

APPENDIX 1

DA-15-02309

Development application DA-15-02309 granting deferred commencement consent for a staged Torrens title subdivision including public reserve at Lot 13.

Enclosed:

1. DA-15-02309 approved plan of subdivision.
2. DA-15-02309 Notice of Determination and conditions of consent.

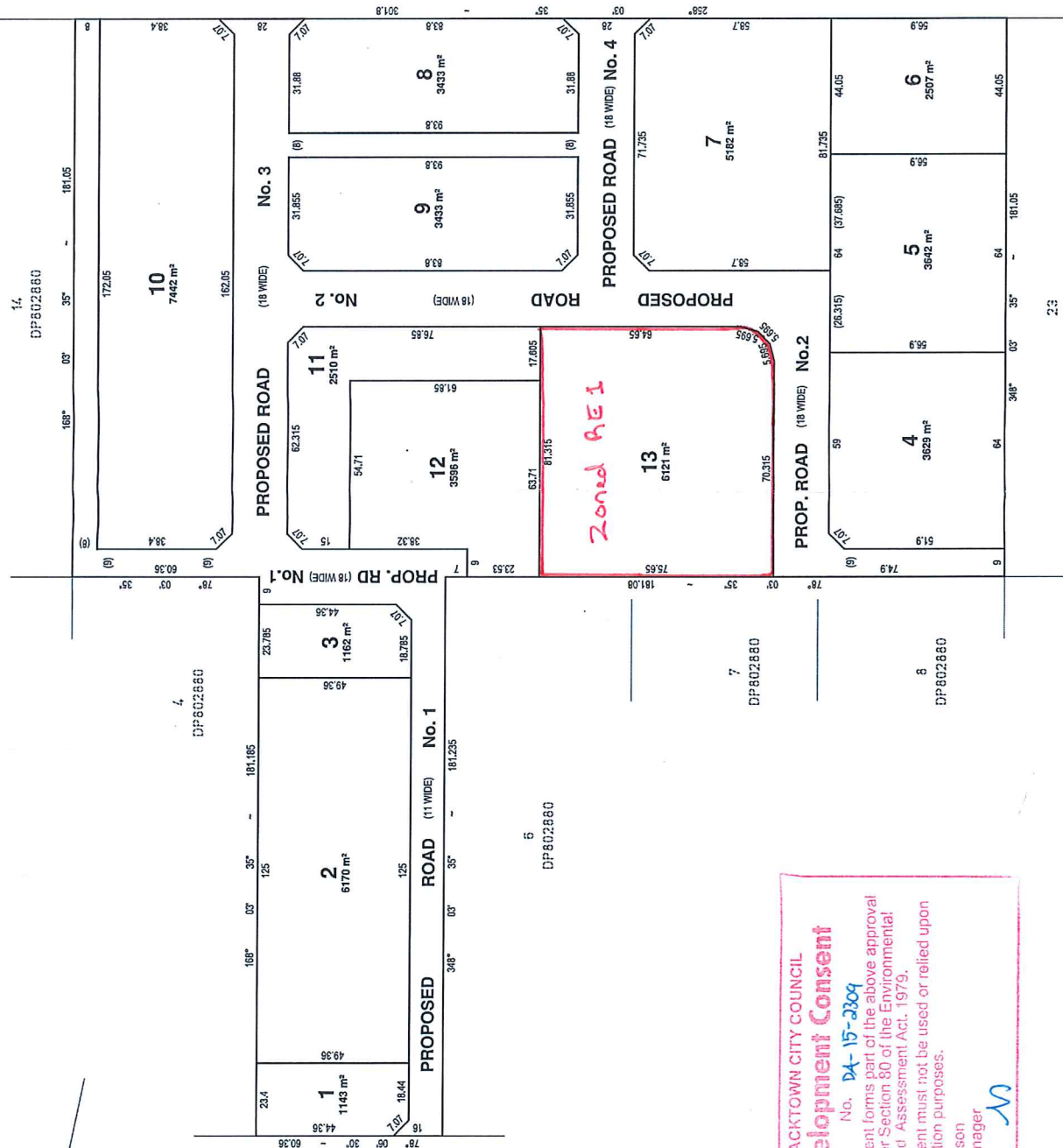
MGA

STREET

VINE

GRANGE AVENUE

GRANGE AVENUE



BLACKTOWN CITY COUNCIL
Development Consent
No. DA-15-2309

This document forms part of the above approval issued under Section 80 of the Environmental Planning and Assessment Act, 1979.
This document must not be used or relied upon for construction purposes.

Kerry Robinson
General Manager
per:

NOTES:

1. ALL DIMENSIONS & AREAS ARE SUBJECT TO FINAL SURVEY.
2. FINAL PLAN MAY INCLUDE VARIOUS EASEMENTS, COVENANTS AND RESTRICTIONS SUBJECT TO DA APPROVAL.

Surveyor: ALAN TURNER
Date of Survey: 12/09/2016
Surveyor's Ref: 6693

PLAN OF PROPOSED SUBDIVISION OF CONSOLIDATED
LOTS 5 & 6-13 IN DP 802880

LGA: BLACKTOWN
Locality: MARSDEN PARK
Subdivision No:
Lengths are in metres, Reduction Ratio 1:1000

Registered

DP DRAFT



Civic Centre
62 Flushcombe Rd
BLACKTOWN

DX 8117
BLACKTOWN 2148

BlacktownCityCouncil

Telephone: (02) 9839-6000 Fax: (02) 9831-1961
Web www.blacktown.nsw.gov.au
e-mail council@blacktown.nsw.gov.au

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 81)

THE LI & QING UNIT
19 SEASIDE PARADE
SOUTH COOGEE NSW 2034

Determination Number:
DA-15-02309

Property Description: LOTS 5, 9 – 13 DP 802880 EXCELSIOR AVENUE AND GRANGE
AVENUE MARSDEN PARK

Development: Staged Torrens Title subdivision into Stage 1 - 12 residue lots and 1 public reserve, Stage 2 seeks to re subdivide the residue Lots - 1, 3, 8, 9, 10 and 11 into 72 lots for dwellings, Lot 2 into 10 conventional lots and Lot 12 as a residue for future multi dwelling housing.

Determination: *Under Section 80(3) and 81 of the Act Council advises that the Development Application has been determined by:*

- Granting of Deferred Commencement consent subject to the conditions attached in Part 1. Upon compliance with Part 1 and with the issue of confirmation to that effect by Council, the deferred commencement shall become operational, subject to the conditions contained in Part 2 of this consent.

By Delegated Authority – Director Design and Development

Right of Appeal

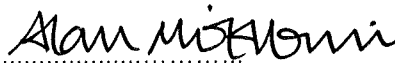
Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 82A of the Act provides that an applicant may request the Council to review the determination. Section 82A does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4 of the act in respect of Crown applications

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

Kerry Robinson
GENERAL MANAGER

Per 

Date 6 July 2017

Part 1 - "Deferred Commencement" conditions pursuant to Section 80(3) of the Environmental Planning and Assessment Act. 1979

A Deferred Commencement Matters

A.1 This development consent is not to operate until such time as:

- (a) The submission to Council of a planning proposal to facilitate the relocation of the public reserve within the site and rezoning of the affected land.

Nominated Period: 12 months.

Part 2

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

1.2.1 Separate development consent may be required from Council prior to the use of any created residue allotment. In this regard, the applicant shall be required to submit a Development Application for any intended lot usage.

1.2.2 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.

1.2.3 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
(c) It is in the public interest that they be imposed.

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GENERAL MANAGER

Per



Blacktown City Council
6 July 2017

1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) the demolition of any dwellings or structures, and
- (b) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (c) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (d) the installation of vehicular crossings servicing the development.

1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.3.4 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy Provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100

These conditions are imposed for the following reasons:

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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 contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders 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.

- 1.4.3 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.

1.5 Tree Planting and Service Locations

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

1.6 Identification Survey

- 1.6.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

1.7 Engineering Notes

- 1.7.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works

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6 July 2017

- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

- 1.7.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

1.8 Payment of Engineering Fees

- 1.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

A quote will be provided verbally followed by confirmation in writing.

- 1.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally, followed by confirmation in writing.

1.9 Other Matters

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 1.9.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

1.10 Works in Kind

- 1.10.1 It may be possible to reduce the monetary Section 94 contribution(s) on this consent by carrying out Section 94 works as part of a 'Works-in-Kind' agreement with Council, subject to the following:

- the Section 94 works must be listed in a Section 94 Contributions Plan
- Council must have agreed to the Works in Kind (WIK)
- the Section 94 works cannot commence before the WIK agreement is executed by all parties
- the WIK agreement is in accordance with Council's WIK Policy
- the reduction of Section 94 contributions is not available until works have been satisfactorily completed in accordance with the WIK agreement.

A written proposal (WIK proposal) to enter into a WIK agreement must be provided to Council's Co-ordinator Contributions or an Officer acting in that position, together with the WIK proposal fee listed in Council's Good & Services Pricing Schedule. Council's Section 94 Finance Committee will consider all proposals on merit and advise the applicant in writing if the agreement is endorsed or rejected. Council reserves the right to approve or reject any WIK application.

Council will not reduce the monetary Section 94 contribution(s) on this consent unless these conditions are complied with.

2 GENERAL

2.1 Scope of Consent

- 2.1.1 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

Drawing No.	Date	Council's File Enclosure No.
Subdivision Plan SK5g Revision G	8/12/2017	50A
Plan of proposed subdivision of consolidated lots 5, 9-13 In DP 802880	12/9/2016	50B
Plan of Proposed subdivision of Lots 1 – 3 and 10 in Plan of consolidated lots 5, 9-13 in DP 802880	12/9/2016	50C

These conditions are imposed for the following reasons:

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6 July 2017

Plan of Proposed subdivision of Lots 8-9 and 11-12 in Plan of consolidated lots 5, 9-13 in DP 802880	12/9/2016	50D
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* unless modified by any condition of this consent.

Note: The consent does not approve the construction of any housing product. Approval is granted for Building Envelope Plans (BEP's) over Lots 1, 3, 8, 9, 10 and 11.

2.1.2 The approval is for the staged Torrens Title subdivision into Stage 1 - 12 residue lots and 1 public reserve, Stage 2 seeks to re subdivide residue Lots - 1, 3, 8, 9, 10 and 11 into 72 lots for dwellings, Lot 2 into 10 conventional lots and Lot 12 as a residue for future multi dwelling housing.

2.1.3 Further development approval is required for the construction of any housing products on Lots 201 to 210 and Lot 12.

2.2 Services

2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

2.3 Suburb Name

2.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: SCHOFIELDS

2.4 Heritage Matters

2.4.1 If, during the course of subdivision works, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

2.4.2 If, during the course of subdivision works, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

These conditions are imposed for the following reasons:

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6 July 2017

2.4.3 If human remains are found during the works, the NSW Police as well as the NSW Office of Environment & Heritage are to be informed immediately, all works must cease, and the site must be secured.

2.4.4 The proponent should advise all relevant personnel and contractors involved in the design and construction of the project of the potential for Aboriginal objects, and the relevant legislative requirements and recommendations of the due diligence report in relation to Aboriginal heritage management requirements.

2.5 Engineering Matters

2.5.1 Design and Works Specification

2.5.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

(a) Blacktown City Council's Works Specification - Civil (Current Version)

(b) Blacktown City Council's Engineering Guide for Development (Current Version)

(c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Growth Centre Precincts Development Control Plan

(e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

(f) Blacktown City Council On Site Detention General Guidelines and Checklist

(g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Fourth Edition.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

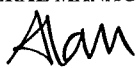
Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

These conditions are imposed for the following reasons:

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6 July 2017

2.5.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works

These matters will be individually addressed within the consent

2.5.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

2.5.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

2.5.2 Other Necessary Approvals

2.5.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

2.5.3 Subdivision

2.5.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

2.6 Other Matters

2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.6.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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GENERAL MANAGER

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Blacktown City Council
6 July 2017

- 2.6.3 The section of Grange Avenue fronting the proposed development is proposed to be included as a S94 road in the Marsden Park Contribution plan. It may be possible to carry out these road works as part of a 'Works-in-Kind' agreement with Council upon adoption of the Contribution Plan. This matter will need to be the subject of further discussion with Council officers.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2 Blacktown City Council Growth Centre Precincts Development Control Plan 2016

- 3.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

3.3 Street Tree Planting

- 3.3.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- cross-sections showing dimensions of tree pits
 - species
 - details of root protection barriers
 - soil specifications
 - location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities.

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

These conditions are imposed for the following reasons:

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- (c) It is in the public interest that they be imposed.

Kerry Robinson
GENERAL MANAGER

Per



Blacktown City Council
6 July 2017

This information must be received before a construction certificate can be issued.

3.4 Other Matters

3.4.1 A driveway location plan shall be submitted to Council demonstrating that all proposed lots are able to achieve satisfactory street access meeting the relevant clearance requirements from tangent points, services, infrastructure and street trees.

3.4.2 The location of street trees must not interfere with future driveways.

3.4.3 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer manholes and/or vents affecting any lot including corner lots.

3.5 Undergrounding of Services

3.5.1 The principal certifying authority must be satisfied that the plans for the subdivision specify that the low voltage electricity and telecommunications services will be reticulated underground.

3.6 Substation

3.6.1 The principal certifying authority must be satisfied that any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves.

3.7 Site Contamination and Salinity

3.7.1 The recommendations provided in the Phase 1 Contaminated Land Assessment report prepared by Andersen Environmental Pty Ltd and dated July 2015 held on Council's File DA-15-02309 shall be implemented including the further testing in a Phase 2 report and the preparation of a Remediation Action Plan.

3.7.2 The recommendations provided in the Salinity Assessments report prepared by Andersen Environmental Pty Ltd and dated July 2015 held on Council's File DA-15-02309 shall be implemented.

3.8 Retaining Walls

3.8.1 Prior to the issue of any Construction Certificate, details of any retaining walls to be constructed on site as part of the development shall be submitted to Council for approval. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) on property boundaries where such structures are proposed to be constructed. Any retaining walls must comply with the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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GENERAL MANAGER

Per



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6 July 2017

3.9 Heritage

- 3.9.1 The recommendations of the Aboriginal Archaeological Due Diligence Assessment prepared by Dominic Steel Consulting Archaeology, dated 19 July 2015 and held on Council's File DA-15-02309 shall be implemented.

3.10 Zero Lot Boundary

- 3.10.1 The principal certifying authority must be satisfied that for every lot having a zero lot line, the zero lot line must be higher than the opposing maintenance easement. The principal certifying authority must be satisfied that the zero lot setback will not be located on the side of the lot that is lower than the adjacent lot.

4 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

4.1 General

- 4.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 4.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 4.1.3 Construction certificate plans shall be generally in accordance with the following drawings and Stormwater Management Plan for Grange Avenue (Lot 5) & Vine Street West (9-13) Marsden Park Report No. R01451-SWMP , Revision D, Prepared by C&M Consulting Engineers Pty Ltd dated February 2017

Prepared By	Drawing No.	Sheet No.	Revision	Dated
C and M Consulting	01451	100	01	30/06/2016
C and M Consulting	01451	110	02	1/02/2017
C and M Consulting	01451	201	07	07/02/2017
C and M Consulting	01451	202	09	07/02/2017
C and M Consulting	01451	231	07	07/02/2017
C and M Consulting	01451	301	05	26/10/2016
C and M Consulting	01451	302	05	26/10/2016
C and M	01451	303	07	07/02/2017

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Consulting				
C and M Consulting	01451	304	01	30/06/2016
C and M Consulting	01451	401	04	30/06/2016
C and M Consulting	01451	402	05	26/10/2016
C and M Consulting	01451	601	04	30/06/2016
C and M Consulting	01451	602	01	30/06/2016
C and M Consulting	01451	603	01	30/06/2016
C and M Consulting	01451	604	01	30/06/2016
C and M Consulting	01451	651	05	26/10/2016
C and M Consulting	01451	652	06	01/02/2017
C and M Consulting	01451	653	04	30/06/2016
C and M Consulting	01451	701	04	30/06/2016
C and M Consulting	01451	702	05	26/10/2016
C and M Consulting	01451	703	02	1/02/2017

* unless modified by a condition of this consent.


Amendments are required to be addressed on the Construction Certificate Plans:

1. Batter Works as shown on the plans that are outside the subject boundaries of this consent are not approved without express written consent from neighbouring properties. All works shall not encroach onto neighbouring property boundaries. If batters are not consented to, details of retaining walls are to be submitted.
2. The proposed block retaining wall shall be fully contained within the property boundary and shall not encroach on neighbouring properties. This includes any footings for the retaining wall.
3. A concept design for Council's approval, including longitudinal section, of the stormwater pipe discharging from the site along the Grange Avenue frontage demonstrating satisfactory cover depths and gradients to the ultimate discharge point at proposed Regional Stormwater Basin 7A. The ultimate discharge point at Basin 7A is to be fixed at a level of RL18.2m.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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4.2 Construction Certificate Requirements

4.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

The above requirements are further outlined in this section of the consent.

4.3 Local Government Act Requirements

4.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

The above requirements are further outlined in this section of the consent.

4.4 Roads Act Requirements

4.4.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Half width road construction
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

The above requirements are further outlined in this section of the consent.

4.5 Other Engineering Requirements

4.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

4.5.2 Any ancillary works undertaken shall be at no cost to Council.

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4.5.3 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

1. Details are to be provided for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.

4.6 Roads

4.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

4.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.

4.6.3 Any approved design drawings must show a 5m x 5m splay for residential allotments at each street intersection.

4.6.4 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road 2	18	Full length	3.5-11-3.5	5 x 10 ⁵
Road 3	18	Full length	3.5-11-3.5	5 x 10 ⁵
Road 1	18	Full length	3.5-11-3.5	5 x 10 ⁵
Road 4	18	Full length	3.5-11-3.5	5 x 10 ⁵

Note: Half road construction only shall be completed on the abovementioned roads where nominated and shown on the approved plans.


4.6.5 Community title roads or right of way driveways shall be designed and constructed as follows:

Name	Lots Benefited	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Laneway 1	904 to 910 and 804 to	8m	Full length	1m-6m-1m	5 x 10 ⁵

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	810				
Laneway 2	1004 to 1025	8m	Full length	1m-6m-1m	5 x 10 ⁵

- 4.6.5 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.

4.7 **Drainage**

- 4.7.1 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

- 4.7.2 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

- 4.7.3 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.

- 4.7.4 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

- 4.7.5 Provide a roof water outlet to kerb for each proposed lot that drains to the street.

4.8 **Erosion and Sediment Control**

- 4.8.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

4.9 **Earthworks**

- 4.9.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.

- 4.9.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

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- 4.9.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

4.10 Temporary Stormwater Quality Control

- 4.10.1 Provide a Temporary stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 4.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.
- 4.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 4.10.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system.

4.11 Temporary On-Site Detention

- 4.11.1 Provide a temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design shall limit the post-developed flows to the pre-developed flows for the 2 to 100 year ARI storm events.

Temporary On-Site Detention Basins 1 and 2 respectively are to be designed and constructed so as to comply with the requirements of Council's Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M and associated OSD Deemed to Comply Tool – Developer's Edition (Version 1.0).

- 4.11.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the temporary on-site detention design shall require a section 96 application.
- 4.11.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.

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4.11.4 The following documents shall be submitted to accompany the temporary on-site detention design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

4.12 **Footpaths**

4.12.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
All roads	Both sides	1.5m	Full length

4.12.2 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

5 PRIOR TO DEVELOPMENT WORKS

5.1 **Safety/Health/Amenity**

5.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

5.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (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 the building work and a telephone number on which that person may be contacted outside working hours, and

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

5.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

5.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

5.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

5.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

5.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

5.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

5.2 Notification to Council

5.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

5.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

5.3 Tree protection

5.3.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.

5.4 Sydney Water Authorisation

5.4.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved development must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

5.5 Adjoining Owners

5.5.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.

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- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

6 DURING CONSTRUCTION (GENERAL)

6.1 Safety/Health/Amenity

6.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

6.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (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 the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

6.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

6.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

6.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

6.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional

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standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 6.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

6.2 Nuisance Control

- 6.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

- 6.2.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

- 6.2.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

6.3 Waste Control

- 6.3.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

6.4 Uncovering Archaeological Evidence

- 6.4.1 The applicant must inform Council if archaeological material or evidence of the potential for archaeological material is discovered during construction. The applicant must ensure that all work ceases and the nominated archaeologist must attend the site to assess the nature of the discovery and inform the Council of the evidence.

6.5 Aboriginal Archaeology

- 6.5.1 The applicant must ensure that, if any archaeological material indicating Aboriginal occupation, ceremony or activity is uncovered during construction activities on any location within the proposed development, all works are to cease immediately and representatives of the Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

6.6 Site Contamination, Salinity and Aggressive Soil Management

- 6.6.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this

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situation, a Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

6.6.2 The recommendations provided in the Phase 1 Contaminated Land Assessment report prepared by Andersen Environmental Pty Ltd and dated July 2015 held on Council's File DA-15-02309 shall be implemented.

6.6.3 The recommendations provided in the Geotechnical and Salinity Assessments report prepared by Andersen Environmental Pty Ltd and dated July 2015 held on Council's File DA-15-02309 shall be implemented.

6.6.4 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

6.7 Other Matters

6.7.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:


- (a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
- (b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- (c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- (d) Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

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7 DURING CONSTRUCTION (ENGINEERING)

7.1 Notification of Works

- 7.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.
- 7.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

7.2 Insurances

- 7.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

7.3 Service Authority Approvals

- 7.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

7.4 Boundary Levels

- 7.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

7.5 Soil Erosion and Sediment Control Measures

- 7.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks

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and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

- 7.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

7.6 Filling of Land and Compaction Requirements

- 7.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

- 7.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

- a) Submission of compaction certificates for fill within road reserves.
- b) Submission of compaction certificates for road sub-grade.
- c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage as required by this consent.

- 7.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 7.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited

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on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

- 7.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 7.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 7.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 7.6.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 7.7 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 7.7.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

7.8 **Inspection of Engineering Works - Roads Act 1993**

- 7.8.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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7.9 Public Safety

- 7.9.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

7.10 Site Security

- 7.10.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

7.11 Traffic Control

- 7.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 7.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 7.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 7.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 7.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

7.12 Powder Coated Furniture

- 7.12.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall

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be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

8 PRIOR TO SUBDIVISION CERTIFICATE

8.1 Section 94 Contributions under Section 94E Directions

8.1.1 Contributions under Section 94 of the *Environmental Planning & Assessment Act 1979* must be paid.

Under the Section 94E Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 94 (1) of 94 (3) or the Act requiring the payment of a monetary contribution exceeding \$30,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$30,000 for each residential lot authorised to be created by the development consent. The Section 94 contributions payable below have been assessed in accordance with this Direction:

No. of intended lots: 82

Total Contribution: \$2,460,000

Payment of this amount must be made prior to the issue of the Subdivision Certificate.

Note: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

Note: In complying with the Minister's Section 94E Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$30,000 per dwelling/lot limit.

The amounts below are the indexed contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution item	Indexed Amount	Relevant CP
(i) Stormwater Quantity	\$2,660,746	21
(ii) Stormwater Quality	\$396,012	21
(iii) Traffic Management	\$672,119	21
(iv) Open Space	\$2,337,729	21
(v) Community Facilities	\$30,027	21

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(vi) E2 Environmental Conservation Zone	\$74,340	21
(vii) Aquatic Facility	\$48,915	21

These contributions are based upon the following parameters as specified in the Contribution Plan.

Additional population: 237.8 persons
 Developable area: 4.0853 hectares

Copies of the following relevant Contributions Plan may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au:

S.94 CP No. 21 – Marsden Park

8.2 Special Infrastructure Contribution – Western Sydney Growth Areas

- 8.2.1 A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:
<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

Please contact the Department of Planning and Environment regarding arrangements for the making of a payment.

8.3 Road Damage

- 8.3.1 The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of the development works be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

8.4 Security

- 8.4.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.

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- 8.4.2 A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover the removal of the temporary turning head and restoration of the area. Standard agreement documents are to be prepared. The security amount will be calculated at Council's approved rate upon request.

8.5 Final Plans and Application for Subdivision Certificate

- 8.5.1 The applicant must submit an application for a subdivision certificate to enable the subdivision plans to be submitted to and registered with NSW Land and Property Information (formerly Land Titles Office).

The applicant must submit a copy on disc and seven (7) paper copies of the Plan of Subdivision together with any relevant instruments (in duplicate) under section 88B of the *Conveyancing Act*, where required for ultimate lodgement at with the NSW Land and Property Information. The final plan of subdivision will not be released until all conditions of this determination have been complied with.

- 8.5.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

8.6 Service Authority Approvals

- 8.6.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
- (b) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

8.7 Consent Compliance

- 8.7.1 A Subdivision Certificate shall not be issued until all conditions of this consent have

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been satisfied.

8.8 Street tree planting

- 8.8.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments. Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root barriers.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

8.9 Additional Inspections

- 8.9.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

8.10 Fee Payment

- 8.10.1 Any fee payable to Council as part of any Construction, Compliance or Subdivision Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

8.11 General

- 8.11.1 A report from a geotechnical engineer is to be submitted to Council certifying the

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site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings".

8.12 Site Contamination

- 8.12.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by an EPA recognised geoscientist to validate the site as suitable for residential development and proposed Lot 13 for a park in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

8.13 Salinity

- 8.13.1 Prior to the issue of the Subdivision Certificate, certification from a suitably qualified consultant is to be provided to Council confirming the relevant salinity management measures were implemented during the subdivision works.
- 8.13.2 Prior to the issue of the Subdivision Certificate, a post earthworks salinity investigation report is to be prepared in accordance with the Department of Land and Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice.

The report must nominate measures to mitigate the impact of salinity and soil aggressivity on the site.

In particular, the report is to provide lot specific construction measures for earthworks and building construction to form the basis of Section 88B restrictions as to user for any lots affected by saline or aggressive soils.

8.14 Final Inspection

- 8.14.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

8.15 Hazardous Materials and Waste

- 8.15.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A

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copy of the clearance certificate/statement shall be lodged with Council.

- 8.15.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

8.16 Engineering Matters

8.16.1 Surveys/Certificates/Works As Executed plans

- 8.16.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 8.16.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 8.16.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the temporary On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 8.16.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the temporary On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 8.16.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 8.16.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed temporary Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 8.16.1.7 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).

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- d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

8.16.1.8 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

8.16.2 Easements/Restrictions/Positive Covenants

8.16.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by NSW Land and Property Information.

8.16.2.2 A Positive Covenant must be endorsed by Council and lodged with NSW Government – Land and Property Information over proposed Lot 12, requiring any future development of proposed Lot 12 to include half road construction of Road No. 1 extended to the western boundary adjoining proposed Lot 13.

8.16.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

8.16.2.4 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

8.16.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).

8.16.2.6 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created under Section 88B of the Conveyancing Act 1919.

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- 8.16.2.7 A Restriction as to User under Section 88B of the Conveyancing Act 1919 must be registered with Land and Property Information NSW over the Building Envelope.

All development shall only be carried out within the specified Building Envelope.

Building Envelope Plan (Drawing No. Sk5g) dated 8/12/15 and held on File DA-15-02309 at Enclosure 50A.

Nominated Lot(s) Burdened: proposed Lots 101 – 104, 301 – 304, 801 – 813, 901 – 913, 1001 – 1028 and 1101 – 1110.

NOTE: The final wording of the recital of the Restriction as to User is to be Council's satisfaction.

- 8.16.2.8 A Restriction as to User over proposed Lots 2, 5, 6, 7, 8 and 12 shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by Development Consent. Such approval is likely to require, but not restricted to, construction of roads and drainage works, the provision of lot fill and the payment of Section 94 Contributions.

Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

- 8.16.2.9 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

8.16.3 **Dedications**

- 8.16.3.1 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection.

8.16.4 **Bonds/Securities/Payments in Lieu of Works**

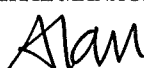
- 8.16.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

- 8.16.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

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- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

8.16.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

8.16.4.4 Where Council has granted approval to providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request

In this regard, an incomplete works bond will be required for temporary water quality and on site detention (OSD) until such time that the regional basins and facilities are built. Alternately, the permanent water quality and OSD facilities are built and OC is issued under this consent.

8.16.5 **Inspections**

8.16.5.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

8.16.6 **Inspection of Work**

8.16.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.


8.17 **Land Compensation**

Nominated land Proposed Lot 13

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(a) Compensation for the nominated land is to be determined as at the date of this consent.

(b) A valuation of the nominated land is to be submitted to Council prior to the execution of the WIK agreement. Failure to address this matter may result in significant delays as Council will require the exchange of contracts for the sale of the land to be dedicated prior to the release of any Subdivision Certificate.

(c) Council shall be entitled to offset against the amount of compensation payable under this condition, the amount of any Section 94 Contribution(s) payable by the applicant.

(d) The land for the park (known as Reserve 991 under CP21 – Marsden Park) shall be dedicated to Council prior to the release of the subdivision certificate. Prior to the dedication the applicant is to liaise with Council's Property Section regarding the land value for dedication. Should dedication proceed, the applicant is to ensure that the reserve is secured / fenced to ensure no rubbish dumping occurs until the reserve is embellished by Council. In addition all technical studies relating to Reserve 991 including site contamination are required to be submitted to Council.

Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contribution(s) payable by the applicant.

NOTE: Council generally does not accept proposed substations or other utility installation required to service the approved subdivision/development on proposed Council public land. Any proposal to locate a proposed substation or other utility installation on proposed public land will be assessed on its merits by the relevant Council Directorates and determined at Council's discretion.

8.18 Other matters

8.18.1 The park Lot 13 (known as Reserve 991 under CP21 – Marsden Park) shall be dedicated to Council prior to the release of the subdivision certificate. Prior to the dedication the applicant is to liaise with Council's property section regarding the land value for dedication. Should dedication proceed, the applicant is to ensure that the reserve is secured / fenced to ensure no rubbish dumping occurs until the reserve is embellished by Council. In addition all technical studies relating to Reserve 991 including site contamination are required to be submitted to Council.

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