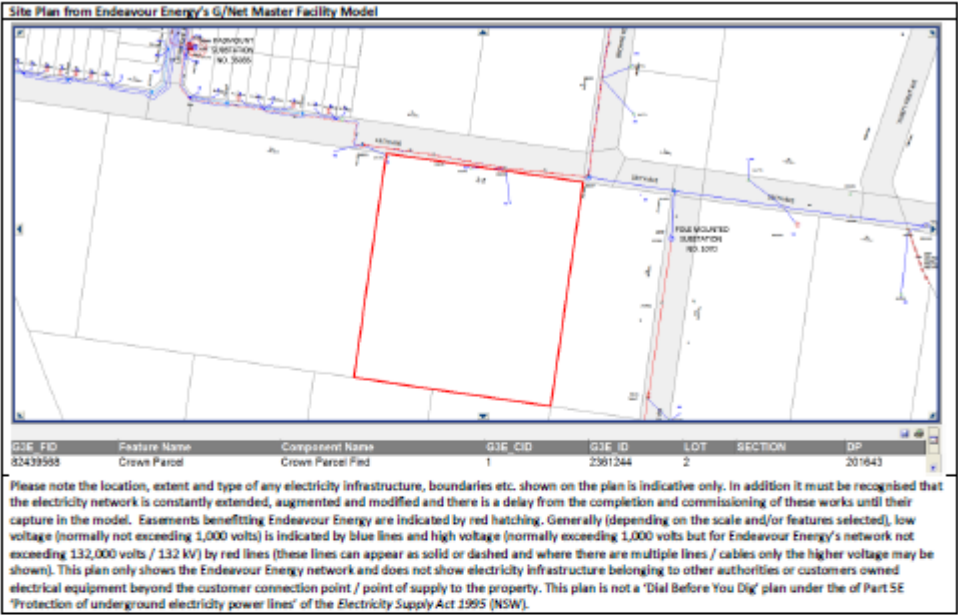
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LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site



