

LOCAL PLANNING PANEL AGENDA

ELECTRONIC DETERMINATION

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

ELECTRONIC DETERMINATION

For further information relating to the Local Planning Panel please refer to Council's web page:

<https://www.liverpool.nsw.gov.au/development/assessment-panels/Liverpool-Local-Planning-Panel>

ITEM No.	SUBJECT	PAGE No.
1	DEVELOPMENT APPLICATION DA-1263/2022 INSTALLATION OF A SHREDDING MACHINE FOR THE PURPOSE OF SHREDDING MATTRESSES AND THE INSTALLATION OF SHIPPING CONTAINERS FOR THE PURPOSE OF AN ACOUSTIC BARRIER AND STORAGE OF RECYCLED MATERIALS. LOT 12 AND LOT 13 IN DP 1089620, LOT 1 IN DP 249314, LOT 130 IN DP 1093116; AND LOT 3 IN DP 82270 99 ROSE STREET, LIVERPOOL	3 - 36

Item Number:	1
Application Number:	DA-1263/2022
Proposed Development:	Installation of a shredding machine for the purpose of shredding mattresses and the installation of shipping containers for the purpose of an acoustic barrier and storage of recycled materials.
Property Address	99 Rose Street, Liverpool
Legal Description:	Paciullo Park, Pearce Park & Council Depot Lot 3 DP 82270, Lot 122 DP 1045215, Lot 2 DP 82270, Lot 6 DP 1050036, Lot 12 DP 1089620, Lot 11 DP 1089620, Lot 1 DP 249314, Lot 130 DP 1093116, Lot 26 DP 210637, Lot 14 DP 1090122, Lot 13 DP 1089620 Application only applies to: Lot 12 and Lot 13 in DP 1089620, Lot 1 in DP 249314, Lot 130 in DP 1093116; and Lot 3 in DP 82270.
Applicant:	The APP Group c/o Liverpool City Council
Land Owner:	Liverpool City Council
Cost of Works:	\$1,288,100
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Joseph Bell, Patch Planning

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA-1263/2022) seeking development consent for the installation of a shredding machine for the purpose of shredding mattresses, including the installation of shipping containers for the purpose of an acoustic barrier and storage of recycled materials, on the site known as 99 Rose Street, Liverpool (containing various lots).

The site is zoned SP2 Infrastructure (Depot) pursuant to *Liverpool Local Environmental Plan 2008* (LLEP 2008). The development is categorised as a 'resource recovery facility' which is permissible in the zone pursuant to Division 23, Clause 2.153 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

The proposed development is generally consistent with the objectives and development standards of the LLEP 2008 and the provisions of the Liverpool Development Control Plan 2008 (LDCP 2008).

The key issue associated with the proposal relates to acoustic impacts on surrounding properties. These matters have been addressed through the assessment of the application and the proposal is considered to be acceptable.

The Development Application was initially notified between 11 January 2023 and 25 January 2023 in accordance with Liverpool Community Participation Plan 2019. No submissions were received during this notification period.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020*, as the development falls in the categories of:

SCHEDULE 2

Conflict of interest

Development for which the applicant or land owner is:

(a) the council,

The site is owned by Liverpool City Council and is therefore required to be determined by the LLPP.

The application has been assessed pursuant to the provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*. Based on the assessment of the application, it is recommended that the application be **approved**, subject to the imposition of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The development site is described as 99 Rose Street, Liverpool, and is legally described as:

- Lot 12 and Lot 13 in DP 1089620,
- Lot 1 in DP 249314,
- Lot 130 in DP 1093116, and
- Lot 3 in DP 82270.

The wider site contains Pearce Park and Paciullo Park. The site currently contains a resource recovery facility (community recycling centre) which includes multiple warehouses and open storage areas. The site contains some vegetation along Rose Street and established mature trees within the southwestern corner.

The site is situated at the end of a cul-de-sac road and is irregular in shape comprising an area of approximately 2.4ha. The site has sole frontage to Rose Street and is adjoined by residential development to the east and south and public parks to the west and north.

The location of the site can be seen in the aerial view in the figures below.



Figure 1: Aerial view of subject site (Depot shown in red and location of shredder in yellow) (Source: *MetroMaps*)

2.2 The locality

Currently the surrounding locality is predominately characterised by low density residential development and parkland. To the northeast of the site is Liverpool State Emergency Services (SES), Woodward Park and the Whitlam Leisure Centre. To the northwest of the site is Liverpool West Public School and Pre-school. The site is in close proximity to the Hume Highway to the east and the South Western Motorway to the south. The Georges River is also approximately 1.4km east of the site.

The locality of the subject site can be found in Figure 2 below.

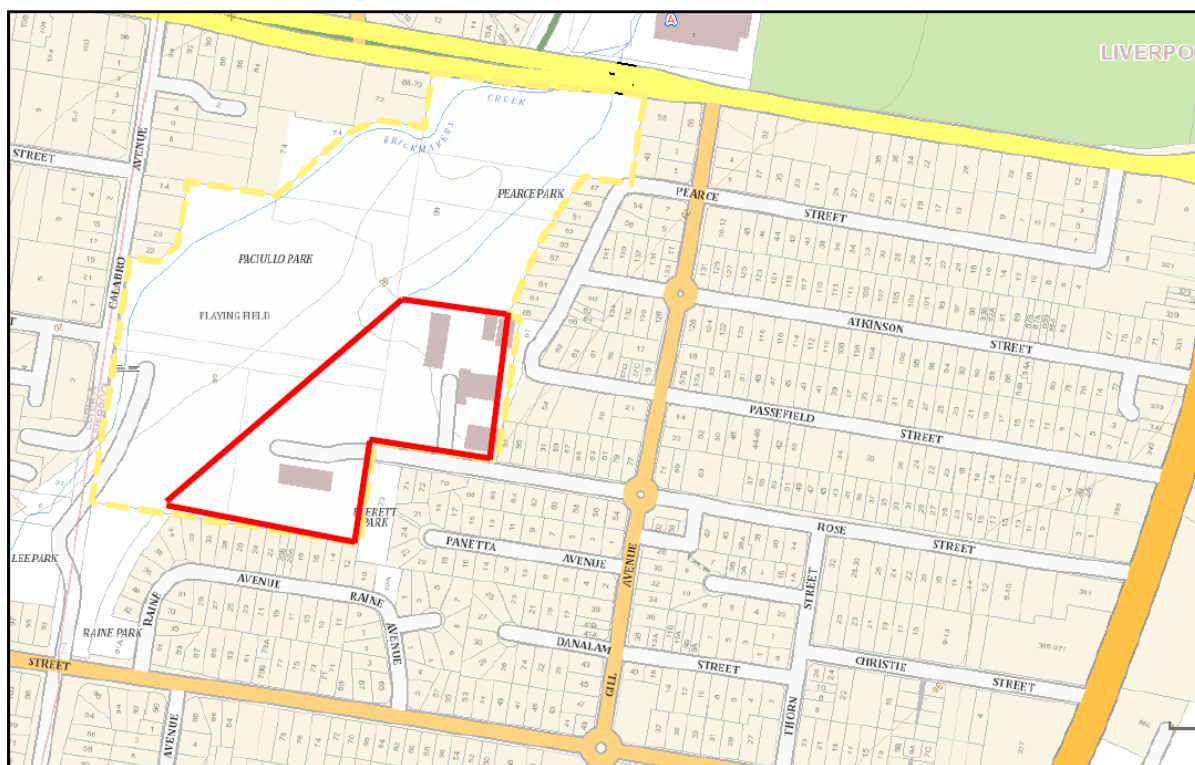


Figure 2: Locality surrounding the proposed development site (in red) (Source: eSpatial Viewer – NSW Planning Portal)

3. BACKGROUND/HISTORY

3.1 Assessment and Site Background & History

- 3 January 2023 - The subject DA was lodged with Council on 3 January 2023.
- 11 January 2023 to 25 January 2023 - The DA was notified from 11 January 2023 and 25 January 2023.
- 6 January 2023 to 11 February 2023 – Referrals were received from Building, City Design Heritage, City Economy, Engineering, Flooding and Traffic and Transport.
- 13 March 2023 - A preliminary assessment was provided by an external planning consultant (Willowtree Planning).
- 9 May 2023 - Environmental Health deferral provided requesting additional information.
- 8 June 2023 – Request for Information (RFI) issued to applicant.
- 24 July 2023 – Additional information provided.
- 25 July 2023 – Re-referral to Environmental Health.
- 1 August 2023 - Environmental Health re-referral completed.

Application No.	Proposed Development	Determination
DA-1018/2013	Construction of a shed at the existing Liverpool Council depot located on Lot 13 DP1089620 with frontage to Rose Street; use of the shed as a Community Recycling Centre (i.e., waste management facility); and installation of signage	Approved 30/04/2014
DA-1018/2013/A	The application seeks to modify the approved operating hours of the Community Recycling Centre to permit operation 7am to 5pm Monday to Saturday	Under assessment
DA-1202/2022	Installation and operation of a resource recovery facility including mattress shredding equipment and the construction of an acoustic barrier involving the placement of shipping containers on the land at the Liverpool City Council Works Depot.	Rejected 12/12/2022

4. DETAILS OF THE PROPOSAL

The proposed development includes the following:

- Installation and operation of new mattress shredding mobile equipment, installed to an approximate length of 16.5m and 4.5m in height;
- Construction of an acoustic barrier at the existing Council Depot of shipping containers (40ft) containers with a maximum length 26.804m x 12.192m; and
- Removal of material storage bays (shown below).

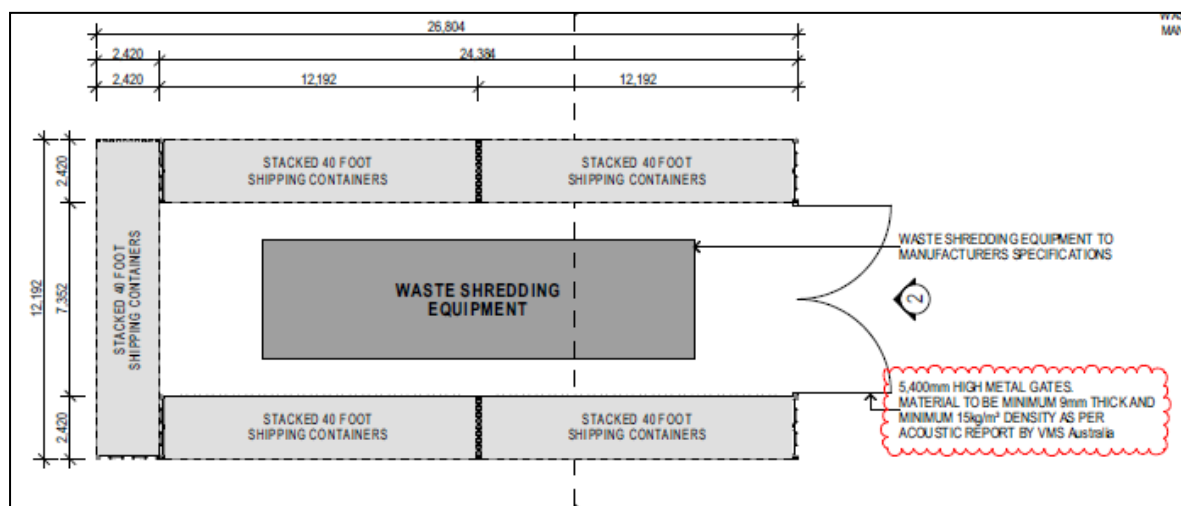


Figure 3: Ground Floor Plan (Source: MPA)



Figure 4: Existing material storage bays, adjacent to the north-west boundary. (Source: The APP Group)

Operation

Operation of the shredder will be limited to two (2) depot personnel who are currently employed. Mattresses are to be collected by Council owned or contractor trucks and stored within proximity to the shredder. Mattresses will then be loaded into the shredder using a 5-tonne excavator and processed daily.

The proposed hours of operation are 7:30am to 10:00am Monday to Saturday. Truck movements associated with mattress shredding activities are proposed between 7.00am to 10:30am, Monday to Saturday. The mattress shredder is not proposed to operate on Sundays.

The shredder will be fitted with fine water sprays to control dust and maximise efficiency. Given the very small amount of water to be used, no run-off is anticipated.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The relevant legislation/planning instruments/policies/controls applicable to the proposed development are as follows:

Relevant Legislation

- *Water Management Act 2000*

The Department of Planning and Environment—Water has reviewed documents for the development application and considers that, for the purposes of the *Water Management Act 2000*, a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.

- *Protection of the Environment Operations Act 1997*

The proposal is not classified as a scheduled activity and is not Integrated Development requiring referral to the Environmental Protection Authority.

Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *Liverpool Local Environmental Plan 2008.*

Development Control Plan

- Liverpool Development Control Plan 2008;
 - Part 1: General Controls for All Development.

Contributions Plans

- Liverpool Contributions Plan 2018 - Established Areas applies pursuant to Section 7.11 of the EP&A Act.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the *Environmental Planning and Assessment Regulation 2021*, as follows:

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal has been assessed under the relevant provisions of SEPP (Transport and Infrastructure) 2021, specifically Chapter 2 – Infrastructure.

The objectives of chapter 2 of SEPP (Transport and Infrastructure) 2021 are:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

Permissibility

The use is best defined as a 'resource recovery facility' which is a type of 'waste or resource management facility'. This resource recovery facility use is permissible with consent as the SP2 zone is described as a prescribed zone under Division 23, Clause 2.153 (1) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Clause 2.153 for reference:

2.153 Development permitted with consent

(1) Development for the purpose of waste or resource management facilities, other than development referred to in subsection (2), may be carried out by any person with consent on land in a prescribed zone.

In accordance with 2.152 of SEPP (Transport and Infrastructure) 2021:

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones—

(f) *SP2 Infrastructure.*

resource recovery facility, waste disposal facility, waste or resource management facility and waste or resource transfer station have the same meanings as in the Standard Instrument.

In accordance with the Standard Instrument:

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

(b) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is within the Georges River Catchment and is therefore subject to the controls of SEPP (Biodiversity and Conservation) 2021.

The objectives of Chapter 6 of SEPP (Biodiversity and Conservation) 2021 are to provide a consistent planning framework across the following catchments -

- (a) *the Sydney Drinking Water Catchment;*
- (b) *the Sydney Harbour Catchment;*
- (c) *the Georges River Catchment; and*
- (d) *the Hawkesbury-Nepean Catchment.*

Division 2 Controls on development generally

The proposed mattress shredder is to be located within an existing premises defined as a "waste or resource management facility". The shredder will occupy a small portion of the site which is already cleared and used for material storage. The introduction of the mattress

shredder is unlikely to have any significant impact on stormwater flows and, accordingly, no significant impact on the quality of water flows to the Georges River. As such the proposal is considered to be in accordance with key provisions of Chapter 6 of SEPP (Biodiversity and Conservation) 2021.

Clause 6.22 Waste or resource management facilities

Under cl. 6.22(1) of SEPP (Biodiversity and Conservation), development for the purposes of waste or resource management facilities is prohibited on flood prone land in the Georges River Catchment. However, pursuant to cl. 6.3(2), the permissibility of the waste or resource management facility under SEPP (Transport and Infrastructure) prevails over the prohibition under SEPP (Biodiversity and Conservation). Accordingly, the development remains permissible despite the prohibition outlined in cl. 6.22.

Clause 6.22(2) states that development consent for the purposes of a waste or resource management facility must not be granted unless the consent authority is satisfied that an adequate site management plan has been prepared, the development includes adequate leachate surface controls, and the final landform of the development will be stable in the long term. Management of the site with respect to the key environmental issue of waste is accounted for under an Operational Waste Management Plan. This document has been included as an approved document in proposed conditions of consent and is considered adequate with respect to site management related to the proposal. Further, given the works do not introduce a new land use nor make any changes to the landform of the development site, matters relating to leachate surface controls and the long-term stability of the site can be considered satisfied.

(c) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 – Hazardous and offensive development

The objectives of Chapter 3 of SEPP (Resilience and Hazards) 2021 are:

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and*
- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and*
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- (f) to require the advertising of applications to carry out any such development.*

The proposed activity is not hazardous in nature with the waste products falling into the category of 'general solid waste' (non-putrescible).

No detailed contamination investigation was undertaken for the proposal. This is considered acceptable given the current use of the site is not sensitive in nature, being a fully operational community recycling centre, nor will the proposed equipment generate any waste that is hazardous in nature.

It is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021 can be met through the imposition of appropriate conditions of consent.

Chapter 4 - Remediation of land

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land.

The objectives of Chapter 4 of SEPP (Resilience and Hazards) 2021 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The proposal is not for a sensitive land use, and does not propose soil disturbance, as such it is not considered that further information around contamination is required.

It is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned SP2 Infrastructure (Depot), RE1 Public Recreation and SP2 Infrastructure (Classified Road) in accordance with the *Liverpool Local Environmental Plan 2008*. The proposed mattress shredder is located on a part of the site zoned SP2 Infrastructure (Depot) as shown in the zoning map extract below.

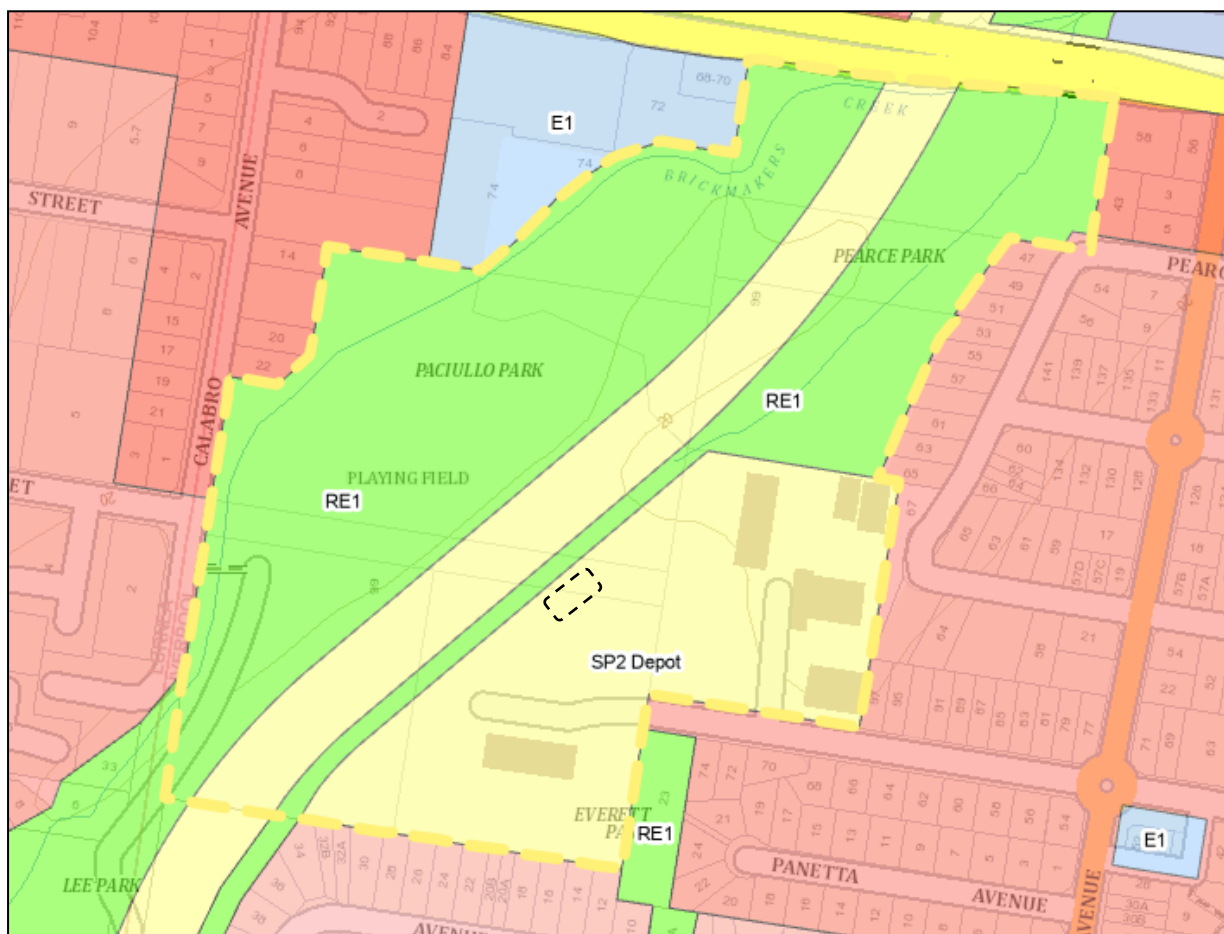


Figure 5 – Zoning Map (general location of proposed mattress shredder outlined in black dotted line)
(Source: ePlanning Spatial Viewer)

(ii) *Permissibility*

As discussed above, the proposal is permissible pursuant to Division 23, Clause 2.153 of SEPP (Transport and Infrastructure) 2021.

(iii) *Objectives of the zone*

The objectives of the SP2 Infrastructure Zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To reserve land for the provision of infrastructure.*

The proposed development is considered to meet and satisfy the above objectives. Specifically, the proposal will provide recycling infrastructure to support the local community.

(iv) *Principal Development Standards*

The LLEP 2008 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Compliance
4.3 Height of buildings	The site is not subject to a maximum building height limit prescribed by the Liverpool LEP 2008.	N/A
4.4 Floor space ratio	The site is not subject to a maximum floor space ratio prescribed by the Liverpool LEP 2008.	N/A
Clause 4.6 - Exceptions to development standards	No variation to a development is sought within the application.	N/A
Clause 5.12 - Infrastructure development and use of existing buildings of the Crown	Does not prohibit carrying out of development under the Transport and Infrastructure SEPP.	Yes
Clause 5.21 – Flood planning	Does not adversely impact on flood function, behaviour or increase risk. The proposal was referred to Councils Floodplain Engineering Section and no objections were raised for the proposal from a flooding perspective.	Yes, subject to conditions.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the provisions of the LDCP 2008 and has been assessed against:

- Part 1, which covers general controls relating to all types of development within the Liverpool LGA.

The proposal is considered to be consistent with the key controls outlined in the LDCP 2008. All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 2.

6.4 Section 4.15(1)(a)(iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

6.5 Section 4.15(1)(a)(iv) - The Regulations

The *Environmental Planning and Assessment Regulation 2021* requires the consent authority to consider the provisions of the National Construction Code. The proposal does not need to consider any provisions of the NCC.

6.6 Section 4.15(1)(b) - The Likely Impacts of the Development

(a) Natural Environment

The Development Application's impacts on the natural environment have been assessed giving consideration to the existing use of the site as a resource recovery facility.

Vegetation Impacts

The proposal is located on the boundary of the site adjacent to Pearce Park. The installation of the shredder and shipping containers is located in a current storage area of the site and will not impact on any existing trees or vegetation.

It is therefore considered the proposal is acceptable as it will not have a detrimental impact on the natural environment.

Waste Management

Waste material will be collected by Council staff and removed off-site to a waste recycling facility. No toxic or noxious waste products will result from the proposal.

An Operational Waste Management Plan has been submitted with the application.

It is considered that the proposal is acceptable with respect to waste generation and management.

Sustainability

The project is consistent with Council's 10-year Sustainability Strategies as outlined in Council's Annual Report 2016-2017 including 'Lead the community to develop and implement sustainable practices' and 'Reduce adverse environmental impacts for present and future generations'.

(b) Built Environment

Visual Impacts

The shipping container elements of the proposal will be visible from the adjoining parkland space (Pearce Park and Paciullo Park). The shipping containers are similar in height to other 2-storey sheds and structures that currently exist on the site. Further, the shipping containers will replace existing areas used for storage and would not substantially change the visual impacts of the development from the parkland.

It is considered that the proposal is acceptable with regards to visual impacts.

(c) Social Impacts

Social impacts of the proposal including acoustic and traffic generation have been assessed below.

Acoustic

Through the application of the mitigating measures (being the stacked shipping containers which act as an acoustic barrier) as well as 5,400mm high metal gates, no detrimental impact on the acoustic amenity of the surrounding areas is expected. The implementation of these measures will be imposed as conditions of consent.

The proposed hours of operation are 7:30am to 10:00am Monday to Saturday. Truck movements associated with mattress shredding activities are proposed between 7.00am to 10:30am, Monday to Saturday. The mattress shredder is not proposed to operate on Sundays.

The operating hours are considered relatively short and contained within the existing hours of operation for the site, and therefore an appropriate outcome for the site.

Traffic and Transport

It is anticipated the proposal would generate an additional 3 vehicle trips per day over a 3.5hour period. It is not proposed any additional on-site parking would be required.

Trucks would enter and exit in a forward direction from Rose Street, via the main entrance/exit.

It is considered that the proposal is unlikely to generate any unreasonable traffic impacts on the surrounding area.

(d) Economic Impacts

In the short term, the proposal will provide positive economic impacts that result from the construction phase of the project. Longer term, the project supports circular economy initiatives which may lead to the indirect creation of jobs within the local circular economy supply chain.

6.7 Section 4.15(1)(c) - The Suitability of the Site for the Development

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of the LLEP 2008, the relevant Environmental Planning Instruments and LDCP 2008, as outlined in this report. Overall, the development is considered to satisfy the relevant controls for site selection.

6.8 Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Building	Supported, no specific building conditions required.
City Design Heritage	Supported, subject to the imposition of the standard Aboriginal cultural heritage conditions.
City Economy	Supported

Engineering	Supported, subject to specified conditions.
Environmental Health	Supported, subject to specified conditions.
Flooding	Supported, subject to specified conditions.
Property Services	No response.
Traffic and Transport	Supported.

(b) External Referrals

AGENCY	COMMENTS
DPE Water	The Department of Planning and Environment—Water has reviewed documents for the above development application and considers that, for the purposes of the <i>Water Management Act 2000</i> (WM Act), a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.

(c) Community Consultation

The Development Application was initially notified and advertised between 11 January 2023 and 25 January 2023 in accordance with Liverpool Community Participation Plan 2019. No submissions were received during the notification period.

7. DEVELOPMENT CONTRIBUTIONS

Council's Coordinator Contributions Planning has advised that as per Clause 3.7 of the Liverpool Contributions Plan 2018 – Established Areas, Council is exempt from contributions. As such, no contributions apply to the proposed development.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, LLEP 2008, LDCP 2008, and the relevant codes and policies of Council.

The proposed development is unlikely to result in adverse impacts upon neighbouring properties and the locality. Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMMENDATION

That Development Application DA-1263/2022 seeking approval for installation of a shredding machine for the purpose of shredding mattresses and the installation of shipping containers for the purpose of an acoustic barrier and storage of recycled materials, be approved subject to conditions of consent.

ATTACHMENTS

1. Liverpool Development Control Plan 2008 Compliance Tables
2. Plans of the proposal
3. Conditions of approval

LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

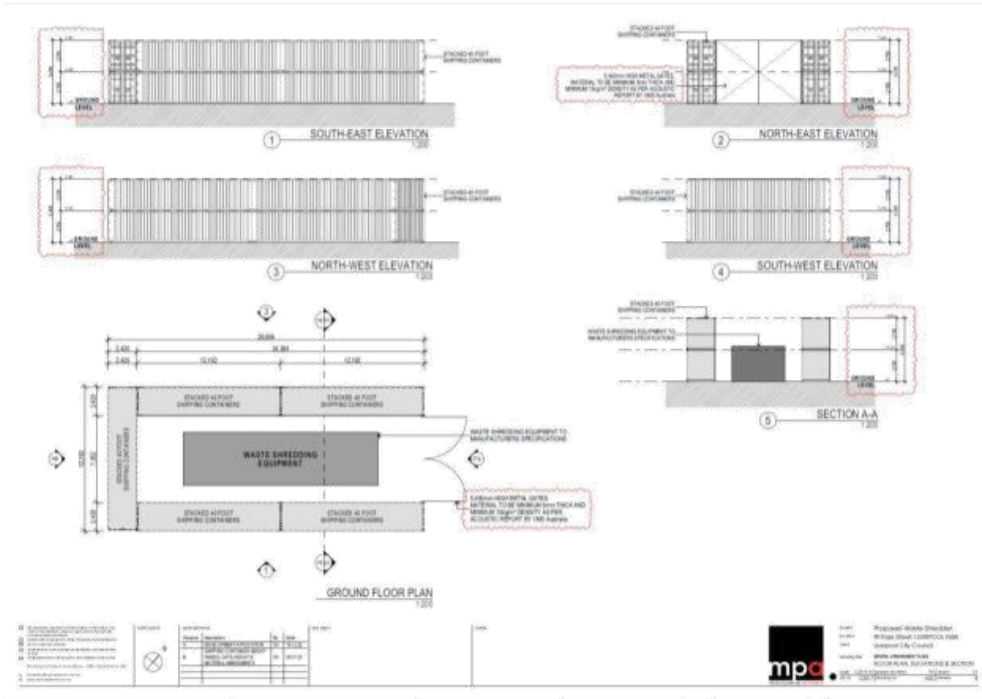
LDCP 2008 - Part 1 General Controls for all Development

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	No tree removal is proposed.	Complies
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Landscaping provisions for the proposal are not provided.	N/A
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The site does not contain significant vegetation.	N/A
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	The site is not mapped as bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The equipment will not require any connection to the existing stormwater system, and discharge of any water is considered insignificant. As such, connection to the existing stormwater system is not required.	Complies
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The proposal is not within 40m of a watercourse. Further, the proposal was referred to the Department of Planning and Environment — Water who advised that, for the purposes of the <i>Water Management Act 2000</i> , a controlled activity approval is not required and no further assessment by this agency is necessary.	N/A
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented.	Complies with conditions
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The proposal is supported by a referral to Council's Floodplain Engineering Section, which has no	Complies with conditions

Development Control	Provision	Comment	Complies
		objections from a flooding perspective, subject to conditions.	
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As per SEPP (Resilience and Hazards) 2021 the development is considered acceptable and the site suitable for the future use of the land.	Yes
Section 11. Salinity Risk	Provisions relating to development on saline land.	No excavation is proposed.	N/A
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The development site is not identified as containing acid sulphate soils.	N/A
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Demolition of existing structures is not proposed.	N/A
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed.	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Standard Aboriginal archaeology conditions of consent will be imposed.	Complies with conditions
Section 17. Heritage and Archaeology	Provisions relating to heritage sites.	The development site is not identified as a heritage item or located within close proximity to a heritage item.	N/A
Section 20. Car Parking and Access	Provisions relating to Car Parking and Access.	No additional parking required.	Complies
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	No subdivision proposed.	N/A
Section 22. Energy Conservation	Provision relating to energy conservation.	The proposal does not require heating or cooling or generate greenhouse gases.	Complies

Development Control	Provision	Comment	Complies
Section 23. Reflectivity	To restrict the reflection of sunlight from buildings to surrounding areas and buildings.	Only applies to new building and facades.	N/A
Section 24. Landfill	Provision relating to cut and fill.	Cut and fill is not proposed. Standard conditions of consent to be imposed in relation to fill materials and waste.	Complies
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste Management conditions of consent are provided.	Complies with conditions
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	No signage proposed.	N/A
Section 27. Social Impact Assessment	Provisions relating to social impact.	Social impact comment is not required.	N/A
Section 28. Shopping Trolleys	This section applies to any development that will provide shopping trolleys for customers.	Proposal does not provide shopping trolleys.	N/A
Section 29. Safety and Security.	Submit a 'Safer by Design' assessment in accordance with the CPTED principles from a qualified consultant for retail and commercial development with a gross floor area of more than 5000sqm.	The proposal is not for retail and commercial development with a gross floor area of more than 5000sqm.	N/A
Section 30. Additional Uses	Provisions relating to additional uses.	The proposal is not identified in this section of the DCP.	N/A

PLANS OF THE PROPOSAL



Floor Plan, Elevations & Section



Site Plan

CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows, except where modified by the undermentioned conditions.
 - a) Architectural plans, prepared by Mosca Pserras Architects, Job No. 22017, including the following:

Plan Name	Drawing Number	Revision	Date
SITE PLAN	A01	B	20.07.23
FLOOR PLAN, ELEVATIONS & SECTION	A02	B	20.07.23

- b) Documents

Report Name	Date	Reference	Prepared by
Operational Noise Impact Report	26 July 2022	22065	VMS Australia Pty Ltd
Traffic Impact Statement	28 July 2022	22.217r01v02	TRAFFIX
Operational Waste Management Plan	July 2023	–	APP Corporation Pty Limited

Safety Egress Door

2. A human scaled safety egress door is to be provided within the entry gates to the shredder enclosure. The egress door is to be fitted with an emergency exit mechanism to provide for the safe exit of persons working in and around the mattress shredder. The emergency access door is to be installed prior to the commissioning of the plant.

B. PRIOR TO WORKS COMMENCING

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

Comply with EP&A Act

3. 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

4. In accordance with section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 69 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).

Site Development Work

5. Site development work in the form of excavation, underpinning or shoring works must not take place.

Notification

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

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

S138 Roads Act – Minor Works in the public road

7. Prior to works commencing, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 - b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 - c) Road occupancy or road closures.

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

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

Stormwater Discharge - Minor Development

8. Stormwater drainage from the site shall be discharged to the existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or

concentration of stormwater flows.

Products banned under the Building Products (Safety) Act 2017

9. 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.

Recommendations of Acoustic Report

10. Prior to the commencement of works, the recommendations provided in the approved acoustic report must be implemented and incorporated into the design and construction of the development. The mattress shredding equipment shall be fitted with a noise reduction kit at all times in accordance with the recommendations of the approved acoustic report.

The construction methodology and plans must be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant must be submitted to and approved by the certifier prior to works commencing.

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

Site Notice Board

11. 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.

Site Facilities

12. 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.

"DIAL BEFORE YOU DIG"

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

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

Sediment & Erosion Control

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

Environmental Management

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

C. DURING WORKS

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

Construction Requirements

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

Hours of Construction Work and Deliveries

17. 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

General Site Works – Sediment

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

Craning and Hoardings

19. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any

substance from, or in connection with the construction site, falling onto a public area as follows:

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

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

Refuse Disposal

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

Security Fence

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

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

Removal of Dangerous and/or Hazardous Waste

23. 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.

Waste Management Plan

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

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

Contamination

25. 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).

Soil Management

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

Imported Fill Material

27. During construction the consent holder is to ensure fill imported on to the site is compatible with the existing soil characteristic for site drainage purposes.

Unidentified Contamination

28. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

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

Erosion Control Stabilisation

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

Implementation of the site management plans

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

Erosion Control Maintenance

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

Erosion Control

32. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Air Quality

33. During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.
34. 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.

Aboriginal Heritage

35. As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

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

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

36. 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.

Protection of Adjoining Sites

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

Waste Management

38. The Waste Management Plan submitted to and approved by Council and as amended by conditions of consent, 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.

39. All solid and liquid waste is to be removed from the site by a registered waste contractor.
40. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
41. All solid waste stored on site is to be covered at all times.
42. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
43. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Water Quality

44. During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.

Pollution Control Site Operations

45. During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

Construction Noise and Vibration

46. 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 accordingly.

D. CONDITIONS RELATING TO USE

Hours of Operation

47. The approved hours of operation for the mattress shredding equipment are:

7:30am to 10:00am, Monday to Saturday

Truck movements associated with mattress shredding activities are permitted between 7.00am to 10:30am, Monday to Saturday.

The development is not approved to operate on Sunday.

Waste Management

48. Waste and recyclable material generated from the operations of the mattress shredding equipment shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed to ensure that it does not accumulate at the premises.
49. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
50. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Recommendations of Acoustic Report

51. Upon completion of works, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled Rose Street Depot, Liverpool Mattress Shredding and Recycling Facility Operational Noise Impacts Report Number 22065 (Reference 22065, Status Revision 0) prepared by VMS Australia Pty Ltd dated 26th July 2022. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

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

Unreasonable Noise and Vibration

52. The mattress shredding and recycling facility including but not limited to the operation of vehicles, mechanical plant and equipment, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance, particularly from machinery, plant, vehicles, warning sirens, public address systems and the like.

Should an offensive noise complaint be received and verified by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and an acoustic report must be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Liverpool City Council must be implemented.

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

Noise Reduction Kit

53. The mattress shredding equipment shall be fitted with a noise reduction kit at all times in accordance with the recommendations of the approved acoustic report titled Rose Street Depot, Liverpool Mattress Shredding and Recycling Facility Operational Noise Impacts Report Number 22065 (Reference 22065, Status Revision 0) prepared by VMS Australia Pty Ltd dated 26th July 2022.

Noise – General

54. Noise associated with the operation of the mattress shredding and recycling facility including but not limited to the mattress shredding equipment shall not give rise to any one or more of the following:
- a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment must not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises must not cause:
 - i) The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
 - iii) 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
 - iv) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Noise Complaints Register

55. The operator must keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);

- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- f) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

The industry must be operated in accordance with the approved Operational Waste Management Plan Liverpool City Council Works Depot 99 Rose Street, Liverpool prepared by the APP Group dated July 2023 and Complaints Handling Procedure at all times.

Lighting

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

Environment

- 57. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

Deliveries

- 58. All vehicular entries and exits shall be made in a forward direction.
- 59. All vehicles awaiting loading, unloading or servicing shall be parked on-site and not on adjacent or nearby public roads.

E. ADVISORY

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

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

- (c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment

Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

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

- (g) "DIAL BEFORE YOU DIG"

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

- (h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- (i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

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