

Our Ref: DA-556/2010 Contact: Robert Groz Ph: (02) 9821 9596 Date: 10 November 2009

HPAL FREEHOLD PTY LIMITED C/- WILLIAM ANTHONY 472 PACIFIC HWY ST LEONARDS NSW 2065

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Being the applicant in respect of Development Application No. DA - 556/2010 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool Council as Consent Authority of the above described Development Application relating to:

OWNERS:

HPAL FREEHOLD PTY LIMITED

472 PACIFIC HWY

ST LEONARDS

LAND:

HOXTON PARK AIRPORT, MCIVER AVENUE, WEST

HOXTON NSW

PART LOT 22 DP 1042996

PROPOSED DEVELOPMENT:

DISMANTLE AND REMOVE OFF SITE THE DISUSED

SHEDS AND PORTABLE BUILDINGS

BUILDING CLASSIFICATION:

CLASS 7

DETERMINATION:

APPROVED

CONSENT TO OPERATE FROM:

10 NOVEMBER 2009

CONSENT TO LAPSE ON:

10 NOVEMBER 2011

(UNLESS PHYSICALLY COMMENCED)

ATTACHMENTS:

CONDITIONS OF APPROVAL

Before commencing the development please read the Development Consent carefully and make sure that you understand all the conditions that have been imposed. Please contact Liverpool City Council regarding any enquiry you may have in respect of the following conditions.

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW-1871 Call Centre 1300 36 2170 Fax 9821 9333 Email lcc@liverpool.nsw.gov.au Web www.liverpool.nsw.gov.au TTY 9821 8800 ABN 84 181 182 471

CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

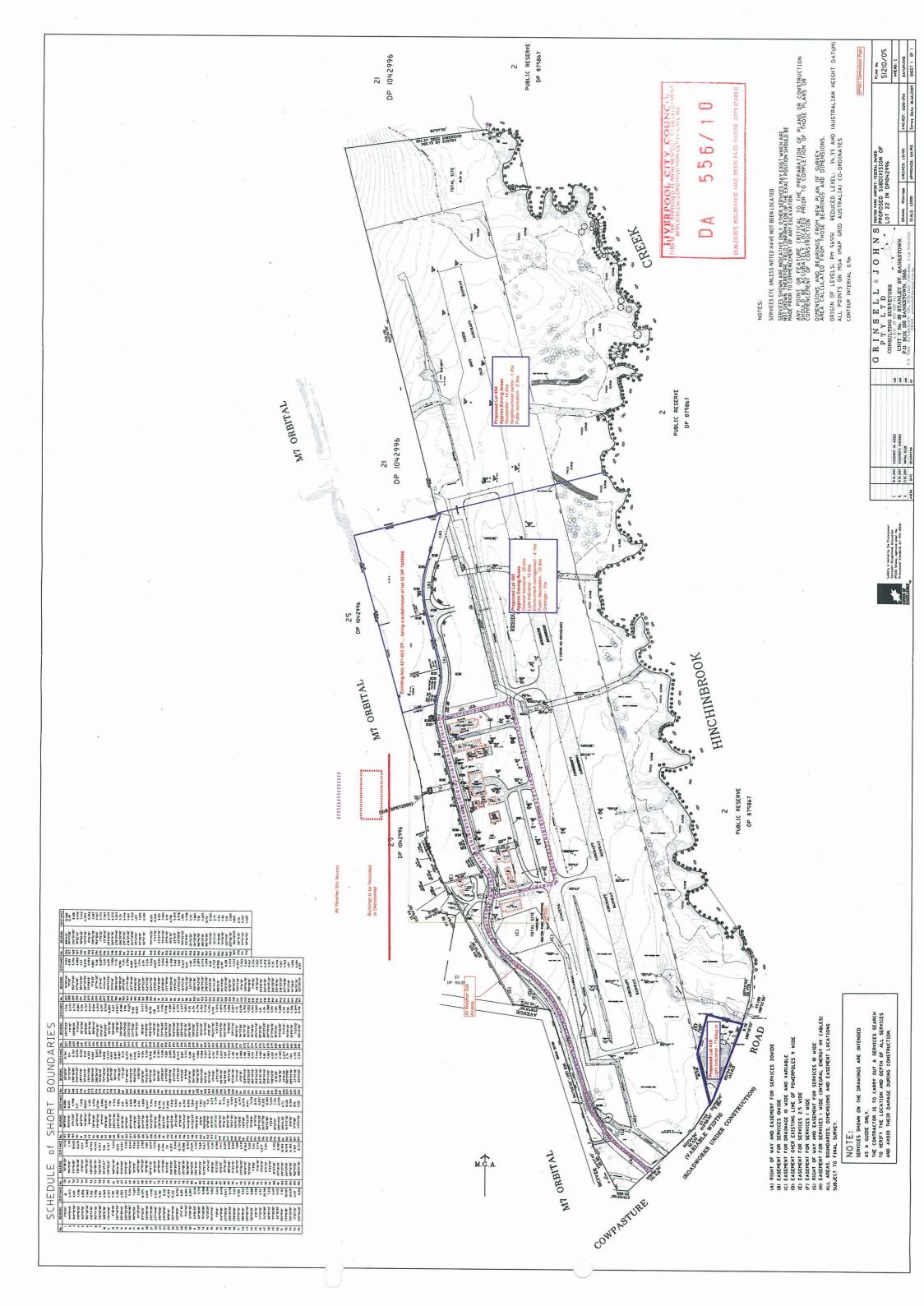
- 1. The following facilities shall be installed on the site:- Adequate refuse disposal methods and builders storage facilities. Builders wastes, materials or sheds are not to be placed on any property other then that which this approval relates to.
- 2. Access to the site is to be provided only via the all weather driveway on the property and not to be provided from any other site, or location.
- 3. Demolition is only permitted on the site between the hours of 6am to 6pm Monday to Friday and, 7am to 3pm on Saturday. No demolition will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Yours sincerely

Robert Groz

Senior Environmental Building Surveyor - Commercial Industrial

r.groz@liverpool.nsw.gov.au







Our Ref: DA-837/2010 Contact: Simon Truong Ph: (02) 9821 9131 Date: 28 January 2010

MIRVAC PROJECTS PTY LTD SUITE 205, LEVEL 2 30 COWPER ST PARRAMATTA NSW 2150

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Being the applicant in respect of Development Application No. DA-837/2010 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool Council as Consent Authority of the above described Development Application relating to:

OWNERS:

HPAL FREEHOLD PTY LIMITED

C/- LEIGHTON PROPERTIES

472 PACIFIC HWY

ST LEONARDS NSW 2065

LAND:

FORMER HOXTON PARK AIRPORT, MCIVER AVENUE.

WEST HOXTON NSW 2171

PART LOT 400 DP 1141990

PROPOSED DEVELOPMENT:

Stock Pilling Of Fill

DETERMINATION:

Approved

CONSENT TO OPERATE FROM:

28 January 2010

CONSENT TO LAPSE ON:

28 January 2012

(Unless physically commenced)

ATTACHMENTS:

Conditions of Approval

Before commencing the development please read the Development Consent carefully and make sure that you understand all the conditions that have been imposed. Please contact Liverpool City Council regarding any enquiry you may have in respect of the following conditions.

The First Macquarie To

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170 All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170 Fax 9821 9333 Email lcc@liverpool.nsw.gov.au Web www.liverpool.nsw.gov.au TTY 9821 8800 ABN 84 181 182 471

CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT

GENERAL

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies:

- 1. Development must be carried out in accordance with Development Application received 21 December 2010 and:
 - Architectural plans prepared by Brown Consulting Pty. Ltd., drawing no. X09244.001.DA, revision 1, project no. X09244.001 and dated 20 January 2010.

Marked DA-837/2010, except where modified by the following conditions.

- 2. No works shall be carried out, nor are they permitted within 40m from the top of the bank of the watercourse.
- 3. No fill or works are to be deposited outside of the areas marked as red under figure 5.4 of the Aboriginal Archaeological Assessment report prepared by Heritage Concepts, dated June 2006.
- 4. No approval is implied for the removal of any trees from the subject site.
- 5. No approval is granted nor implied for the future use or spreading of the fill material on the site. Areas not designated as proposed stockpile sites must not be altered in any way.
- 6. The stockpiling of fill is limited to a maximum of two (2) years in accordance with the Statement of Environmental Effects prepared by Brown Consulting and dated December 2009, submitted with the application. Any extension to this time shall be subject to a S96 Modification to a Development Application.

INTERRUPTIONS TO TRAFFIC / WORKS WITHIN THE ROAD RESERVE

- 7. Application must be made to Council's Transport Planning Section and the Roads and Traffic Authority for any road closures. The application is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information.
- 8. Notice must be given to Council's Transport Planning Section and the Roads and Traffic Authority of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information must be submitted for approval, 48 hour prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
- 9. The applicant must obtain Section 138 Consent from Council prior to undertaking any works within the road reserve in accordance with the Roads and Traffic Authority's Publication 'Traffic Control at Work Sites'.

- 10. All works within the road reserve are to be at the applicants cost and all signage is to be in accordance with the Roads and Traffic Authority's 'Traffic Control at Worksites Manual' and the 'Roads and Traffic Authority's Interim Guide to Signs and Markings'.
- 11. If a Works Zone is required, application must be made to Council's Transport Planning Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, you will need to submit an application to have these moved.

FLOODING

- 12. The development must comply with Council's Floodplain Management Plan and Council's design specification for subdivisions (as amended).
- 13. All stockpile areas shall be located above the 1% Annual Exceedance Probability flood plus half a metre freeboard (flood planning level). The flood planning levels at upstream and downstream of the stockpile areas are 41.3m AHD and 36.3m AHD respectively. (i.e. 40.8.0m + 0.5m = 41.3m Australian Height Datum and 35.8m + 0.5m = 36.3m Australian Height Datum). Flood extent map shall be prepared following ground level survey and plotting the above-mentioned flood levels by a registered surveyor to ensure all stockpile areas are above the Flood Planning Levels.

TRAFFIC

- 14. Adequate turning paths for articulated heavy vehicles must be provided in accordance with Australian Standard AS2890.2-2002 Parking Facilities Off Street Commercial Vehicle Facilities.
- 15. All vehicles must be driven in a forward direction onto and away from the site.
- 16. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on site.
- 17. Any advertising signs, or structures, will conform to the Roads and Traffic Authority's Policy on advertisements in "Signs and Markings" Manual Section 3.6 and Councils relevant DCP.

THE ENVIRONMENT

18. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or Environmentally Significant Land.

B. OPERATIONAL MATTERS

These conditions pertain to the use of the site and have been imposed to ensure that the development and its operations do not interfere with the amenity of the surrounding area.

WASTE STORAGE AND DISPOSAL - GENERAL

19. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. The applicant is required to keep supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, which 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.

- 20. All solid and liquid waste must be removed from the site by a registered waste contractor.
- 21. A separate application must be lodged for any future works on the site and use of the fill will be subject to a future development application. **Note:** This approval does not grant or imply Council's support for any future use of the approved stockpiled fill. The importation of fill is at the risk of the applicant.

C. PRIOR TO THE WORKS COMMENCING

The following conditions are to be complied with prior to any work commencing on the site:

FEE PAYMENT

- 22. The following fees are applicable and payable, prior to the issue of a Construction Certificate:
 - a) K&G/Road Damage Deposit Inspection Fee
 Where the costs of development is in excess of \$20,000 or in ground/above ground swimming pool excavated by machinery
 - b) Long Service Levy Fee
 Based on 0.35% of the cost of building work where the costing of the Construction
 Certificate is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

PUBLIC ROAD DESIGN / CONSTRUCTION WITHIN ROAD RESERVE AREAS

23. Erosion and sediment control measures must be designed in accordance with the requirements of the Department of Housing 1998 manual 'Managing Urban Stormwater – Soils & Construction' and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures must be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.

24. All roads are to be graded to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.

CONSTRUCTION AND PUBLIC SAFETY REQUIREMENTS

25. The applicant/ builder must report to 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 must be reported to Council as soon as the damage becomes apparent to the builder. Arrangements to the satisfaction of Council are to be made for making the damaged site safe to the public by temporary repairs until permanent restoration and repair can be organised with Council.

STRUCTURAL DETAILS / SEDIMENT CONTROL / SITE FILLING / RETAINING WALLS / BUILDING CODE OF AUSTRALIA:

26. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, must be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

NOTIFICATION / PRINCIPAL CERTIFYING AUTHORITY

- 27. The applicant must advise Council of the name, address and contact number of the accredited certifier, in accordance with Section 81A (4) of the Act.
- 28. The applicant must advise Council, of intended date to commence the work which is the subject of this consent by completing a Notice of Commencement of Building Works Form available from Council's Customer Service Centre. A minimum period of two (2) working days, notification must be given.
- 29. A written notice of intention must be given to the owner of the adjoining allotments of land outlining the particulars of the proposed work which involves:
 - a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
 - b) The notice must be given seven (7) days prior to the commencement of work.
- 30. A sign must be erected in a prominent position on the work site. The sign must state:
 - a) Unauthorised entry to the premises is prohibited, and
 - b) The name of the builder or other person in control of the premises, and a telephone number at which the builder or other person may be contacted outside working hours.

SITE FACILITIES

31. Adequate waste disposal methods and builders storage facilities must 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.

32. Access to the site must be provided only via the all weather driveway on the property and is not to be provided from any other site, or location. (Refer to Council's Sediment and Erosion Control Policy).

NOTIFICATION OF SERVICE PROVIDERS

33. Construction Certificate plans submitted to Council must be approved by Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

REPORTS / PUBLIC SAFETY

34. A dilapidation report must be undertaken by a suitably qualified person prior to the commencement of any works on the site. This report must include clear photos and description of all existing dwelling and/or structures adjacent to the subject site. A copy of this report must be provided to Liverpool Council.

D. DURING CONSTRUCTION/ WORKS

The following conditions must be complied with whilst works occurring on the site:

GENERAL

35. No service works are to be carried out within the existing road reserve, including Gas, Electricity, Sewer, Water or Communications until a road opening permit is received and all restoration fees and/or bonds are paid to Council and receipted.

HOURS OF OPERATION (CONSTRUCTION)

36. Construction/ civil work is only permitted on the site between the hours of 7am to 6pm Monday to Friday, and between 8am to 1pm on Saturdays. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

LANDFILL

- 37. Where site filling is necessary, it must be carried out in accordance with Council's construction specification (as amended), Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Development (as amended) and approved drawings by the accredited certifiers or Council. A minimum of 95% standard compaction must be achieved and certified by a suitably qualified geotechnical engineering consultant. Testing is to be in accordance with Council specifications for 'Construction of Subdivisional Roads and Drainage Works.'
- 38. Landfill materials must satisfy the following requirements:
 - a) Be non-putrescible solid waste:
 - b) Be free of slag, hazardous, contaminated, toxic or radioactive matter; and
 - c) Be free of industrial waste and building debris.
- 39. Where the land is to be filled, graded or roadworks constructed, it will be necessary that regular watering down of operations be carried out. Where the creation of dust during earthworks is a problem, Council may direct that such work is not to proceed when the wind velocity exceeds five knots.

- 40. Trucks transporting fill are to cover their loads.
- 41. Prior to any material being brought onto the site, a Classification Certificate prepared by a NATA accredited firm must be produced and submitted to Council for approval. This will apply for all proposed sources of fill.

SITE CONTAMINATION

- 42. All fill introduced to the site must undergo a Contaminated Site Assessment. This assessment may consist of either:
 - a) A full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination; or
 - b) A chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - c) The applicant must provide Council with copies of a validation certificate verifying that the material to be used is free of contaminants and fit for purpose in residential, commercial or industrial use.
- 43. Records of the following must be submitted to the Principal Certifying Authority monthly and at the completion of earth works:
 - a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - c) The results of any chemical testing of fill material.

AIR QUALITY, WATER QUALITY AND EROSION CONTROL (POLLUTION CONTROL)

- 44. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.
- 45. All disturbed areas must be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
- 46. Vehicular access to the site must 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 must 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.
- 47. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and shall have measures in place in accordance with the approved Soil and Water Management Plan and or Erosion and Sediment Control Policy.

- 48. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grassing.
- 49. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- 50. An all weather access road must be provided from the site entry to all proposed stockpile locations to minimize the possibility of dust generation or material loss from the site.
- 51. The site is to regularly watered down during the importation of the material and the stockpiles are to be stabilised immediately on completion. If the stockpiles are not complete and are going to be left for a period of longer than 2 weeks the area must be stabilized with a suitable ground cover.

GENERAL SITE WORKS

- 52. Care must be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the 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.
- 53. The property must be surrounded by a security fence and the gate must be locked outside the operating hours to prevent unauthorised tipping at the property
- 54. Alterations to the natural surface contours must not impede or divert natural surface water runoff in such a way that it causes a nuisance to adjoining property owners.
- 55. When the stockpiles have an established ground cover they are to be maintained and monitored to ensure no loss of material from the site. A final inspection of the stockpiles must be organised with Council's Senior Land Development Engineer on completion of the stabilisation works.

E. PRIOR TO THE FINALISATION OF WORKS

The following conditions are to be complied with prior to the issue of a Subdivision Certificate:

GENERAL

- 56. A Works As Executed Plan must be submitted to the Principal Certifying Authority identifying all features of the physical works as set out in Council's specification for subdivision (as amended).
- 57. A survey of the three (3) stockpiles must be carried out and submitted to Council for approval. The stockpiles shall not to be any larger or differ in location from that shown on the approved plans.
- 58. Records of all truck registrations and site of origin must be submitted to Council on completion of the works.

ADVICE

The following matters are included as advice relevant to this application:

- (i) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the *Environmental Planning and Assessment Act*, 1979 gives you the right to request a review of the determination within 12 months after the date of the determination.
- (ii) If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act*, 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- (iii) In accordance with Section 95 of the Act, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice. The applicant may apply to Council for an extension of one (1) year.
- (iv) The conditions are imposed taking into account the matters for consideration in determining a Development Application under Section 79C of the *Environmental Planning and Assessment Act*, 1979.
- (v) Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order will be guilty of an offence.
- (vi) This approval does not grant or imply Council's support for any future use of the approved stockpiled fill. Any future works on the site and used of the fill will be subject to a future development application. The importation of fill is at the risk of the applicant.
- (vii) Land that is subject to flooding and further details (as to the accuracy of which Council gives no warranty) may be obtained from Council or the Department of Public Works. Council expressly absolves itself from responsibility for any damage or injury sustained as a result of, or in any way connected with, flooding of the subject land.
- (viii) The applicant is advised to consult with:
 - (a) Sydney Water;
 - (b) Integral Energy;
 - (c) Natural Gas Company; and
 - (d) A local telecommunications carrier.
- (ix) Information regarding the location of underground services may be obtained from Sydney One Call Service (SOCS), telephone (02) 9806 0800, fax (02) 9806 0777. Enquirers should provide SOCS with the street/ road name and number, side of street/ road and the nearest cross street/ road.

(x) The developer must apply to Council for a Section 138 permit pursuant to the *Roads Act*, 1993, as well as the utility company for any utility connection work which may cross an existing road reserve. All trench restorations must be undertaken in accordance with Council's restoration backfill specification, and fees, and charges. This information is available from Council's Customer Service Centre.

Yours faithfully

Anthony Pizzolato

Team Leader - Major Development

CITY PLANNING

A.Pizzolato@liverpool.nsw.gov.au

