

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: **LANDCOM**
C/- CRAIG & RHODES
PO BOX 233
EPPING 1710

Determination Number: 12-223

Property Description: LOT 101 DP1161271, SCHOFIELDS ROAD, SCHOFIELDS

Development: Staged Torrens title subdivision into 363 residential allotments, 9 residue lots, 3 lots for future open space, 2 lots for future drainage purposes and new public roads with associated street tree planting and subdivision works (Precinct 1, Stage 4 – The Ponds).

Determination: *Pursuant to Section 81 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGE(S)

BY SYDNEY WEST JOINT REGIONAL PLANNING PANEL

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.

Note: This Consent is generally valid for a period of five 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.

RON MOORE
GENERAL MANAGER

Per

Date

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.

1.3 Other Approvals

- 1.3.1 A Construction Certificate shall be issued prior to commencement of any building work or subdivision works.
- 1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not approved for removal, and
 - (b) the construction and or demolition and removal of any buildings, fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan, and
 - (c) the importation of any fill material.

1.4 Services

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the

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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 and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. 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 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

1.5 Tree Planting and Service Locations

- 1.5.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

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 Other Matters

- 1.7.1 This configuration of the approved residue allotments should in no way be seen as pre-empting the separate consideration or approval of any future development on these allotments.
- 1.7.2 Proposed Lots 1250, 1179, 1355, 1662 and 1663 for future public/ drainage reserves shall not be dedicated to Council under this Linen Plan unless, subject to separate Development Application, the land has been embellished to Council's satisfaction.
- 1.7.3 The areas of proposed Lots 1250, 1179, 1355, 1662 and 1663 shall be consistent with the areas shown in the Riverstone and Alex Avenue Precincts Section 94 Contributions Plan No. 20.

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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.	Dated	Council's File Enclosure No.
Proposed Subdivision Plan** 1756_P1_DA01 [06] Sheet 1 of 4	5.06.2012	50B
Proposed Subdivision Plan** 1756_P1_DA02 [06] Sheet 2 of 4	5.06.2012	50C
Proposed Subdivision Plan** 1756_P1_DA03 [06] Sheet 3 of 4	5.06.2012	50D
Schedule of Boundaries** 1756_P1_DA04 [06] Sheet 4 of 4	5.06.2012	50E
Landscape Concept Plan* 1756_P1_DA07 [00] Sheet 1 of 2.	07.02.2012	53D
Landscape Concept Plan* 1756_P1_DA07 [00] Sheet 2 of 2.	07.02.2012	53E

*As amended by conditions of this consent.

**As amended to nominate proposed Lots 1250, 1179, 1355, 1662 and 1663 as residue lots given these lots are not approved for dedication to Council under this Consent. These lots shall be consistent with the areas shown in the Riverstone and Alex Avenue Precincts Section 94 Contributions Plan No. 20.

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:

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Suburb: Schofields / The Ponds (subject to suburb name approval)

- 2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Schofields / The Ponds (subject to suburb name approval)

2.4 **Engineering Matters**

2.4.1 **Definitions**

- 2.4.1.1 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

- 2.4.1.2 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications.

2.4.2 **Design and Works Specification**

- 2.4.2.1 All engineering works required by Scope of Engineering Works and other sections of 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)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Third Edition December 1999.
- (g) Blacktown City Council Development Control Plan Part R, Water Sensitive Urban Design and Integrated Water Cycle Management Stormwater Quality Control Policy

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- (h) Salinity Assessment and Management Plans (Ref. S09/303-G) prepared by Network Geotechnics dated November 2011.
- (i) Integrated Water Cycle Management Report (Ref. 1293 Issue A dated 07/02/2012) prepared by Storm Consulting, other than as required by other conditions of this consent or (j) below.
- (j) Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration.

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 documentations.

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

2.4.3 Payment of Engineering Fees

- 2.4.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 2.4.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.4.4 Other Fee and Bond/Securities

- 2.4.4.1 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

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

2.4.5 Subdivision

- 2.4.5.1 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.

2.5 Other Matters

- 2.5.1 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.
- 2.5.2 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. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.5.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.6 Bush Fire Prone Land

- 2.6.1 The applicant shall comply with the following requirements of the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997 in the following terms:
- (a). Any future Development Application lodged for the nominated lots in this subdivision under Section 79BA of the Environmental Planning and Assessment Act 1979 will be subject to the requirements set out in Planning for Bushfire Protection, 2006.
- (b). **Public road** access shall comply with Section 4.1.3(1) of Planning for Bushfire Protection 2006. This clause shall apply to the area within the development and may also include roads immediately abutting the development site.
- (c). Water, electricity and gas are to comply with section 4.1.3 of Planning for Bushfire Protection 2006.

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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 DCP 2010

- 3.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centre Precincts Development Control Plan 2010.

3.3 Other Authorities

- 3.3.1 The NSW Office of Water (NOW) requires the applicant to make an application for a Controlled Activity Approval for those activities prescribed by the Water Management Act 2000 occurring in or within 40m of a watercourse.

The NOW's General Terms of Approval, held at Enclosure 26A on Council's File JRPP-12-223, must be complied with as part of this consent. A copy of the NOW's General Terms of Approval is attached to this Notice of Determination for your information and action. However, please note that the General Terms of Approval do not constitute the actual NOW approval. In this regard, the applicant must obtain and complete to the satisfaction of the NOW an application for a Controlled Activity Approval prior to the commencement of any works in or within 40 metres of a watercourse. The Controlled Activity Approval will be issued upon request by Ms Gina Potter, who can be contacted on (02) 8838 7566. Please note that there may be an extra charge involved in finalising the NOW approval and its administration.

PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE RELATING TO THE APPROVED DEVELOPMENT, Council is to be provided with evidence that a Controlled Activity Approval has been issued by the NOW in relation to the proposed works.

- 3.3.2 Prior to the issue of any Construction Certificate involving works adjacent to Schofields Road, documentary evidence shall be submitted to Council demonstrating that the RMS requirements for the Schofields Road boundary have been addressed to the satisfaction of the RMS. The proponent shall interface and consult with the RMS Development Sydney Section, Senior Project Manager: Jim Campbell Tel: 8849 2377 Fax: 8849 2817 to accommodate RMS requirements for the Schofields Road boundary.

3.4 Aesthetics/Landscaping

- 3.4.1 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

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approval. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm.

3.5 Street Tree Planting

- 3.5.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting for the approved subdivision consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Open Space. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines together with the Landscape Master Plan and supporting documents adopted for the estate.

NOTE: Council, at its meeting of 10 December 2008, resolved that a moratorium be placed on the planting of Gum trees on the nature strip. Therefore, no *Eucalyptus* or *Corymbia* species are to be planted within the road reserve. Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

- 3.5.2 Details shall be submitted to Council prior to the issue of any Construction Certificate providing allowances to be made by the developer to decommission median feature and road verge landscaping and reinstate landscaping suitable to Council at handover. Landscaping to lot boundaries shall be shown wholly located within private property and not encroach upon the road reserve.
- 3.5.3 Street tree details are to be provided with any application for Construction Certification. Details shall demonstrate the management measures adopted to reduce potential risk posed to public civil infrastructure from tree root damage, and include detailed cross sections and specifications of tree pits, root barriers and associated engineering treatments. Council is to be satisfied that adequate clearance is available from light poles, stormwater and sewerage infrastructure, other utilities, intersections and future driveways.
- 3.5.4 A statement from a suitably qualified consultant shall be submitted to Council with any application for Construction Certificate to verify that proposed street tree planting complies with RTA design guidelines in terms of road offset and frangibility requirements.
- 3.5.5 The proposed street tree planting for the subdivision shall be reviewed by a suitably qualified consultant in relation to the proposed street lighting layout to ensure that the intended tree planting at maturity does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.

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4 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

4.1 Compliance with Conditions

4.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

4.1.2 All fees for Construction and Compliance Certificates, 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.

4.2 Road-works

4.2.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.

4.2.2 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

4.2.3 Dedication at no cost to Council of 5m x 5m (residential) splay corners on allotments at each street intersection. Road design plans are to reflect the need for this dedication.

4.3 Drainage

4.3.1 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.

4.4 Erosion and Sediment Control

4.4.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

4.5 Asset Management

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- 4.5.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

4.6 Other Approvals/Clearances/Adjoining Owners Permission.

- 4.6.1 Written permission from the affected property owners shall be obtained to:

- (a) discharge additional stormwater onto adjoining land
- (b) carry out works on adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of any necessary easements must be submitted to Council prior to the issue of any Construction Certificates.

4.7 Tree Preservation

- 4.7.1 A tree retention plan shall be included with any Construction Certificate indicating:

- (a) the trees to be retained.
- (b) all areas left undisturbed and to be cordoned off from construction works.

- 4.7.2 All trees or areas containing trees on the site identified as being retained are to be protected by 1800mm high mesh fencing located not less than 2m from the trunk on all sides. This mesh is to be covered in a highly visible material and remain in good repair throughout the life of the construction.

4.8 Ancillary Works

- 4.8.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) the relocation of above ground power and telephone services.
- (c) the matching of new infrastructure into existing or future designed infrastructure.

4.9 Lot filling and finished Levels

- 4.9.1 Proposed lots must be filled so that the ground levels at the building setback and beyond are a minimum of 500mm above the designed 100-year average recurrence interval flood level to the satisfaction of the Director Planning and

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Development Services. The lots and roads may require additional filling to be compatible with either existing or future adjacent development.

NOTE: Roads are to be constructed so that the lowest point of any road is at or above the 1% A.E.P. flood level.

4.10 Street Furniture

- 4.10.1 A notation is to be placed on the Engineering Construction Plans “that all light poles street name poles and bus shelters in this subdivision will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications”

4.11 Scope of Engineering Works

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

4.11.1 Road and Drainage works

- 4.11.1.1 The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.

- 4.11.1.2 Proposed new road(s) must be constructed generally as follows:

Name Precinct 1	Width (m)	Length (m)	Formation (m)	Traffic Loading N (E.S.A.)
Ridgeline Drive (Existing)	20.0	0.0	4.5 - 11.0 - 4.5	1x10*6
Road No. 1	17	527.5	1.5 - 11.0 – 4.5	5x10*5
Road No. 2 (except adj. Schofields Road)	16	794	3.5 – 9.0 – 3.5	2x10*5
Road No. 2 (adj. Schofields Road)	10.1	109	3.5 – 5.6 – 1	5x10*4
Road No. 3	16	331.5	3.5 – 9.0 – 3.5	2x10*5
Road No. 4	16	298.9	3.5 – 9.0 – 3.5	2x10*5
Road No. 5	16	163.1	3.5 – 9.0 – 3.5	2x10*5
Road No. 6	16	287.2	3.5 – 9.0 – 3.5	2x10*5
Road No. 7	16	549.2	3.5 – 9.0 – 3.5	2x10*5
Road No. 8	16	392.7	3.5 – 9.0 – 3.5	2x10*5
Road No. 9	16	112.8	3.5 – 9.0 – 3.5	2x10*5
Road No. 10	16	231.1	3.5 – 9.0 – 3.5	2x10*5
Road No. 11	16	125.2	3.5 – 9.0 – 3.5	2x10*5
Road No. 12	16	95.5	3.5 – 9.0 – 3.5	2x10*5
Road No. 13	16	32.4	3.5 – 9.0 – 3.5	2x10*5

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Road No. 14	16	34.0	3.5 – 9.0 – 3.5	2x10*5
Road No. 15	20.0	334.4	4.5 - 11.0 - 4.5	5x10*5
Road No. 16	16	348.4	3.5 – 9.0 – 3.5	2x10*5
Road No. 17 (East RD 22)	18	298.4	3.5 - 11.0 - 3.5	5x10*5
Road No 17 (West RD 22)	16	70.1	3.5 – 9.0 – 3.5	2x10*5
Road No. 18	16	280.6	3.5 – 9.0 – 3.5	2x10*5
Road No. 19	16	167.4	3.5 – 9.0 – 3.5	2x10*5
Road No. 20	16	171.2	3.5 – 9.0 – 3.5	2x10*5
Road No. 21	16	124.4	3.5 – 9.0 – 3.5	2x10*5
Road No. 22	16	205.6	1.5 - 11.0 - 3.5	5x10*5
Shareway No. 23	10.1	81.4	3.5 – 5.6 – 1.0	5x10*4
Road No. 24	13.5	58.0	3.5 - 9-1.0	2x10*5
Road No. 25	16	33	3.5 – 9 -3.5	2x10*5

Note: Staging of road construction will be permitted where suitable traffic circulation or turning areas are provided.

4.11.1.3 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road.

4.11.1.4 Roundabouts identified on the approved plans must be designed to ensure that the turning path, deflection and other requirements set out in Austroads “Guide to Traffic Engineering Practice - Roundabouts Part 6” have been complied with. The roundabout must have a non-mountable central island surrounded by a mountable annulus. The design and construction is to incorporate signposting, line marking, landscaping , increase in kerb return radii, the capital cost of street lighting to Integral Energy requirements, reinstatements, service relocations and adjustments and any other work required to make a smooth connection to existing construction and any other associated costs. The roundabout is also to be designed to accommodate bus traffic and is to incorporate provision for cyclists to cross traffic at right angles in a safe manner.

4.11.1.5 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

4.12 **Stormwater Quality Control**

4.12.1 Temporary Stormwater Treatment Measures, including on site detention, for the proposed development shall be designed in accordance with the requirements of Council's Development Control Plan Part R or as approved by Council's Co-ordinator Engineering Approvals. These measures are to be generally in accordance with the Integrated Water Cycle Management Report (Ref. 1293 Issue A dated 07/02/2012) prepared by Storm Consulting, other than as required by other conditions of this consent.

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- 4.12.2 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.

4.12.3 Filling of Land

- 4.12.3.1 Batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on the drainage reserve area. The fill batters are to be suitably designed to protect them from erosion from the channel.

4.12.4 Footpaths

- 4.12.4.1 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 2010.

Proposed locations and widths are to be approved by Blacktown City Council’s Co-ordinator Engineering Approvals. Cycleways are to include linemarking 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.

4.12.5 Fencing of Reserves

- 4.12.5.1 The provision of barrier fencing, or other alternatives as approved by Council to deter vehicular entry, along the road frontage of the Drainage Reserve/Public Reserve - Details are to be shown on the Construction Certificate.

4.12.6 Finished Boundary Levels

- 4.12.6.1 Finished levels of all internal works at the road boundary of the property must be:
- (a) 4% above the top of the kerb.

4.13 Other Matters

- 4.13.1 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.

5 PRIOR TO DEVELOPMENT WORKS

5.1 Safety/Health/Amenity

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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- 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, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 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
- (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 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.

- 5.1.4 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.

- 5.1.5 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.

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.
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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 Prior to the commencement of any earthworks, and after the road centrelines have been pegged and/or permanently marked, the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:-

- (i) The trees to be retained.
- (ii) All areas to be left undisturbed and cordoned off.

5.3.2 Any tree not approved for removal under DA-11-2616 shall be effectively protected against damage in accordance with the approved tree preservation measures outlined in Conditions 4.7.1 and 4.7.2.

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 plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, 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 must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, 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.

5.5 Site Contamination

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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5.5.1 In relation to site contamination matters:

- (a) Testing under demolished buildings, structures and paved areas; and
- (b) Testing of dam sites

Shall be undertaken prior to engineering works commencing in these areas and a copy of the testing and assessment prepared by a suitably qualified consultant shall be submitted to and approved by Council prior to works commencing in these areas. Should any remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to and approved by Council. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of the Subdivision Certificate.

6 DURING CONSTRUCTION (PLANNING)

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 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.

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

6.1.4 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

6.1.5 Should any excavation associated with the ongoing development works 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:

- (a) shall be preserved and protected from damage, and

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- (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 works be given notice of such intention and particulars of the excavation or supporting works.

6.1.6 Building and construction materials, plant, equipment and the like shall not 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 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 Aboriginal Archaeology

6.4.1 All works are to be conducted in accordance with the Aboriginal Heritage Impact Permit (AHIP No. 1131602, dated 12 April 2012, issued by the Office Environment and Heritage under the National Parks and Wildlife Act 1974.

6.4.2 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

6.5 Salinity and Aggressive Soil Management

6.5.1 The salinity management measures provided in the Salinity Assessment and Management Plan (Ref. S09/303-G) prepared by Network Geotechnics dated December 2011 shall be implemented during construction.

6.5.2 The environmental consultant engaged for this project is to be on site for regular

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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.

6.6 Site Contamination

- 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 situation, an amended 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.

6.7 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.

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.

- 6.7.2 During the course of engineering works to be undertaken on site, the following conditions shall be complied with at all times:

- (a) All truck movements should be by truck or by "truck and dog trailer" not exceeding a length of 19m. No B-Doubles will be permitted to transport fill material on Blacktown City Council roads.
- (b) All truck movements in the Blacktown LGA must be on designated heavy vehicle roads, as listed in the RTA's road register (see the RTA's website for regular updates) and as agreed to by Council.

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- (c) All entry and egress to the site shall be made via the site entry off Schofields Road and not via Ridgeline Drive. All truck operators are to minimise revs/noise levels when driving through residential areas/school zones to minimise the impact on the amenity of the area.
- (d) All trucks shall not exceed a speed of 40km/h along any internal haul roads.

7 DURING CONSTRUCTION (ENGINEERING)

7.1 Compaction Requirements

7.1.1 Special attention is drawn to the following 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.

7.2 Tree Protection

- 7.2.1 There is to be no storage of materials, stockpiling of excavated material or parking of machinery within the drip line of the crown of any trees to be retained.
- 7.2.2 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

7.3 Maintenance of Soil Erosion Measures

- 7.3.1 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 7.3.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

7.4 Filling of Land & Compaction

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.
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- 7.4.1 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

7.5 Inspections of Works

- 7.5.1 Certification is to be provided that the bioretention filter media satisfies the soil specification available from the Facility for Advancing Water Biofiltration (FAWB) at Monash University: <http://www.monash.edu.au/fawb/>. The minimum hydraulic conductivity as defined by ASTM F1815-06 is to be 250 mm/hr.

- 7.5.2 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Construction of Road Pavement

- (a) Boxing out
- (b) Sub-grade roller test
- (c) Subsoil drainage

These conditions are imposed for the following reasons:

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- (d) Sandstone roller test layer 1
- (e) Sandstone roller test layer 2
- (f) Kerb pre-laying
- (g) Kerb during laying including provision of roof-water outlets
- (h) Sandstone depth
- (i) Pavement profiles
- (j) DGB depths and roller tests
- (k) Wearing Course
- (l) Kerb final
- (m) Concrete tests
- (n) Formwork concrete pavements
- (o) Final inspection

- (v) Provision of Street Furniture
 - (a) Street Furniture (including street signs guideposts guardrail etc)
 - (b) Erection of fencing adjoining public/ drainage reserves

- (vi) Footpath Works
 - (a) Footpath Trimming and/or turfing (to ensure 4% fall)
 - (b) Pathway construction (cycle/ link pathways)
 - (c) Path-paving construction
 - (d) Service Adjustments
 - (e) Final Inspection

- (vii) Construction of on-site detention system
 - (a) Steel and Formwork for tank/ HED control pit
 - (b) Completion of HED control pit
 - (c) Pit formwork
 - (d) Pipes upstream/ downstream of HED control pit before backfilling
 - (e) Completion of OSD system

- (viii) Stormwater Quality Control
 - (a) Installation of Stormwater Quality Control devices
 - (b) Final Inspection

- (ix) CCTV Inspection of Drainage Structures (pipelines and pits)
 - (a) All road drainage

- (x) Final overall Inspections
 - (a) Preliminary overall final inspection
 - (b) Overall final inspection

These conditions are imposed for the following reasons:

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ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

7.6 Public Safety

- 7.6.1 The applicant is advised that all works undertaken in a public place 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.

7.7 Site Security

- 7.7.1 Chain wire gates and security fencing must be provided around the site and around the zoned open space area in order to prevent unauthorised access and dumping of rubbish.

8 PRIOR TO SUBDIVISION CERTIFICATE

8.1 Section 94 Contributions pursuant to Section 94E Directions

- 8.1.1 Contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid.

Pursuant to 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) or 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 dwellings: 363

Contribution: \$10,890,000.00

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

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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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NOTE: IF IMMEDIATE CLEARANCE IS REQUIRED PAYMENT MUST BE BY BANK CHEQUE.

NOTE: Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS.

Notes 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 BASE contributions which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Stormwater Quantity - First Ponds Creek	\$12,809,715	20	March 2010
(ii) Stormwater Quality - First Ponds Creek	\$2,760,255	20	March 2010
(iii) Traffic Management	\$4,169,737	20	March 2010
(iv) Open Space	\$4,420,287	20	March 2010
(v) Combined Precinct Facilities	\$1,176,919	20	March 2010

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

Developable Area: 29.3691 hectares
Additional Population: 1052.7 persons

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.94 CP No. 20 Riverstone & Alex Avenue Precincts

Alternatively, Council will consider the execution of, and satisfactory compliance with, a Planning Agreement relevant to this consent as satisfactory compliance with this condition subject to separate Development Applications being submitted for the proposed embellishment works.

8.2 Section 94 Contributions for School Lot

8.2.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date

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of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Stormwater Quantity - First Ponds Creek	\$1,382,637	20	March 2010
(ii) Stormwater Quality - First Ponds Creek	\$297,932	20	March 2010
(iii) Traffic Management	\$450,067	20	March 2010

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

S.94 CP No. 20 Riverstone & Alex Avenue Precincts

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

Developable Area: 3.17 hectares

8.3 **Special Infrastructure Contributions**

- 8.3.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/guage/en-US/Default.aspx>

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

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8.4 Site Access

- 8.4.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.

NOTE: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

8.5 Road Damage

- 8.5.1 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.

8.6 Subdivision Configuration

- 8.6.1 The boundaries and configuration of the subdivision shall be consistent with the corresponding zone boundaries of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

8.7 Easements/Restrictions

- 8.7.1 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 the Lands Title Office.

- 8.7.2 Restrictions and positive covenants must be registered with the NSW Land and Property Information provided over the temporary on-site detention storage areas, stormwater quality control devices and outlet works.

- 8.7.3 The creation of easements for interallotment drainage. The easements shall have a minimum width of 1.0 metres.

- 8.7.4 The following nominated residue lot(s) shall not be developed before being re-

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subdivided with adjoining land and an appropriate restriction on the use of land shall be created, under Section 88B of the Conveyancing Act 1919, covering this requirement.

Residue Lot(s): 1463 and 1181

- 8.7.5 A Restriction as to User over proposed Lots 1661, 1662, 1663, 1463, 1181, 1630, 1618, 1310, 1179, 1355, 1565, 1223, 1250 and 1251 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 be restricted to, construction of road 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.

- ~~8.7.6 A Restriction as to User over all proposed Lots shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:~~

~~“The proposed lots cannot be sold until they are hazard reduced with vegetation managed as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.”~~

- ~~8.7.7 A 10m wide easement and Restriction as to User for asset protection zone from the western boundary of proposed Lots 1215, 1217-1219 and from the southern boundary of proposed Lots 1212-1217 shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:~~

~~“The 10m wide asset protection zone shall be maintained as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’. This restriction can be extinguished upon commencement of any future proposed residential development on the adjacent lot, but only if the hazard is removed as part of the proposal.”~~

- 8.7.6 Suitable Section 88B restrictions on title/ positive covenants shall be created to advise future property owners of any salinity mitigation measures to mitigate the effects of and on salinity and aggressive soils recommended by the Salinity Report required by Condition 8.17.1 of this consent.

- 8.7.7 A Restriction as to User over any lots requiring any specific ‘levels of construction’ and/ or asset protection zones (pursuant to Planning for Bushfire Protection 2006) identified by the Bushfire Report prepared by Advanced Bushfire Performance Solutions Pty Ltd, dated 31 January 2012, shall be created under Section 88B of the Conveyancing Act 1919.

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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8.8 Asset Management

- 8.8.1 An amount of \$12,160.50 is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on a fee of \$33.50 per lot proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is valid only until 30 June 2012, upon which this amount will be updated in accordance with Council's adopted fee structure at the time. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.

The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

8.9 Roads and Traffic Authority

- 8.9.1 The applicant shall contact the Roads and Traffic Authority regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with, or prior to, the Subdivision Certificate application. The area required for roadway construction shall be identified as a separate lot prior to the issue of any Subdivision Certificate.

8.10 Service Authority Approvals

- 8.10.1 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 Endeavour 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.

8.11 Relationship to Other Approvals

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.
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8.11.1 Compliance with the requirements of the following nominated approvals:

- (a). Development Consent No. 11-2616 dated 2-3-12 issued by Blacktown City Council.
- (b). Relevant requirements of any other Development Consent and/or Construction Certificate issued under the Environmental Planning and Assessment Act 1979 and/or Building Approval issued under the Local Government Act 1993.

The conditions contained within the above approvals must be fully complied with in order to obtain release of the final plan of subdivision.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the development is/are required to be issued in relation to any element, component or system incorporated in the development. A copy of each required Compliance Certificate shall be lodged with Council.

8.12 Consent Compliance

- 8.12.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

8.13 Additional Inspections

- 8.13.1 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.

8.14 Fee Payment

- 8.14.1 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.

8.15 Final Plans

- 8.15.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.
- 8.15.2 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.

8.16 Site Contamination

These conditions are imposed for the following reasons:

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- 8.16.1 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 a consultant engaged under the terms of Council's Contaminated Lands Policy.

8.17 Salinity

- 8.17.1 Prior to the issue of any Subdivision Certificate, a post Earthworks Salinity Investigation prepared by a suitably qualified consultant shall be submitted to Council for approval confirming that suitable salinity management measures recommended in the Network Geotechnics Salinity Report (Ref. S09/303-G), dated 21 December 2011, have been implemented during constructed and providing lot specific salinity characteristics and any required mitigation measures to form the basis of any restriction/ covenants on title.

8.18 General

- 8.18.1 A report from a geotechnical engineer is to be submitted to Council certifying the 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".

8.19 Street Tree Planting

- 8.19.1 Prior to the issue of any Subdivision Certificate, the provision of landscaping for the development shall be completed to the satisfaction of Council.
- 8.19.2 All street tree and public estate landscaping shall be inspected by Council during the establishment period (between practical date of completion and formal handover). Elements deemed by Council not to be adequately performing shall be removed, substituted or repaired by the developer within 60 days of written notification.
- 8.19.3 A maintenance period of 24 months from the practical date of completion shall be observed for all street tree planting and landscaping within the road reserve.

8.20 Engineering Matters

8.20.1 Surveys/Certificates/Works As Executed plans

- 8.20.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed.

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8.20.1.2 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.

8.20.1.3 Special attention is drawn to the following 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 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.

8.20.1.4 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

8.20.2 Bonds/Securities/Payments in Lieu of Works

8.20.2.1 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.

8.20.2.2 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.

- (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.

8.20.2.3 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

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lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.

8.20.3 Inspection of Work

- 8.20.3.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of VHS video tape or DVD of the inspection video, a hard copy printout of the SEWRAT (or equivalent) report, and a CCTV certified statement in accordance with section 6.8 of Council's Works Specification Civil and that any defects identified by this inspection have been rectified.

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