
Development consent

Section 89E of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.
- (b) that pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, I determine that any subsequent stage of the development not having a capital investment value in excess of \$10 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Sydney

SCHEDULE 1

Application No.:

SSD 6407

Applicant:

Western Sydney Parklands Trust

Consent Authority:

Minister for Planning

Land:

185 and 195 Fifteenth Avenue, West Hoxton

Lot 345 in DP 2475; Lot 346 in DP 2475; Lot 2 in DP 307334; Lot 304 in DP 2485; Lot 305 in DP 2485; and Lot 306 in DP 2485.

Development:

Fifteenth Avenue Commercial Precinct staged development application, including:

- concept for a new retail precinct comprising:
 - a maximum gross floor area of 5,350 sqm;
 - indicative land uses, including commercial and retail uses, a service station and childcare centre;
 - site layout, building envelopes, design parameters and landscape design; and
- Stage 1 subdivision into eight lots and early works comprising:
 - demolition and earthworks;
 - stormwater management and utility infrastructure;
 - construction of internal access road; and
 - road infrastructure upgrade works along Fifteenth Avenue.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Western Sydney Parklands Trust, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Construction	Any works, including earth and building works
Council	Liverpool City Council
Department	Department of Planning and Environment or its successors
EIS	Environmental Impact Statement prepared by McKenzie Group, dated October 2015
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
GFA	Gross Floor Area
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
RTS	Response to Submissions prepared by Willowtree Planning, dated July 2016
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Subject Site	Lot 345 in DP 2475; Lot 346 in DP 2475; Lot 2 in DP 307334; Lot 304 in DP 2485; Lot 305 in DP 2485; and Lot 306 in DP 2485
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
TfNSW	Transport for NSW or its successors
WSUD	Water Sensitive Urban Design

SCHEDULE 2

CONDITIONS OF CONSENT FOR THE CONCEPT COMPONENT

PART A TERMS OF CONSENT

Development Description

- A1. Consent is granted to the 'concept proposal' as described in **Schedule 1** and the EIS, as amended by the RTS and the conditions contained in this development consent.

Determination of Future Development Applications

- A2. In accordance with section 83B(3) of the EP&A Act the subsequent stages are to be subject of future development applications.
- A3. The determination of future development applications are to be generally consistent with the terms of development consent SSD 6407 as described in **Schedule 1** and subject to the conditions in Part B, **Schedule 2**.

Development in Accordance with Plans and Documents

- A4. The applicant shall carry out the development generally in accordance with the:
- a) *Environmental Impact Statement SSD 6407*, prepared by McKenzie Group dated October 2015, as amended by the *Response to Submissions State Significant Development 6407*, prepared by Willowtree Planning, dated July 2016; and
 - b) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development', and
 - ii) otherwise provided by the conditions of this consent.

Design Concept Package prepared by LFA (Pacific) Pty Limited		
Drawing No.	Name of Plan	Date
2014-4330 CP01	Illustrative Site Plan	03/08/16
2014-4330 CP02	Illustrative Lot Pattern	02/03/16
2014-4330 CP04-01	Indicative Site Plan Dimensioned	03/08/16
2014-4330 SK08	Indicative Building Elevations	02/06/16

Lapsing of Approval

- A5. This consent will lapse five (5) years from the date of this consent unless the works associated with Stage 1 have physically commenced.

Legal Notices

- A6. Any advice or notice to the consent authority shall be served on the Secretary.

Gross Floor Area

- A7. The maximum GFA for the total development allowed by this consent for the site shall not exceed 5,350 sqm, and the individual land use components shall have a maximum GFA as follows:

Land Use	Maximum GFA (sqm)
Convenience retail	2,700
- Supermarket	(1,500)
- Specialty shops/commercial/medical centre/indoor recreation facility	(1,200)
Large Format Retail	1,500
Child Care	500
Fast Food outlet	400
Service Station	250
TOTAL	5,350

Building Height

- A8. The maximum building height allowed by this approval for the site is 8.5 m (measured in accordance with the definition of 'building height' under *Liverpool Local Environmental Plan 2008*).

End of Section

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Building Design

- B1. All future development applications for the construction of buildings shall include plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings.
- B2. All future development applications for the construction of buildings shall demonstrate compliance with the relevant urban design guidelines and parameters in the Urban Design Report prepared by LFA (Pacific) Pty Limited, dated 27 April 2016 submitted with the SSD application.
- B3. All future development applications for new buildings must include a view analysis, including photomontages.
- B4. The detailed design of each building within future stages shall demonstrate design excellence through sufficient articulation in the design and use an appropriate mix of materials/finishes and other treatments to provide visual relief and interest when viewed from the public domain and adjoining properties.
- B5. All future development applications for the construction of buildings shall include a **Crime Prevention through Environmental Design (CPTED) assessment**, including detailing measures to maximise pedestrian and public safety through the implementation of the Crime Prevention through Environmental Design principles.

Heritage

- B6. All future development applications for the construction of new buildings in the vicinity of any heritage listed items including Kirkpatrick Boyland Park and the Upper Canal Corridor shall be accompanied by a **Heritage Impact Statement** addressing their impacts.

Noise and Vibration

- B7. All future development applications for construction of new buildings shall be accompanied by a **Noise and Vibration Impact Assessment** that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. Details are to be provided outlining any mitigations measures to ensure the amenity of future sensitive land uses on the site (eg. childcare) or the neighbouring residential areas is protected during the operation of the development.

Traffic, Access and Parking

- B8. All future development applications for construction of new buildings shall be accompanied by a detailed assessment of the traffic and transport impacts on the surrounding road network and intersection capacity and shall detail provisions demonstrating that sufficient loading/unloading, access and car parking has been provided having regard to the *RMS Guide for Traffic Generating Developments*. The traffic and transport assessment shall have specific regard for the scope and timing of road upgrade infrastructure works in the surrounding road network.
- B9. Car parking is to be provided in accordance with the requirements of *Liverpool Development Control Plan 2008* and *Australian Standard 2890 Parking facilities – Off-Street Car Parking*.

Construction

- B10. All future development applications for construction of new buildings shall analyse and address the impacts of construction and provide a:
 - a) **Construction Transport Management Plan** addressing transport and traffic impacts;

- b) **Noise and Vibration Impact Assessment** addressing noise and vibration impacts;
- c) **Construction Waste Management Plan** addressing waste;
- d) **Air Quality Management Plan** addressing air quality; and
- e) **Water Quality Impact Assessment** and an erosion and sediment control plan in accordance with *Managing Urban Stormwater Soils and Construction (Landcom 2005)*.

Bushfire Risk

B11. All future development applications for construction of new buildings shall demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006*.

Outdoor Lighting

B12. All future development applications for construction of new buildings shall include details of any outdoor lighting within the site and demonstrate compliance with latest version of *AS4282 (INT) Control of Obtrusive Effects of Outdoor Lighting* and is mounted, screened and directed in a manner that it does not create a nuisance to surrounding properties or public road network.

Advertising Signage

B13. All future development applications for construction of new buildings shall include details of any external advertising signage and demonstrate compliance with *State Environmental Planning Policy No. 64 – Advertising and Signage*, as relevant.

Staging Plan

B14. All future development applications for construction of new buildings shall include a detailed **Staging Plan** showing development being carried out in a sequential manner and the timing for road infrastructure works along Fifteenth Avenue.

Ecologically Sustainable Development

B15. All future development applications for construction of new buildings shall demonstrate how ESD initiatives in the Sustainable Design Report, Revision 2, prepared by Wood and Grieve Engineers dated 25 May 2016 have been incorporated into the design, construction and on-going operation of the new building.

Building Code of Australia

B16. All future development applications shall demonstrate compliance with the *Building Code of Australia*, as relevant.

Disability Access

B17. Where relevant, all future development applications for construction of new buildings shall include a **Disability Access Review** to demonstrate an appropriate degree of accessibility in accordance with the *Disability (Access to Premises - buildings) Standards 2010* (the Premises Standards).

Utilities

B18. All future development applications for construction of new buildings shall address the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

Waste

- B19. Where relevant, future development applications shall include a **Waste Management Plan** to address storage, collection, and management of waste and recycling within the development.

Landscaping

- B20. All future development applications for construction of new buildings shall include detailed Landscape Plans identifying the vegetation to be removed or relocated, and the location of replacement and additional landscaping, and must be generally in accordance in the Urban Design Report prepared by LFA (Pacific) Pty Limited dated 27 April 2016 submitted with the SSD application. The Landscape Plans shall include relevant details of the species to be used in the various landscapes areas (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas.

Service Station

- B21. A **Forecourt Management Plan** shall be provided with the future development application for a service station including details of daily operations and management of the forecourt area (including any policies, procedures and staff training). This plan is to be prepared in accordance with the *Environment Protection Authority Guideline 'Environmental Action for Service Stations'*.
- B22. Details of any proposed underground storage systems in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* and *Australian Standard 4897-2008: The Design, Installation and Operation of Underground Petroleum Storage Systems*.
- B23. The future development application shall demonstrate that vapour recovery controls (stage 1-2) will be installed in accordance with *Protection of Environment Operations (Clean Air) Regulation 2010* and *NSW EPA Standards and Best Practice Guidelines for Vapour Recovery at Petrol Stations*.

Food Premises

- B24. The future development application for a food outlet and supermarket shall be designed in accordance with *NSW Food Act 2003*, *NSW Food Standards Code* and *Australian Standards 4674-2004 Design, Construction and Fit-out and Food Premises*.

Groundwater

- B25. All future development applications for the excavation of new built form should include details of consultation with Department Primary Industries to determine the need for a groundwater licence and or additional assessment and mitigating measures to minimise the impact on groundwater.

Stormwater Management

- B26. All future development applications for construction of new buildings shall be accompanied by a **Stormwater Management Plan** detailing stormwater and drainage infrastructure including the cumulative stormwater impacts for the total site and water sensitive urban design (WSUD) measures that have been incorporated into the development.

Geo-technical Investigation

- B27. All future development applications for excavation and construction of new buildings shall be accompanied by a detailed **Geo-technical Investigation** to assess the soil and rock conditions and inform the parameters for excavation support and foundation design.

End of Section

SCHEDULE 3

CONDITIONS OF CONSENT FOR STAGE 1 WORKS AND SUBDIVISION

PART A TERMS OF CONSENT

Development Description

- A1. Consent is granted to the 'Stage 1 works' as described in **Schedule 1** and the EIS, as amended by the RTS and the conditions contained in this development consent.

Development in Accordance with Plans and Documents

- A2. The applicant shall carry out the development generally in accordance with the:
- a) *Environmental Impact Statement SSD 6407*, prepared by McKenzie Group dated October 2015, as amended by the *Response to Submissions State Significant Development 6407*, prepared by Willowtree Planning, dated July 2016;
 - b) *Civil Engineering Report For State Significant Development Application for the Fifteenth Avenue Commercial Precinct*, Revision A, prepared by Costin Roe Consulting, dated 19 June 2015; and
 - c) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development', and
 - ii) otherwise provided by the conditions of this consent.

Civil Engineering Plans prepared by Costin Roe			
Drawing No.	Revision	Name of Plan	Date
C0119995.00-DA10	D	Drawing List and General Notes	19/06/15
C0119995.00-DA20	D	Erosion and Sedimentation Control Plan	19/06/15
C0119995.00-DA25	D	Erosion and Sedimentation Control Plan Details	19/06/15
C0119995.00-DA30	D	Bulk Earthworks Plan	19/06/15
C0119995.00-DA35	D	Bulk Earthworks Sections	19/06/15
C0119995.00-DA40	D	Concept Civil Works Plan	19/06/15
C0119995.00-DA45	D	Concept Civil Works Details – Sheet 1	19/06/15
C0119995.00-DA46	D	Concept Civil Works Details – Sheet 2	19/06/15
C0119995.00-SK03	G	Roadworks Functional Layout Plan	19/02/16
C0119995.00-SK04	E	Roundabout Turning Paths Plan	19/06/15
Draft Plan of Subdivision prepared by LandPartners			
SY073786.00	C	Plan of Proposed Subdivision of Lot 2 in DP 307334 and Lots 304-306, 345, and 346 in DP2475	08/03/16

Lapsing of Approval

- A3. This consent will lapse five (5) years from the date of this consent unless the works associated with Stage 1 have physically commenced.

Prescribed Conditions

- A4. The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

A5. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

Legal Notices

A6. Any advice or notice to the consent authority shall be served on the Secretary.

End of Section

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PART B PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

- B1. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority prior to commencement of each stage of the works and shall include details required by any of the following conditions.

Stormwater and Drainage Works Design

- B2. Final design plans of the stormwater drainage systems, prepared by a suitably qualified person shall be submitted to the Certifying Authority prior to commencement of works. Stormwater runoff is to be appropriately treated prior to discharge in accordance with best management practice and WSUD measures to ensure Council's pollution targets are achieved and post development stormwater flows are maintained/controlled to the pre-development levels.

Road Design

- B3. Final road design plans shall be prepared by a suitably qualified person and submitted to the Certifying Authority, prior to the commencement of works. The plans shall be prepared in consultation with RMS and Council, and indicate:
- (a) kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.);
 - (b) paved footpaths constructed along the full length of the new access road;
 - (c) kerb and gutter drainage and roadworks along Fifteenth Avenue in accordance with *Roadworks Functional layout Plan C011995.00 SK03 Issue G* prepared by Costin Roe, dated 19 February 2016;
 - (d) vehicle access to the site shall be restricted to the proposed roundabout intersection and the deceleration lane to the service station. The deceleration lane access to the service station site is to be restricted as ingress only;
 - (e) a pedestrian refuge shall be included in the roundabout to enable the safe crossing by pedestrians;
 - (f) the proposed roundabout intersection shall be designed to accommodate the swept path of a non-rear steer bus and semi-trailer trucks; and
 - (g) the intersection treatment on Fifteenth Avenue will need to consider the future upgrade road widening works proposed by RMS.
- B4. The applicant shall obtain section 138 consent under the *Roads Act 1993* for all works on Fifteenth Avenue.

Pedestrian Access – Fifteenth Avenue

- B5. Prior to the commencement of works and subject to RMS warrant, the applicant shall prepare detailed plans showing a marked pedestrian crossing across Fifteenth Avenue, within approximately 50 metres of the proposed bus stop on the northern side of Fifteenth Avenue. This plan or supporting evidence in the case of no RMS warrant, shall be prepared by a qualified practising Civil Engineer in consultation with RMS, TfNSW and Council, and submitted for approval by the Secretary.

Road Widening – Fifteenth Avenue

- B6. A minimum reservation of 23.2 m is to be provided along the full frontage of the site to allow for acquisition for future road widening purposes. The final width of the corridor shall be to the satisfaction of RMS. In that regard no buildings or other significant structures are to be located within 10 m of the northern alignment of the road reservation.

Bus Stop – Fifteenth Avenue

- B7. The detailed design of the new bus stop on the northern side of Fifteenth Avenue prepared by a suitably qualified person in consultation with RMS shall be submitted to the Certifying Authority prior to the commencement of works for the service station. The design shall consider the expected increase in traffic along Fifteenth Avenue and the proposed roundabout intersection and include adequate seating in accordance with RMS requirements.

Heritage

- B8. A photographic recording of the dwelling at No. 185 Fifteenth Avenue, West Hoxton is to be undertaken in accordance with the guidelines published by the OEH. Two copies are to be provided to Council.

Landscape Plan

- B9. **Detailed Landscape Plans** prepared by a suitably qualified person in accordance with Council's landscape requirements shall be submitted to the Certifying Authority prior to commencement of works. Plant and tree species shall include locally occurring native species commensurate with Cumberland Plain Woodland ecological community. Landscaping should aim to provide habitat resources for the native species recorded or expected on the site in the Flora and Fauna Assessment prepared by Lesryk Environmental, dated 12 February 2016 submitted with the SSD application.

Construction Environmental Management Plan (CEMP)

- B10. Prior to the commencement of any works on the subject site, a **Construction Environmental Management Plan** (CEMP) shall be endorsed by the Certifying Authority. The CEMP shall:
- (a) be prepared by a suitably qualified and experienced person in consultation with Council;
 - (b) outline all environmental management practices and procedures to be followed during earthworks and construction;
 - (c) describe all activities to be undertaken on the site during earthworks and construction, including a clear indication of construction stages;
 - (d) describe the specific measures to be implemented to protect the Upper Canal Corridor during earthworks and construction;
 - (e) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (f) describe of the roles and responsibilities of all relevant employees and contractors involved in earthworks and construction; and
 - (g) the recommendations in the Flora and Fauna Assessment prepared by Lesryk Environmental, dated 12 February 2016 submitted with the SSD application.

A copy must be provided to the Secretary.

- B11. As part of the CEMP required under Condition B12 of this consent, the Applicant shall include the following:
- (a) Construction Traffic and Pedestrian Management Plan (see Condition B15);
 - (b) Construction Noise Management Plan (see Condition B16);
 - (c) Air Quality Management Plan (see condition B17);
 - (d) Construction Waste Management Plan (see Condition B18);
 - (e) Asbestos Waste Management Plan (see condition B19);
 - (f) community consultation and complaints handling procedure.
- B12. The CEMP (as revised from time to time) shall be implemented by the Applicant for the duration of earthworks and construction works in the first stage of development. The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Construction Traffic and Pedestrian Management Plan

B13. Prior to the commencement of any works on the subject site, a **Construction Traffic and Pedestrian Management Plan** prepared by a suitably qualified person shall be submitted to the Certifying Authority and Council. The Plan shall be prepared in consultation with Council, RMS and TfNSW. The Plan shall address, but not be limited to, the following measures:

- (a) identify potential impacts to traffic, pedestrian and cyclists and bus services from construction vehicles in the vicinity of the site;
- (b) identify potential impacts to pedestrian access or public transport infrastructure including bus stops;
- (c) cumulative impacts of other developments in the vicinity of the site;
- (d) ingress and egress of vehicles to the subject site;
- (e) hours of operation;
- (f) loading and unloading, including construction zones;
- (g) construction traffic and construction car parking arrangements;
- (h) predicted traffic volumes, types and routes; and
- (i) pedestrian and traffic management methods.

Construction Noise and Vibration Management Plan

B14. Prior to the commencement of any works on the subject site a **Construction Noise and Vibration Management Plan** prepared by a suitably qualified person shall be submitted to the Certifying Authority and Council. The plan shall:

- (a) describe procedures for achieving the noise management levels in the EPA's *Interim Construction Noise Guideline 2009*;
- (b) include strategies that have been developed with the community for managing high noise generating works;
- (c) describe the community consultation undertaken to develop the strategies in b) above; and
- (d) include a complaints management system that would be implemented for the duration of the construction works.

Air Quality Management Plan

B15. Prior to the commencement of work on the subject site, an **Air Quality Management Plan** prepared by a suitably qualified person shall be submitted to the Certifying Authority and Council. The Plan shall be prepared in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* and include all reasonable and feasible measures to minimise dust emissions during demolition, earthworks and construction. Adequate measures shall be implemented to suppress any dust raised during the construction phase, in order to minimise the potential for dust settling in and polluting the open waters of the Upper Canal.

Construction Waste Management Plan

B16. Prior to the commencement of work on the subject site, a **Construction Waste Management Plan** shall be submitted to the Certifying Authority and Council. The Plan shall identify the quantities of each waste type generated during the construction and the proposed reuse, recycle and disposal locations. The Construction Waste Management Plan is to be implemented for the duration of the construction works.

Asbestos Management Plan

B17. Prior to the commencement of demolition, an **Asbestos Management Plan** prepared by a suitably qualified person shall be submitted to the Certifying Authority and WorkCover NSW for review and copy provided to Secretary. The Plan must:

- (a) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;

- (b) identify any known or potential areas of concern on site for asbestos containing materials;
- (c) outline the procedures for identification, handling, disposal and/or re-use of asbestos containing materials;
- (d) ensure that all asbestos would be handled and disposed of by a suitably licensed asbestos removalist in accordance with the relevant guidelines and legislation;
- (e) ensure an induction process is in place for site workers and visitors regarding the identification of asbestos and the formal procedures to be followed in the event that asbestos is identified on site;
- (f) ensure that the development would comply with the requirements of this consent;
- (g) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
- (h) outline the procedures for soil validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

Utility Services

- B18. Prior to the construction of any utility works associated with the development, the Applicant shall obtain relevant approvals from service providers.

Erosion and Sedimentation Control

- B19. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1* (2005) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority and Council prior to commencement of works.
- B20. The erosion and sediment controls shall be designed to prevent sediment or polluted water from entering the Upper Canal Corridor and the Upper Canal. The controls shall be regularly maintained and retained until works have been completed and the ground surface stabilised or groundcover re-established.

Demolition

- B21. Any demolition work shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Notice of Commencement of Works

- B22. The Certifying Authority and council shall be given written notice, at least 48 hours prior to the commencement of building works on the subject site.

Pre-Construction Dilapidation Reports

- B23. A suitably qualified person shall prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying authority prior to the commencement of works. A copy of the report is to be forwarded to each of the affected property owners.

End of Section

PART C DURING CONSTRUCTION WORKS

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- (a) between 7.30 am and 5.30 pm, Mondays to Fridays inclusive;
 - (b) between 7.30 am and 3.30 pm, Saturdays;
 - (c) no work on Sundays and public holidays; and/or
 - (d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities, or
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, and
 - iii) a variation is approved in advance in writing by the Secretary (or nominee).
- C2. The following works may be undertaken outside the hours of work (Condition C1) and may occur on a 24-hour-a-day, 7-days-of-the-week basis:
- (a) essential maintenance (e.g. dust suppression and emergency works);
 - (b) internal fit out, furnishings, such as assembling furniture, electrical and painting, as long as this is not audible outside of the building;
 - (c) delivery of materials as required by police/RMS for safety reasons;
 - (d) works to various authorities' utilities; and
 - (e) environmental monitoring equipment.

Remediation

- C3. The Proponent shall undertake the remediation works in accordance with the endorsed Site Audit Report, *Remediation Action Plan* prepared by Zoic dated 4 July 2016. Any amendments to the approved Remedial Strategy must be approved by the Site Auditor.

Erosion and Sediment Control

- C4. All erosion and sediment control measures, as designed in accordance with Condition B10, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Waste Classification and Disposal

- C5. The Applicant must ensure that all waste generated by the development is classified and disposed of in accordance with the EPA's *Waste Classification Guidelines 2009*. These Guidelines may indicate the material will need to be immobilised prior to disposal. If this is the case, the Applicant must apply to the EPA for a site specific immobilisation approval.

Utilities

- C6. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.

Vibration Criteria

- C7. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
 - (b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006);

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- (c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - (d) these limits apply unless otherwise outlined in the CNVMP (Condition B14).

The Applicant must undertake trial testing of vibration intensive equipment that is identified as having the potential to exceed the vibration criteria identified in Condition B16 to ensure it is not exceeded at any residence or structure outside the subject site.

Construction Noise Criteria

- C8. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) or within the noise limits predicted in the applicant's Noise and Vibration Report that formed part of the EIS. All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CNVMP approved under Condition B14.

Work Cover Requirements

- C9. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Covering of Loads

- C10. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- C11. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Stockpile Management

- C12. The Applicant must ensure that:
- (a) stockpiles of excavated material do not exceed 4 metres in height;
 - (b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
 - (c) suitable erosion and sediment controls are in place for stockpiles.

No Obstruction of Public Way

- C13. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

Site Notice

- C14. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority (PCA) and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period

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- (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Contact Telephone Number

C15. The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Approved Plans to be On-Site

C16. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the Department or the PCA.

Compliance Report

C17. The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the department a three monthly report addressing compliance with all relevant conditions of this Part.

Protection of Trees

C18. No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from the relevant Authority is obtained or is required in an emergency to avoid the loss of life or damage to property.

C19. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of the relevant Authority.

C20. All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Hoarding Requirements

C21. The following hoarding requirements shall be complied with:

- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

C22. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch is to be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

C23. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and a registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The applicant must consult with the Aboriginal community representatives, the archaeologist and the OEH to develop and implement management strategies for all objects/sites.

Fauna

C24. Any sheltering of animals should be released in the existing stand of vegetation in the north-western portion of the site beyond the limits of the development site and any injured wildlife transferred to a wildlife carer in accordance with the recommendations in the Flora and Fauna Assessment prepared by Lesryk Environmental dated 4 April 2015.

Dewatering - Dam

C25. The dewatering of the existing dam on Lot 2 DP 307334 shall be undertaken in accordance with the Bulk Earthworks Plan (Dwg No. CO11995.00-DA30 Issue D, dated 19 June 2015) prepared by Costin Roe Consulting Pty Ltd and the recommendations in the Flora and Fauna Assessment prepared by Lesryk Environmental, dated 4 April 2015.

Upper Canal Corridor Infrastructure

C26. The Applicant shall ensure development activities associated with the development are undertaken in a manner that does not restrict Water NSW from operating and maintaining the Upper Canal. This includes not restricting vehicle or machinery access to the Upper Canal corridor or along the existing roadway within the corridor.

C27. All works shall be undertaken in a manner that avoids any impact on the Upper Canal infrastructure and on water quality.

C28. There shall be no modification to any existing stormwater structure within the Upper Canal corridor without the prior agreement of Water NSW. Any stormwater directed into the existing 750 mm culvert on Twenty-Seventh Avenue shall not exceed the capacity of the existing culvert and shall not impede any run off directed from existing Water NSW drains into that infrastructure.

C29. Water NSW shall be consulted should there be any impact on existing drainage structures during the works within or adjacent to the Upper Canal corridor. Any impacted drainage structures shall be reinstated and/or restored on completion of works at the proponent's expense, to the satisfaction of Water NSW.

C30. The existing security fencing along the Upper Canal corridor shall be maintained and retained and any repairs to or replacement of the security fencing required as a result of damage caused by the construction or operation of the development shall be reinstated to Water NSW's requirements and with all reasonable costs met by the Applicant.

Upper Canal Corridor – Restricted Access

C31. The proponent must ensure that no contractors or site workers enter the Upper Canal corridor during any stage of the development process unless they have obtained an access permit from Water NSW. Any person who has been granted an access permit must carry that permit on them when they enter the Upper Canal corridor. Any new access permits will need to be applied for well in advance. It should be ensured that any permit is used only for the purpose for which it was issued. Information on access permits is available on the Water NSW website.

C32. All incidents that affect or could affect the Upper Canal shall be reported to Water NSW in the 24 hour Incident Notification Number 1800 061 069 as a matter of urgency.

Earthworks

C33. Earthworks and retaining walls and the quality of any proposed fill shall comply with Council's requirements in Liverpool Development Control Plan 2008. No retaining walls or filling shall impede, divert or concentrate stormwater runoff passing through the site.

End of Section

PART D PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

Subdivision and Infrastructure Works – Works-As-Executed

- D1. Prior to the issue of a subdivision certificate, detailed 'work as executed' drawings shall be prepared and signed by a registered surveyor, which show the finished surface levels of the access road, road shoulder, inter-allotment drainage and any lot filling, carried out under this consent. The 'work as executed' drawing shall be submitted to the Certifying Authority and Council prior to the issue of a Subdivision Certificate.

Drainage Works – Works-As-Executed

- D2. On completion of the drainage works and prior to the issue of the Engineering Compliance Certificate, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans.

On Site Detention – Registration of Restriction and Covenant

- D3. Prior to the issue of the Engineering Compliance Certificate, proof of the creation of a 'restriction on use of land' and 'positive covenant' over the on-site detention system shall be submitted to the Certifying Authority.

On Site Detention – Certification of Works

- D4. A Certificate shall be issued to the Certifying Authority upon completion of the drainage works and prior to issue of the Engineering Compliance Certificate, certifying the following:
- (a) that the On-Site Detention system will function in accordance with the approved drainage design;
 - (b) any variations from the approved drainage design; and
 - (c) that these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

Registration of Easements

- D5. Prior to the issue of a subdivision certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Sydney Water Compliance

- D6. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of a Subdivision Certificate.

Road Damage

- D7. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant.

Site Remediation

- D8. Upon completion of the remediation works on the subject site, the Applicant shall submit to the Certifying Authority and council a validation report, notice of completion and site audit statement

prepared by a site auditor. The validation report and site audit statement must verify that the land is suitable for the proposed future uses.

- D9. Prior to the issue of a subdivision certificate, written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Pedestrian Access – Fifteenth Avenue

- D10. Prior to the issue of a subdivision certificate and subject to requirements of Condition B5 (RMS warrants), evidence of the installation of a marked pedestrian crossing across Fifteenth Avenue, within approximately 50 metres of the proposed bus stop on the northern side of Fifteenth Avenue, shall be provided to the satisfaction of the Secretary.

End of Section

ADVISORY NOTES

Appeals

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

Permits

- AN2 The Applicant shall apply to the relevant authority for any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, after hours works and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

Responsibility for other consents / agreements

- AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

- AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- AN6 This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN7 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN8 This application has been assessed in accordance with the New South Wales EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

- AN9 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site contamination issues during construction

AN10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then all works shall cease immediately and the Environmental Protection Authority (EPA) and SafeWork NSW must be notified immediately. Works shall not recommence until written authorisation from the EPA is received by the Applicant.

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