

Determination No: JRPP-15-01997

Page 2 of 35

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 Other Approvals

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

1.2.2 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 removal of any tree(s) not indicated on the approved plans, and
- (b) any fence, retaining wall, land excavation or filling (including the importation of fill material), advertising structure or other development not being exempt development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (c) the installation of vehicular footway crossings servicing the development.

Note: No retaining walls are approved by this consent.

1.3 Scope of Consent

1.3.1 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.

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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).

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1.4.2 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.

1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.5 Dial Before You Dig

1.5.1 Underground assets may exist in the area that is subject to your application. In the interest 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 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.

1.6 Telecommunications Act 1997 (Commonwealth)

1.6.1 Telstra (and its authorized 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.

1.6.2 Install telecommunications infrastructure to service the premises which complies with the following:

- (a) The requirements of the Telecommunications Act 1997 (Cth);
- (b) For a fibre-ready facility, the NBN Co's standard specifications current at the time of installation;
- (c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

1.6.3 Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes,

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and conduits to accommodate the future connection of optic fibre technology telecommunications.

1.7 Identification Survey

- 1.7.1 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.

1.8 Streetscape Maintenance

- 1.8.1 Council will exercise bond conditions on unacceptable or failed planting. It is the Developer's responsibility to ensure the health, survival and vigour of street trees during the two year maintenance period.

2 GENERAL

2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure
108-12G L15 [07]-ST15-23 - 1 OF 12	17/12/2015	23A
108-12G L15 [07]-ST15-23 - 2 OF 12	17/12/2015	23B
108-12G L15 [07]-ST15-23 - 3 OF 12	17/12/2015	23C
108-12G L15 [07]-ST15-23 - 4 OF 12	17/12/2015	23D
108-12G L15 [07]-ST15-23 - 5 OF 12	17/12/2015	23E
108-12G L15 [07]-ST15-23 - 6 OF 12	17/12/2015	23F
108-12G L15 [07]-ST15-23 - 7 OF 12	17/12/2015	23G
108-12G L15 [07]-ST15-23 - 8 OF 12	17/12/2015	23H
108-12G L15 [07]-ST15-23 - 9 OF 12	17/12/2015	23I
108-12G L15 [07]-ST15-23 - 10 OF 12	17/12/2015	23J
108-12G L15 [07]-ST15-23 - 11 OF 12	17/12/2015	23K

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108-12G L15 [07]-ST15-23 - 12 OF 12	17/12/2015	23L
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2.2 Services

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

2.3 Roads and Maritime Services (RMS)

- 2.3.1 All buildings or structures, together with any improvements integral to the future use of the site are clear of the Richmond Road, road reserve (unlimited in height or depth).

2.4 Suburb Name

- 2.4.1 The applicant must ensure that all documents, correspondence, marketing and property transactions specific that the development is located in the suburb of:

Suburb: Marsden Park

- 2.4.2 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: Marsden Park

2.5 Engineering Matters

2.5.1 Definitions

- 2.5.1.1 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.

- 2.5.1.2 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. You are further advised that Council does not permit the private certification of works on existing public roads or reserves, Council property, or any property under the care and control of Council.

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2.5.2 Design and Works Specification

2.5.2.1 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) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (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.

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.

2.5.3 Payment of Engineering Fees

2.5.3.1 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.

2.5.3.2 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.

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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.

The quote is for all construction inspections for the works approved above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

2.5.4 Other Fee and Bond/Securities

2.5.4.1 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/bond for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

2.5.4.2 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.

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2.5.4.4 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Council's Development Services Engineers.

2.5.5 Other Necessary Approvals

2.5.9.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.5.6 Subdivision

2.5.6.1 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

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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 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.

2.7 Drainage Department Requirements

2.7.1 The temporary water quality devices are to be maintained by the developer until the permanent gross pollutant traps have been installed.

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 Growth Centres Development Control Plan 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 Centres Development Control Plan 2010.

3.3 Street Tree Planting

3.3.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans for the required street tree planting including cross-sections showing dimensions of tree pits, details of root protection barriers and soil specifications and location of tree pits in relation to services, driveways, light poles, stormwater pits and utilities shall be submitted to Council for the approval of Council's Manager Maintenance and Open Space.

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.

3.3.2 The proposed street tree planting for the subdivision shall be reviewed in relation to the proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity 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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3.3.3 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.

3.3.4 The Landscape Masterplan is to be revised to be consistent with the approved subdivision plan. In this regard, tree species and installation prescription is to be consistent with the submitted landscape masterplan (Dwg No. LA-00-09 Rev A).

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. The applicant must therefore take into consideration any lots burdened with a zero lot line maintenance easement and the likely location of these lots' associated 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 Traffic Engineering

3.5.1 Adequate sight distances are to be provided for both pedestrian and vehicular movement along all roadways. In accordance with Section 3.2.4 AS 2890.1 and Figure 3.3 AS 2890.1 to ensure safety of pedestrians on the footpath and vehicles along the road network. This is important given the proposed extensive landscaping measures proposed along the narrow road width system.

3.5.2 The construction and layout of the footpath system is to provide for continuous disabled and pram access movement in terms of crossing points onto the network for public transport via Richmond Road.

3.6 Undergrounding of Services

3.6.1 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.

3.7 Substation

3.7.1 The principal certifying authority must be satisfied that any future substation or other utility installation required to service the approved subdivision shall not under any circumstances be sited on future or existing Council land, including road

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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.

3.8 Zero Lot Boundary

- 3.8.1 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 line dwelling setback will not be located on the side of the lot that is lower than the adjacent lot.

3.9 Construction Traffic Management Plan

- 3.9.1 In accordance with Road and Maritime Services (RMS) requirements, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

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 Roads Act Approval

- 4.2.1 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

4.3 Road Works

- 4.3.1 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.

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- 4.3.2 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.
- 4.3.3 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.
- 4.3.4 Dedication at no cost to Council of 5m x 5m splay corners on allotments at each street intersection. Road design plans are to reflect the need for this dedication.

4.4 Amended Drainage Plans

- 4.4.1 Amended drainage plans by Cardno are to be provided prior to the release of the Construction Certificate to satisfy the following:
- (a) On plan 1207(3) for Temporary Basin 4:
 - i) Provide Floodway Warning Signs for the temporary detention basin in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005;
 - ii) Provide a layout for the subsoil pipes within the basin;
 - iii) Adjust the layout of the basin to provide safe overrun distance from the northern section of the future AFL field to the top of bank;
 - iv) Provide fencing around the water quality basin.
 - (b) On plan 1631(2):
 - i) For the Large Coarse Sediment Forebay Details increase the 150 to 300mm to improve capture. Provide a series of small low flow pipes through wall to downstream to allow forebay to drain slowly.
 - (c) On plan 1632(2):
 - i) Nominate the low flow 750mm diameter pipe in section 1;
 - ii) In section 1 for the stacked rock headwall refer drawing 1631 not 1431;
 - iii) Show the 750 pipe in the Temporary Basin 4 Outlet Section.
- 4.4.2 Amended drainage plans by Cardno with temporary water quality devices are to be provided to the satisfaction of Council's Manager Asset Design Services to remove gross pollutants and some coarse sediment during phase 1 prior to the installation of the permanent gross pollutant traps in phase 2.
- 4.4.3 A civil engineer, registered with NPER, is to certify that the temporary on-site detention basin has been designed to mitigate all post developed flows from the site to not exceed pre-developed rural catchment flows (with an initial pervious loss of 15mm) for all storm events from 1 in 2 year ARI to 1 in 100 year ARI. This design is to be supported by electronic modelling that complies with the

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requirements of the Council's Engineering Guide for Development 2005 and account for any bypass of the detention basin.

- 4.4.4 Maintenance schedule requirements are to be provided for each of the temporary Stormwater Quality Improvement Devices where these devices are located in roadway/parking areas. These are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

4.5 Drainage

- 4.5.1 Where drainage involves the provision of drains across land owned by others, evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.
- 4.5.2 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.

4.6 Erosion and Sediment Control

- 4.6.1 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.

4.7 Compaction Requirements

- 4.7.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.
- 4.7.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".
- 4.7.3 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).

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- (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.

4.8 Asset Management

- 4.8.1 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.

4.9 Other Approvals/Clearances/Adjoining Owners Permission.

- 4.9.1 Sydney Water Corporation approval in the form of appropriately stamped Construction Certificate Plans is to be obtained to verify that the proposed works meets the Corporation's requirements concerning drainage connections into stormwater channels/ basins and ancillary works relating to water or sewer mains.

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

- (a) discharge stormwater onto adjoining land
- (b) carry out works on adjoining land
- (c) drain the site across adjoining land

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

4.10 Ancillary Works

- 4.10.1 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.

4.11 Lot filling and finished Levels

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- 4.11.1 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 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.

4.12 Street Furniture

- 4.12.1 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".

4.13 Scope of Engineering Works

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

4.13.1 Road and Drainage works

- 4.13.1.1 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.

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

Name	Width (m)	Length (m)	Formation (m)	Traffic_Loading N(E.S.A.)
Local Road	16m	Full length	3.5-9-3.5	5 x 10 ⁵ (All roads expect as listed below)
Collector Road	20.8m	Full length	4.5-11-4.5	2 x 10 ⁶ (Roads 1004, 005, 1007)
Green link	28m	Full length	3.5-5.5-10-5.5-3.5	1 x 10 ⁶ (Road1006)

- 4.13.1.3 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

- 4.13.1.4 Drainage from the site must be connected into approved temporary Basin 4 generally in accordance with the submitted plans prepared by Cardno Drawing Number CardnoUT-CV-ST05 revision 3 dated 27-10-2015.

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- 4.13.1.5 Provision of a roof-water outlet to kerb for each proposed lot that drains to public road in accordance with Council current Engineering Guide for Development.

4.13.2 Filling of Land

- 4.13.2.1 The site is to be filled generally in accordance with levels indicated on Plan No: CardnoUT-CV-ST05 revision 3 dated 27-10-2015.

This plan is considered conceptual only. In this regard the submission of a detailed design of proposed lot filling and ancillary works are required.

The filling must not impact on adjacent property and must not cause ponding on adjacent property.

NOTE: Additional fill may be required in conjunction with further development of the site.

- 4.13.2.2 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.

4.13.3 Footpaths

- 4.13.3.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

- 4.13.3.2 The construction of path paving is to be provided to the following nominated street(s)/road(s):

Name	Side	Paving Width	Length
Local Road	Both Sides	1.5m wide	Full length
Collector Road	Both Sides	2.5m and 1.5m	Full length
Green link	Both Sides	1.5m wide	Full length

- 4.13.3.3 The provision of a cycle way/pathway 2.5 meters wide between proposed nominated roads in accordance with Council's standards.

Nominated Roads: Collector roads (one side) as per the nominated Road design

4.13.4 Finished Boundary Levels

- 4.13.4.1 Finished levels of all internal works at the road boundary of the property must be:

(a) 4% above the top of the kerb.

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- (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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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- (b) 4% above the top of the kerb edge of the existing concrete path paving on the property side.
- (c) Fixed by Council's Manager Investigation and Design who can be contacted on 9839 6000.

5 PRIOR TO DEVELOPMENT WORKS

5.1 Safety/Health/Amenity

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

5.1.2 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.

5.1.3 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 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

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

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.
- 5.1.6 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.

5.2 Notification to Council

- 5.2.1 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 \$20,000,000.

5.3 Sydney Water Authorisation

- 5.3.1 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.

6 DURING CONSTRUCTION (GENERAL)

6.1 Safety/Health/Amenity

- 6.1.1 The required toilet facilities shall be provided for prior to commencement of works and maintained throughout the duration of works 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 prior to commencement of works and maintained throughout the duration of works 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:

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- (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 provided for prior to commencement of works and maintained throughout the duration of works 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 standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 6.1.7 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
 - (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.
- 6.1.8 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:

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

Precinct 2: between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 6pm, Saturdays, Sundays and public holidays.

- 6.2.3 Noise mitigation and management measures are to be in accordance with the recommendations of the report entitled 'Stockland Marsden Park Residential Precinct - Construction Noise Assessment for Civil Works at Precinct 2', dated 1 September 2015, by Renzo Tonin and Associates, including implementation of a complaints handling procedure as recommended in the report. A copy of any complaints received is to be forwarded to Council, together with advice of appropriate noise amelioration measures put in place in response to these complaints.
- 6.2.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 6.2.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 6.2.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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.
- 6.4.2 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.

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- 6.4.3 The applicant shall comply with the mitigation measures and recommendations of the Aboriginal Heritage Impact Permit (AHIP) C0000307 dated 3 April 2014, issued by the Office of Environment & Heritage NSW.
- 6.4.4 The Unexpected Finds protocol outlined in the submitted Statement of Heritage Impact prepared by Environmental Resources Management Australia Pty Ltd, dated 7 September 2015, in the event that items with European archaeological potential are discovered, is to be implemented as follows in relation to Temporary Basin 4:
- (a) where a potential historic heritage item is found during the works, all works within the vicinity of the item, or with the potential to impact the item should cease and a temporary exclusion zone established;
 - (b) an appropriate qualified heritage consultant should examine the item to assess its significance and further archaeological potential; and
 - (c) where a relic is found, the NSW Heritage Council should be notified and approval as required be obtained prior to the continuation of the works.

6.5 Salinity and Aggressive Soil Management

- 6.5.1 The salinity management measures provided in the Salinity Investigation (Ref. JC12129A-r1, dated 31 July 2013) prepared by GeoEnviro Consultancy Pty Ltd shall be implemented during construction.
- 6.5.2 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.

6.6 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, 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.

6.7 Other Matters

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

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- (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.

6.7.2 Construction is to be in accordance with the submitted Statement of Environmental Effects prepared by GLN Planning, Engineering Services and Civil Infrastructure Report prepared by Cardno and submitted Waste Management Form.

6.8 **Asbestos**

6.8.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working with Asbestos – Safety guidelines and requirements for work involving asbestos*", dated March 2008.

6.9 **Water Quality and Management**

6.9.1 The Construction Environment Management Plan must include specific advice on how water treatment and dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

6.9.2 When basins are required to be pumped out, the necessary dosing must occur within 24 hours of the conclusion of each storm event and the basin must be drained within 36 to 48 hours if gypsum is used.

6.9.3 Council's Environmental Health Section must be notified 1 hour prior to any controlled discharge from the temporary drainage basin.

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- 6.9.4 Any water discharging from the premises is to be sampled at 30 minute intervals from the discharge point for the entire period that water is leaving the site.
- 6.9.5 If any sample is recorded above the parameters in the plan, the discharge will need to cease immediately and Council's Environmental Health Section must be notified by telephone at the time of detection and followed up in writing.
- 6.9.6 If no adverse results are identified that require immediate notification the results must still be submitted to Council's Environmental Health Section at the completion of the required controlled discharges.

6.10 Streetscape Maintenance

- 6.10.1 Council's Park and Tree Maintenance unit (PTM) is to receive notice of tree planting scheduled date, 10 days prior in writing. A representative from Council is to inspect installation of trees at the time of planting to ensure correct procedures related to root barriers, top soil and planting holes.
- 6.10.2 Council reserves the right to issue defect notices on landscaping that has not met the prescribed installation requirements during the installation and maintenance period.

7 DURING CONSTRUCTION (ENGINEERING)

7.1 Notice of work Commencement

- 7.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 7.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Council's Development Services Engineers.

7.2 Service Authority Approvals

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

7.3 Boundary Levels

- 7.3.1 Any construction at the property boundary, including fences and driveways shall not be carried out until alignment levels have been fixed.

7.4 Compaction Requirements

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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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- 7.4.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.
- 7.4.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".
- 7.4.3 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 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.

7.5 Maintenance of Soil Erosion Measures

- 7.5.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.5.2 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.
- 7.5.3 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.

7.6 Filling of Land & Compaction

- 7.6.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind-blown dust from the site.
- 7.6.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

These conditions are imposed for the following reasons:

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- 7.6.3 Trucks transporting fill must have their loads covered
- 7.6.4 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 7.6.5 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.
- 7.6.6 Site filling 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.
- 7.6.7 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 7.6.8 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 7.6.9 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 7.6.10 Only clean fill shall be deposited 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 on site.

7.7 Inspections of Works

- 7.7.1 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: -
 - (a) Soil Erosion and Sediment Control
 - i) Implementation of erosion and sediment control
 - ii) Revegetation of disturbed areas
 - iii) Construction of major controls (i.e gabions mattresses shotcreting etc)
 - iv) Removal of sediment basins/ fencing etc.

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- v) Internal sediment/ pollution control devices
- vi) Final Inspection
- (b) Traffic Control
 - i) Implementation of traffic control
 - ii) Maintenance of traffic control during works
 - iii) Removal of traffic control
- (c) Construction of Drainage works (including inter-allotment)
 - i) Pipes before backfilling including trench excavation and bedding
 - ii) Sand Backfilling
 - iii) Final pipe inspection
 - iv) Pit bases and headwall aprons
 - v) Pit Walls/ wingwalls/ headwalls
 - vi) Concrete pit tops
 - vii) Connection to existing system
 - viii) Tailout works
 - ix) Final Inspection
- (d) Construction of Road Pavement
 - i) Boxing out
 - ii) Sub-grade roller test
 - iii) Subsoil drainage
 - iv) Sandstone roller test layer 1
 - v) Sandstone roller test layer 2
 - vi) Kerb pre-laying
 - vii) Kerb during laying including provision of roof-water outlets
 - viii) Sandstone depth
 - ix) Pavement profiles
 - x) DGB depths and roller tests
 - xi) Wearing Course
 - xii) Kerb final
 - xiii) Concrete tests
 - xiv) Formwork concrete pavements
 - xv) Final inspection
- (e) Provision of Street Furniture
 - i) Street Furniture (including street signs guideposts guardrail etc)
 - ii) Erection of fencing adjoining public/ drainage reserves
- (f) Footpath Works
 - i) Footpath Trimming and/or turfing (to ensure 4% fall)
 - ii) Pathway construction (cycle/ link pathways)

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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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

- iii) Path-paving construction
- iv) Service Adjustments
- v) Final Inspection
- (g) Construction of on-site detention system
 - i) Steel and Formwork for tank/ HED control pit
 - ii) Completion of HED control pit
 - iii) Pit formwork
 - iv) Pipes upstream/ downstream of HED control pit before backfilling
 - v) Completion of OSD system
- (h) Stormwater Quality Control
 - i) Installation of Stormwater Quality Control devices
 - ii) Final Inspection
- (i) Traffic Control
 - i) Implementation of traffic control
 - ii) Maintenance of traffic control during works
- (j) CCTV Inspection of Drainage Structures (pipelines and pits)
 - i) All road drainage
- (k) Final overall Inspections
 - i) Preliminary overall final inspection
 - ii) Overall final inspection

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

7.8 Inspection of Works

- 7.8.1 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

7.9 Compliance Certificates

- 7.9.1 Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

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.

7.10 Public Safety

- 7.10.1 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.

7.11 Site Security

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

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 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 Street Tree Planting

- 8.1.1 Prior to the issue of any Subdivision Certificate, the provision of landscaping for the development shall be completed to the satisfaction of Council.
- 8.1.2 All street tree and 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.
- 8.1.3 Prior to the issue of any Subdivision Certificate, the person having the benefit of the development consent is to enter into an agreement satisfactory to the Council for the planting and maintenance of trees along the frontage of the development site for the purposes of improving the amenity of the streetscape.

The applicant/developer is to undertake the planting and maintenance of street trees at no cost to Council and obtain any necessary clearances from relevant Service Authorities.

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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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

The applicant/developer is to lodge a tree bond of \$310.00 per tree (this amount is valid only until 30 June 2016) with Council to ensure the health and vigour of the trees. This bond shall be returned six months after the completion of the development (i.e. issue of the final Occupation Certificate/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

After six months and prior to seeking a refund of the bond, the applicant/developer is to call for an inspection by Council's Open Space Section and pay an associated administrative/inspection fee as per Council's fees and charges.

- 8.1.4 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.

8.2 Site Access

- 8.2.1 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.

8.3 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.

8.5 Asset Management

- 8.5.1 An amount of \$25,082.50 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 \$39.50 per lot proposed in the subdivision and is to be paid prior to the release of the Linen Plan. This amount is

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

valid only until 30 June 2016, 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.

- 8.5.2 The applicant is to liaise with Council's Manager Civil and Open Space Maintenance in regard to the provision and location of bus shelters within the subdivision. The applicant has the option of paying a monetary contribution to Council to cover the cost of these works.

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 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.

8.7 Consent Compliance

- 8.7.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied. In this regard, the relevant requirements of Notice of Determination No.'s 13-1945 and 14-1948 shall be completed prior to the issue of the subdivision certificate under this consent.

8.8 Additional Inspections

- 8.8.1 Any additional Council inspection services provided beyond the scope of any

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

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.

8.9 Fee Payment

- 8.9.1 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.

8.10 Site Contamination

- 8.10.1 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.

8.11 Salinity

- 8.11.1 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".
- 8.11.2 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.

8.12 Voluntary Planning Agreement

- 8.12.1 Prior to the issue of any subdivision certificate, any relevant contributions to Blacktown City Council or requirements under Clause 10 (Part 2) and Schedule 1 of the Deed of Variation to Marsden Park Precinct 1 Planning Agreement (dated 8 February 2016) required by this consent shall be satisfactorily completed. This condition will not be satisfied until Council has given its written certification to this effect.

8.13 Special Infrastructure Contribution – Western Sydney Growth Areas

- 8.13.1 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

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

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

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

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

Written evidence of these arrangements is to be submitted to Council.

8.14 Zero lot line walls

8.14.1 An appropriate easement/covenant/restriction for access, maintenance and repair pursuant to Section 88B of the Conveyancing Act 1919 shall be created for any zero lot line walls benefiting and burdening the subject lots accordingly. All lots 10m wide or less must be provided with a maintenance easement.

8.14.2 An appropriate restriction on the use of the land/covenant shall be created under Section 88B of the Conveyancing Act 1919 as follows:

"The wall of any dwelling erected on the lot hereby burdened, is not to be located within 900mm of the side boundary unless there is a registered maintenance easement on the adjoining property, extending the length of the wall."

8.14.3 Any zero lot shall not be located on the side of the lot which is lower than the adjacent lot, namely the lower side of the boundary line. The zero lot line must be higher than the opposing maintenance easement.

Note: The location of street trees must not interfere with future driveways. The applicant must therefore take into consideration the likely driveway location for any lot burdened by a zero lot line maintenance easement.

8.15 Substation

8.15.1 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.

8.16 Engineering Matters

8.16.1 Surveys/Certificates/Works As Executed plans

8.16.1.1 A works-as-executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. All engineering work-as-executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

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 Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.

8.16.1.4 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.

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

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 the Lands Title Office.

8.16.3 Subdivision

8.16.3.1 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.

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Kerry Robinson
GENERAL MANAGER

Per _____
Blacktown City Council

8.17 Easements/Restrictions

- 8.17.1 A Restriction as to User over proposed Residue Lot 202, Lot 203, Lot 204, Lot 205, and Superlot 1499 and Superlot 1500 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.

- 8.17.1.1 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.

8.17.2 Dedications

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

8.17.3 Bonds/Securities/Payments in Lieu of Works

- 8.17.3.1 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.

- 8.17.3.1 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.

- 8.17.3.2 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

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GENERAL MANAGER

Per _____
Blacktown City Council

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

8.17.4 Inspection of Work

- 8.17.4.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a 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 that any defects identified by this inspection have been rectified.

8.18 Surveys/Certificates/Works As Executed plans

- 8.18.1 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished surface levels for the lot(s) have been maintained in accordance with those established at the time of creation of the lot.
- 8.18.2 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.

8.19 Inspections

- 8.19.1 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.

8.20 Drainage Easement

- 8.20.1 A minimum 1 m wide drainage easement with a Restriction to User is to be provided over each lot with an interallotment drainage line in accordance with the requirements of Council's Engineering Guide for Development 2005. The easement is to be in favour of all upstream properties draining through it. The Restriction to User and drainage easement must be registered with Land & Property Information.

8.21 Final Plans and Application for Subdivision Certificate

- 8.21.1 The applicant must submit an application for a subdivision certificate to enable the subdivision plans to be submitted to and registered with Land and Property Information NSW (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

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GENERAL MANAGER

Per _____
Blacktown City Council

of the *Conveyancing Act*, where required for ultimate lodgement at with the Land and Property Information NSW.

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

- 8.21.2 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.
- 8.21.3 Provide a Restriction to User and Positive Covenant over the Water Quality System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.
- 8.21.4 A Hydraulic Engineer registered with NPER is to certify that:
- (a) The drainage system has been constructed in accordance with the Construction Certificate approved plans;
 - (b) The temporary water quality devices have been constructed in accordance with the Construction Certificate approved plans, and proprietary devices have been installed in accordance with the manufacturer's instructions; and
 - (c) That Floodway Warning Signs have been provided for the temporary detention basin in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.

8.22 Compliance with AHIP C000007

- 8.22.1 Prior to release of the Subdivision Certificate, the applicant is to fill in an Aboriginal Site Impact Recording Form (ASIRF) on which the form will state which areas of a site have been destroyed or salvaged or remains valid. The form should be provided to Council with a map indicating the location of the sites impacted by the AHIP, so that any notation that no longer applies may be removed from Council's record.

(Reason: to comply with the conditions of the AHIP.)

8.23 Noise Barrier

- 8.23.1 Prior to release of the Subdivision Certificate, the applicant is to remove the noise barrier adjoining Stockland Elara Precinct 1 as require by condition 6.2.3 of this consent.

These conditions are imposed for the following reasons:

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Per _____
Blacktown City Council