

Conditions of consent (draft)

Proposed development	Integrated Development Application for demolition and subdivision to create 108 residential lots, 25 residue lots, 2 drainage reserve lots with associated subdivision works including earthworks, public roads, pedestrian laneways and drainage works.
Property description	Hobart Street, Wellington Street, Edmund Street, Loftus Street and Windsor Road, Riverstone. Lots 52 - 70 Section 29 DP 1480; Lots 1 - 19, Lots 21 - 39, Lots 40 - 51, Lots 52 - 70, Lots 75 - 90 Section 30 DP 1480; Lots 40 - 45 DP 135718; Lots 46 - 51 DP 456639; and Lot 1 DP 790369

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.

1.2 Scope of Consent

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

- 1.2.2 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.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans;
 - (b) any fence, retaining wall, land excavation or filling not approved by this consent.

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to 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.

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

1.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on phone number: 1800 810 443.

1.5 **Engineering Notes**

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

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

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

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

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

1.6 **Payment of Engineering Fees**

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

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

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

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

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

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

1.7 **Roads and Maritime Services Advice**

The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

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:

Title	Drawing No.	Prepared by	Date
Stage A2 – Subdivision Layout Plan	119674-Master Plan - Rev Z dwg Sheet 1 of 1	RPS	20/2/2017
Cut and Fill Plan – Sheet 1	S13153 C-2015 Rev J	BG&E	12.09.18
Cut and Fill Plan – Sheet 2	S13153 C-2016 Rev J	BG&E	12.09.18
Erosion and Sediment Control Plan – Sheet 1	S13153 C-2090 Rev J	BG&E	12.09.18
Erosion and Sediment Control Plan – Sheet 2	S13153 C-2091 Rev J	BG&E	12.09.18
Erosion and Sediment Control Details	S13153 C-2095 Rev G	BG&E	31.08.18

2.2 Works In Kind

2.2.1 In regard to the following section 7.11 items it may be possible to reduce the monetary Section 7.11 contribution(s) on this consent by carrying out Section 7.11 works as part of a 'Works-in-Kind' agreement with Council, subject to the following:

- the Section 7.11 works must be listed in a Section 7.11 Contributions Plan
- Council must have agreed to the Works in Kind (WIK)
- the Section 7.11 works cannot commence before the WIK agreement is executed by all parties
- the WIK agreement is in accordance with Council's WIK Policy
- the reduction of Section 7.11 contributions is not available until works have been satisfactorily completed in accordance with the WIK agreement.

A written application to enter into a WIK agreement must be provided to Council's Co-ordinator Contributions or an Officer acting in that position. Council's Section 7.11 Finance Committee will consider all applications on merit and advise the applicant in writing if the agreement is endorsed. Council reserves the right to approve or reject any WIK application.

Council will not reduce the monetary Section 7.11 contribution(s) on this consent unless these conditions are complied with.

2.3 Services

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

2.4 Suburb Name

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

Suburb: Riverstone

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.

Suburb: Riverstone

2.5 **Rural Fire Service**

- 2.5.1 The provision of water, electricity and gas supplies shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

2.6 **Engineering Matters**

2.6.1 **Design and Works Specification**

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook FORTH Edition December 2005.

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

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

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

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

- Path Paving construction

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

These matters will be individually addressed within the consent.

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

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

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

2.6.2 **Other Necessary Approvals**

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

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

2.6.3 **Subdivision**

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

2.7 **Other Matters**

2.7.1 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.

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

2.8 **NSW Roads and Maritime Services**

2.8.1 Roads & Maritime has previously dedicated land as road along the Windsor Road frontage of the subject property, as shown by grey colour on the attached Aerial — "X". Roads & Maritime has no current approved proposal that requires any part of the subject property for road purposes. Therefore there are no objections to the development proposal on property grounds, provided all proposed works are wholly within the freehold property (unlimited in height or depth), along the Windsor Road boundary. However, the applicant should be advised that the subject property is within a broad investigation area in relation to the North West Growth Centre road network strategy. Further information can be obtained by visiting the RMS website www.rms.nsw.gov.au/projects/sydney-west/north-west-growth-centre-strategy or by contacting us on 1300 367 561 or via email RiverstoneNWGC@rms.nsw.gov.au

3 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

3.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

3.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

3.1.4 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.

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

3.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

3.3 Other Matters

3.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

4 DURING DEMOLITION WORKS

4.1 Safety/Health/Amenity

4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.

4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.

4.1.4 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.

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

4.1.6 Any excavation and/or backfilling associated with the demolition 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.

4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)

- 4.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.

4.2 **Nuisance Control**

- 4.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

4.3 **Tree Protection**

- 4.3.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

4.4 **General**

- 4.4.1 The demolition of all buildings and structures must be carried out in accordance with Australian Standard 2601 – 2001.

- 4.4.2 Asbestos removal to be undertaken with the approval of Workcover and in compliance with NSW Department of Environment and Conservation and Occupational Health and Safety Standards. The removal contractors are to be accredited by Workcover. Identification of disposal to metropolitan waste tip to be submitted to Council. Upon completion of asbestos removal and decontamination of the site, a clearance certificate from a NATA registered environmentalist shall be submitted to Council.

Copies of receipts from the disposal of asbestos from the site shall be submitted to Council and shall be to the satisfaction of Council.

4.5 **Hazardous Materials and Waste**

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

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

5 **PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

5.1 **DA Plan Consistency**

- 5.1.1 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.

5.2 Blacktown City Council Growth Centre Precincts Development Control Plan 2018

5.2.1 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 2018.

5.3 Street Tree Planting

5.3.1 The applicant must submit a detailed Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in Council's Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities
- details regarding the laneway usage and landscaping

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

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

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

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

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

The applicant is to notify Council's Project Office, Civil and Open Space Infrastructure upon completion of street tree planting for practical completion and commencement of maintenance period.

5.3.2 A landscape plan of the pedestrian laneways is to be submitted to Council for review and approval. All landscaping and street furniture shall not impede the drainage capacity of the laneways and must ensure sufficient capacity for the safe conveyance of upstream flows in accordance with the requirements outlined within Council's Engineering Guide for Development.

5.4 Salinity

5.4.1 Prior to the issue of a Construction Certificate, the applicant shall commission a suitably qualified consultant for the preparation of a Saline Soil Management Plan (SSMP) and submit the SSMP to Council for approval. The SSMP shall as a minimum address the following:-

- (a) Soil salinity
- (b) Soil aggressivity
- (c) Soil sodicity
- (d) Ground water
- (e) Recommendations regarding re-use of excavated materials
- (f) Minimise erosion and sediment loss before, during and after construction
- (g) Minimise water pollution due to erosion, siltation and sedimentation
- (h) Reduce and manage salinity within the site so that impacts on future structures (including buildings, roads etc.) are minimised and acceptable.

5.5 **Construction Environmental Management Plan**

5.5.1 Submit a Construction Environmental Management Plan (CEMP) to Blacktown City Council for its records. The CEMP shall be prepared by a suitably qualified person is to prepare a comprehensive Construction Environmental Management Plan (CEMP).

The operational measures at a minimum should include the following:

- (a) Proposed schedule of works
- (b) Proposed hours of work
- (c) Noise and vibration controls
 - location of noise sensitive receivers nearest to the site
 - the predicted level of noise likely to affect the nearest noise sensitive receivers
 - list plant and equipment to be used on site including the level of sound mitigation to be undertaken in each case
 - statement outlining whether or not predicted noise levels will comply with the noise criteria outlined in the NSW Industrial Noise Policy
 - where resultant site noise levels are likely to exceed the noise criteria, a proposal is to be submitted outlining the duration and frequency of respite periods afforded to the occupiers of neighbouring property
 - community complaints response and management procedure outlining the course of action to be undertaken following receipt of a complaint concerning offensive noise
- (d) Erosion and Sedimentation Control Strategy
- (e) Dust control strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.

- (f) Procedures for validation of imported fill material and the proposed means of disposing overburden. Where Virgin Excavated Natural Material is required, the site demolition and construction contractor must provide certification of the source of the material. The suitability of the Material is to be assessed in accordance with the NSW EPA (2012) *Excavated Natural Material Exemption* prior to being imported to site.
- (g) Details of designated truck routes.

5.6 NSW Road and Maritime Services

- 5.6.1 The design and construction of the “*left out only*” Windsor Road/Wellington Street intersection shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798). Detailed design plans of the proposed intersection are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 5.6.2 Roads and Maritime may review the safety of the future Windsor Road/Wellington Street intersection under the provisions of the *Roads Act 1993*. Roads and Maritime will require the removal of the intersection if it is found to be unacceptable in terms of safety.
- 5.6.3 A right turn ban during the peak hours (6-10AM and 3-7PM) should be installed at the intersection of Windsor Road and Junction Street. This traffic mitigation measure is to be installed prior to issue of the construction certificate. Signage plans detailing the right turn bans is to be submitted to Roads and Maritime for review prior to the issue of a construction certificate.

5.7 Traffic Matters

- 5.7.1 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.

5.8 Office of Heritage and Environment Requirements

- 5.8.1 A s.90 Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974* must be sought and granted by OEH for archaeological salvage excavation and harm as a result of the proposed development prior to the commencement of any ground disturbance works.
- 5.8.2 The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- 5.8.3 Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the *Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010*.

- 5.8.4 AHIMS #45-5-2526 (LL-OS1-1) is mistakenly referred to as AHIMS #45-5-3356 (SCR/UPG2) in several sections of the Aboriginal Cultural Heritage Assessment report (ACHAR) and Aboriginal archaeological report prepared by Aecom, dated November 2017 and received by OEH on 15 November 2017. This error should be fixed prior to application for an AHIP.

5.9 Contamination Report

- 5.9.1 Submit an updated Contamination Report to Council reflecting the registered owner of Lots 63 - 70 Section 30 DP 1480.

- 5.9.2 ~~Submit an updated Contamination Report to Council reflecting Nazarene Paul Teuma as the Title owner of Lots 63 - 70 Section 30 DP 1480.~~

5.10 Landscaping

- 5.10.1 A landscaping plan of the batter area on Council land abutting Wellington Street and Road 51 is to be submitted to Council's Civil and Park Infrastructure section for approval prior to issue of the Construction Certificate.

- 5.10.2 The plant species to be used must be local endemic species.

5.11 Tree management

- 5.11.1 Submit an Arboricultural Impact Assessment report and revised demolition plan to Council's Civil and Park Infrastructure section for approval prior to issue of the Construction Certificate. No tree removal or construction will be undertaken prior to issue of the Construction Certificate other than the approved building demolitions.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

- 6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
BG&E	S13153	C-2000	1	G	31.08.18
BG&E	S13153	C-2001	2	J	12.09.18
BG&E	S13153	C-2002	3	G	31.08.18
BG&E	S13153	C-2010	4	J	12.09.18
BG&E	S13153	C-2011	5	J	12.09.18
BG&E	S13153	C-2015	6	J	12.09.18
BG&E	S13153	C-2016	7	J	12.09.18
BG&E	S13153	C-2021	8	K	19.11.18
BG&E	S13153	C-2022	9	J	19.11.18
BG&E	S13153	C-2023	10	H	31.08.18

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
BG&E	S13153	C-2052	11	J	12.09.18
BG&E	S13153	C-2053	12	H	31.08.18
BG&E	S13153	C-2054	13	G	31.08.18
BG&E	S13153	C-2060	14	G	31.08.18
BG&E	S13153	C-2061	15	H	12.09.18
BG&E	S13153	C-2070	16	G	12.09.18
BG&E	S13153	C-2071	17	G	12.09.18
BG&E	S13153	C-2090	18	J	12.09.18
BG&E	S13153	C-2091	19	J	12.09.18
BG&E	S13153	C-2095	20	G	31.08.18
BG&E	S13153	C-2100	21	H	12.09.18
BG&E	S13153	C-2101	22	H	12.09.18
BG&E	S13153	C-2102	23	H	12.09.18
BG&E	S13153	C-2103	24	H	12.09.18
BG&E	S13153	C-2104	25	H	12.09.18
BG&E	S13153	C-2105	26	H	12.09.18
BG&E	S13153	C-2106	27	H	12.09.18
BG&E	S13153	C-2107	28	H	12.09.18
BG&E	S13153	C-2108	29	E	12.09.18
BG&E	S13153	C-2109	30	E	12.09.18
BG&E	S13153	C-2110	31	E	12.09.18
BG&E	S13153	C-2120	32	F	31.08.18
BG&E	S13153	C-2121	33	F	31.08.19

The following items are required to be addressed on the Construction Certificate plans:

- i. Construct vehicle crossings to existing properties.
- ~~ii. Construct vehicle crossings to each lot where the footway width is greater than 5.5 metres wide.~~
- ~~iii.~~ ii. Channel 1 and 2 are defined as Drainage Reserve therefore adjacent lots are to have minimum design freeboard of 300mm to the land level and 500mm to the finished floor level.

6.2 Construction Certificate Requirements

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

- Road and drainage construction
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

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

6.3 Local Government Act Requirements

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

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

- Inter-allotment drainage on adjoining land

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

6.4 **Roads Act Requirements**

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

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

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

6.5 **Other Engineering Requirements**

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

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

6.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land, outside of Stage A1 and Stage A3.

6.5.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.

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

6.5.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.6 **Roads**

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

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

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

6.6.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.

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

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road 52	14.5	420	3.5 – 7.5 – 3.5	5 x 10 ⁵
Road 51 CH00-CH70 CH70-CH230 CH230-CH285 Road 51 (full-width road CH70-CH230)	15.0 14.5 18.29 15.0	70 160 55 290	3.5 – 8.0 – 3.5 3.5 – 8.0 – 3.0 3.5 – 8.0 – 6.79 3.5 – 8.0 – 3.5	5 x 10⁵ 5 x 10⁵ 5 x 10⁵ 5 x 10⁵

~~Note: Where owners consent is obtained from all affected lot owners, full width road construction is required for Road 51 CH0-CH290.~~

6.6.6 Construct half width road with a minimum 4.5 metres width of pavement for the full road frontage of the development. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

Note: Upon inspection of the existing pavement Council may reduce the extent of works required to be constructed to satisfy this condition.

6.6.7 Existing roads shall be designed and re-constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Wellington Street	20.112	413	5.56 – 9.0 – 5.56 (variable see Note1)	5 x 10 ⁵
Edmund Street	20.112	125	4.5 – 8.0 – 6.6 (variable see Note2)	5 x 10 ⁵

Note 1: Wellington Street verge formation varies between CH161 – CH413 with minimum 3.5 m verge maintained.

Note 2: Edmund Street road formation at Hobart Street intersection MUST be consistent with construction certificate plans approved under CC-17-02509.

6.6.8 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

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

6.7 **Pedestrian Laneways**

6.7.1 Drainage capacity of proposed laneway is to ensure sufficient capacity for the safe conveyance of upstream flows in accordance with requirements outlined within Council's Engineering Guide for Development.

6.8 **Drainage**

6.8.1 Drainage from the site must be connected into Council's existing drainage system.

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

6.8.3 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100-year Average Recurrence Interval) event.

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

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

6.9 **Erosion and Sediment Control**

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

6.10 **Earthworks**

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

6.10.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation. Approval must be obtained from Council's Manager Civil Maintenance where batters exceed 1V:5H within the road reserve.

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

6.10.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

6.11 **Vehicular Crossings**

6.11.1 Construct a residential vehicular crossing to Council's standard A(BS)102S.

- 6.11.2 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.
- 6.12 **Footpaths**
- 6.12.1 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/shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.
- 6.13 **Drainage/Design Section**
- 6.13.1 Section 7.11 Contribution Plan 20 Item F18.4 is included within this application and as such a Works-In-Kind agreement may be applicable.
- 6.13.2 A Chartered Civil Engineer registered with NER, is to certify that the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100 year ARI storm events.
- 6.14 **Traffic Matters**
- 6.14.1 The applicant is ~~advised~~ to limit right turn movements into Hobart Street by extending the island on Junction Road. The installation of the Junction Road median at Hobart Street needs to be co-ordinated with the completion of the Stage A1, A2 and A3 local road network and prior to occupation of the development. The proposed roads work and signage is to be in accordance with AUSTROADS. In this regard, plans shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- 6.15 **Rural Fire Service**
- 6.15.1 Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- The perimeter roads, Road No.51, Wellington Street and Edmund Street, shall be two-way with a minimum carriageway width of 8 metres.
- 6.15.2 The proposed restricted access at the intersection of Wellington Street and Windsor Road shall be suitably designed and constructed to facilitate unobstructed access by emergency services vehicles.
- 6.16 **Vehicular Crossings**
- 6.16.1 Construction of Council's standard residential vehicular footway and gutter (layback) crossings to each of the following nominated lots in accordance with Council's plan A(BS) 102S but thickened to 150 mm and reinforced with F82 steel reinforcing

fabric. The construction standard may be reduced if the house construction precedes the crossing construction.

Nominated Lots: ~~313 – 318 inclusive, 401 to 407 inclusive~~, Lot 364 and Lot 346.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Environmental Management

7.1.1 In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing.

7.1.2 The recommendations provided in the *Remediation Action Plan*, prepared by DLA Environmental Services Pty Ltd shall be implemented.

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

8.1.2 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.

8.1.3 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.

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

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

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

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

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

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

8.2 **Notification to Council**

8.2.1 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.

8.2.2 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.

8.3 **Tree Protection**

8.3.1 Any tree not approved for removal or more than 3m from the building perimeter is to

be effectively protected against damage.

8.4 Adjoining Owners

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

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

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

8.5 NSW Roads and Maritime Services

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

9 DURING CONSTRUCTION (PLANNING)

9.1 Bushfire Protection Measures

9.1.1 The applicant must implement the recommendations in the Bushfire Threat Assessment prepared by RPS (ref RP127620-3 Final) dated 10th March 2017.

9.2 Remediation Works

9.2.1 The applicant must implement the selected remediation method, Excavation and Off-site Disposal with incorporation of hen-picking, and the relevant remediation strategy for each parcel as stated in Table 8a – Remediation Strategy per Parcel of the Remediation Action Plan (ref DL3340) prepared by DLA Environmental Services dated September 2016.

9.3 Management of Unexpected Finds

9.3.1 The Unexpected Finds Protocol developed by DLA Environmental Services attached to Appendix A of the Remediation Action Plan (ref DL3340) prepared by DLA Environmental Services dated September 2016 must be implemented.

9.4 Unexpected Finds

9.4.1 In the events of any unexpected finds, all works shall cease and the applicant and/or site foreman shall contact the Certifying Authority and a suitably qualified

Environmental Consultant to conduct an assessment. Appropriate measures shall be implemented on the basis of the assessment including but not limited to isolation of the site, further investigation and environmental controls to minimise the potential migration of contaminants from the impacted area. Affected areas can only be reopened subject to a clearance of the location and issuance of a report by the Environmental Consultant.

Any suspected asbestos containing should be left in place and not disturbed. The Environmental Consultant shall organise for further investigation purposes and subsequent removal by an appropriate licensed contractor.

Any unexpected finds encountered should be listed on a UFP register, which should include the action taken and the status of the unexpected find. Prior to closing out an unexpected find it will be important to ensure the appropriate documentation is obtained, such as: photographs, the UFP form, waste classification letter(s) and a validation report or letter.

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

9.5 **Soil Management**

- 9.5.1 The applicant shall adopt the recommendations in the Remediation Action Plan (ref DL3340) prepared by DLA Environmental Services dated September 2016 with regard to the following aspects: -

- (a) Importation of soil
- (b) Validation of stockpiles
- (c) Materials handling
- (d) Waste disposal
- (e) Noise control
- (f) Dust control
- (g) Odour control
- (h) Establishment of buffer zones

9.6 **Geotechnical Report**

- 9.6.1 The applicant shall implement and adopt the geotechnical advice and salinity advice as outlined in the Geotechnical Investigation and Advice (ref PSM2355-007R0 prepared by Pells Sullivan Meynink dated 3 April 2014).

9.7 **Traffic Matters**

- 9.7.1 A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Windsor Road during construction activities.

9.8 **Tree Planting and Service Locations (After all other services)**

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

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

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notification of Works

- 10.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.

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

10.2 Insurances

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

10.3 Service Authority Approvals

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

10.4 Boundary Levels

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

10.5 Tree Protection and Preservation

- 10.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 10.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out

any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

- 10.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

10.6 **Soil Erosion and Sediment Control Measures**

- 10.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

- 10.6.2 Re-vegetation and rehabilitation of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/rehabilitated areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

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

10.7 **Filling of Land and Compaction Requirements**

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

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

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

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

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

- 10.7.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 10.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 10.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control windblown dust.
- 10.7.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 10.7.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 10.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 10.8 **Filling in Contaminated Land**
- 10.8.1 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.
- 10.8.2 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.
- 10.8.3 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.
- 10.9 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 10.9.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited

certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

10.10 Inspection of Engineering Works - Roads Act 1993

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

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

10.11 Public Safety

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

10.12 Site Security

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

10.13 Traffic Control

10.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

10.13.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

10.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.

10.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

10.13.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a

suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

10.14 Powder Coated Furniture

- 10.14.1 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.

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 11.1 All areas that are suspected to be contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with;

- NSW Environment Protection Authority's *"Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites"* (2011)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- NSW Environment Protection Authority's *"Contaminated Sites: Guidelines for NSW Site Auditor Scheme"* (2006)
- National Environment Protection Council *"National Environment Protection (Assessment of Site Contamination) Measure"* (2011).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- 11.2 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.
- 11.3 A Construction Environment Management Plan should be in place and 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.
- 11.4 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.
- 11.5 Councils Environmental Health Section must be notified 1 hour prior to any controlled discharge from any temporary drainage basin.

- 11.6 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.
- 11.7 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.
- 11.8 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.

12 **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- 12.1 The following monetary contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

Under the Section 7.17 Direction issued by the Minister for Planning on 4 March 2011, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$40,000 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 \$40,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 108 lots

Contribution: \$4,120,000

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.

Contribution Item	Amount	Relevant C.P
i. Stormwater Quantity	\$3,475,453.00	CP 20
ii. Stormwater Quality	\$564,772.00	CP 20
iii. Traffic Management	\$938,959.00	CP 20
iv. Open Space	\$2,224,902.00	CP 20
v. Community Facilities	\$30,053.00	CP 20
vi. E2 Conservation Zone	\$95,855.00	CP 20
Total Contributions	\$7,329,994.00	

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

Developable Area: 4.9089ha

Additional Population: 298.7 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 and Alex Avenue Precincts

- 12.1.1 Any Compliance Certificate issued for the payment of Section 7.11 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 7.11 Contributions have been paid for that particular development or stage of development.

12.2 **Special Infrastructure Contribution**

- 12.2.1 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 7.17 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 Environment before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates. The Certificate is to be supplied to Council prior to the issue of a Subdivision Certificate.

More information

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

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

12.3 **Site Access**

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

NOTE: Any utility installation with the exception of substations, 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.

12.4 **Environmental Management**

- 12.4.1 All areas that are suspected to be contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with:
- (a) NSW Environment Protection Authority's *"Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites"* (2011)
 - (b) NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
 - (c) NSW Environment Protection Authority's *"Contaminated Sites: Guidelines for NSW Site Auditor Scheme"* (2006)

- (d) National Environment Protection Council's "*National Environment Protection (Assessment of Site Contamination) Measure*" as amended 2013.
- (e) Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation were carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

12.5 **Road Damage**

- 12.5.1 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.

12.6 **Subdivision Configuration**

- 12.6.1 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.

12.7 **Acoustic Measures**

- 12.7.1 A noise impact assessment report, prepared by a suitably qualified person, assessing road traffic noise levels arising from the surrounding road network including Windsor Road on the future residential development and, including appropriate noise mitigation measures, is to be submitted to Council for approval. The noise mitigation measures should meet the external noise target levels in the Environmental Criteria for Road Traffic Noise in the State Environmental Planning Policy (Infrastructure) 2007.

Any relevant recommendations of the report shall be imposed on the affected lots through the creation of restriction as to user under Section 88 of the Conveyancing Act and the restriction is to be registered on the title of the affected lots.

12.8 **Easements/Restrictions**

- 12.8.1 A restriction as to user shall be created under Section 88B of the Conveyancing Act 1919 providing that:
 - (a) No fence shall be erected on the boundary of any Lot adjoining land which is to be created as Public Reserve or Drainage Reserve without the consent of the Council of the City of Blacktown.
 - (b) Such consent shall not be withheld, however, if such fence is erected without expense to the Council of the City of Blacktown.

- (c) The restrictions shall remain in force only during such time as the Council of the City of Blacktown is the registered proprietor of the land immediately adjoining the land burdened in the plan and shall bind all successive owners and assigns of each lot burdened.

12.8.2 A restriction as to user shall be created and registered under Section 88B of the Conveyancing Act 1919. The restriction shall be placed on the titles of all the lots for the provision and maintenance of an Asset Protection Zone in accordance with Table 5 Required APZ of the Bushfire Threat Assessment prepared by RPS (ref PR119674-7) dated 10th March 2017. The restriction cannot be extinguished or altered except with the consent of Blacktown City Council.

Table 5 Required APZ
Bushfire Threat Assessment prepared by RPS
(ref PR119674-7) dated 10th March 2017

Transect	Direction of Hazard	Vegetation Classification	Slope	Required APZ (PBP 2006)
T1	Northwest	Forest	1.51° Downslope	25m
T2	Northwest	Forest	1.51° Downslope	25m
T3	West	Forest	0.84° Downslope	25m
T4	West	Forest	0.00° Level	20m
T5	West	Forest	2.15° Upslope	20m

12.8.3 A restriction as to user regarding dwelling design and construction shall be created and registered under Section 88B of the Conveyancing Act 1919. The restriction shall be placed on the titles of all the lots for the construction of future dwellings within the site in accordance with Table 6 Required BAL (AS 3959 – 2009) and Figure 7 Required Bushfire Attack Level (AS 3959 – 2009) of the Bushfire Threat Assessment prepared by RPS (ref PR119674-7) dated 10th March 2017, the Building Code of Australia, and Australian Standard (AS3959 – 2009) construction of buildings in bushfire prone areas. The restriction cannot be extinguished or altered except with the consent of Blacktown City Council.

Table 6 and Figure 7 Required BAL (AS 3959-2009)
Bushfire Threat Assessment prepared by RPS
(ref PR119674-7) dated 10th March 2017

Transect	Direction of Hazard	Vegetation Classification	Average Slope of land in degrees	APZ	Separation Distance from Threat	Bushfire Attack Level (BAL)
T1	Northwest	Forest	1.51° Downslope	22m	<21m 21m-<22m 22m-<31m 31m-<43m 43m-<100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5
T2	Northwest	Forest	1.51° Downslope	22m	<21m 21m-<22m 22m-<31m 31m-<43m 43m-<100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5
T3	West	Forest	0.84°	22m	<21m	BAL-FZ

			Downslope		21m-<22m 22m-<31m 31m-<43m 43m-<100m	BAL-40 BAL-29 BAL-19 BAL-12.5
T4	West	Forest	0.00° Level	21m	<19m 19m-<21m 21m-<29m 29m-<40m 43m-<100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5
T5	West	Forest	2.15° Upslope	19m	<17m 17m-<19m 19m-<27m 27m-<38m 38m-<100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5

- 12.8.4 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 benefitting and burdening the subject lots accordingly. All lots 10 m wide or less must be provided with a maintenance easement.

12.9 Asset Management

- 12.9.1 An amount of \$880 per light pole is to be paid to Council for the ongoing maintenance of each black powder coated light pole to be installed in this subdivision and is to be paid prior to the release of the Subdivision Certificate. This rate is adjusted annually and the actual amount charged will be in accordance with Council's adopted fees and charges at the time of payment.

The number of light poles within the subdivision is to be included with the Subdivision Certificate application together with a copy of the approved street lighting plan. Any enquiries regarding this fee are to be directed to the Civil Maintenance Section of the City Assets Directorate.

12.10 Service Authority Approvals

- 12.10.1 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 a recognised energy provider,

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.

12.11 Consent Compliance

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

12.12 Additional Inspections

- 12.12.1 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.

12.13 Fee Payment

- 12.13.1 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.

12.14 Final Plans

- 12.14.1 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.
- 12.14.2 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.

12.15 Validation Procedure

- 12.15.1 At the completion of the remediation works, validation for each contamination parcel in conjunction with any unexpected finds encountered during the remediation program, are to be submitted to Blacktown City Council. The validation procedure for each remediation process (A-E) as identified in the Remediation Action Plan (ref. DL3340) prepared by DLA Environmental Services dated September 2016.

12.16 Validation Report

- 12.16.1 At the completion of the remediation activities and prior to the issue of a Subdivision Certificate, a Validation Report, prepared by an Environment Protection Authority recognised geoscientist, validating the site as suitable for residential development in accordance with the strict residential use criteria as set out in the National

Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

The Validation Report is to be submitted to Blacktown City Council and as a minimum, the report must include the following: -

- (a) Description of the strategic works that have been undertaken on the site;
- (b) Assessment regarding the result of the validation testing;
- (c) Information demonstrating the objectives of the Remediation Action Plan ref DL3685_S004139 prepared by DLA Environmental Services dated February 2016 have been achieved;
- (d) Justifications for any deviation;
- (e) Statistical confirmation that the remediated site complies with the Validation Criteria; and
- (f) Any other information as deemed appropriate.

12.17 General

- 12.17.1 Details are to be submitted with the Construction Certificate Application of the measures to be undertaken to control soil erosion and sedimentation from the building site.
- 12.17.2 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".

12.18 Salinity

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

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

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

12.19 Final Inspection

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

12.20 Hazardous Materials and Waste

- 12.20.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 12.20.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.
- 12.21 **Engineering Matters**
- 12.21.1 **Surveys/Certificates/Works As Executed plans**
- 12.21.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 12.21.1.2 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.
- 12.21.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 12.21.1.4 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 12.21.1.5 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

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

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

12.21.2 Easements/Restrictions/Positive Covenants

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

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

- 12.21.2.2 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path. Documentary evidence of this LPI lodgement shall be submitted to Council.

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

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

- 12.21.2.5 A Section 88B restriction is required on lot 433 that it can only be developed with the parcel of lots 421-432.

- 12.21.2.5 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.

12.21.3 Dedications

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

12.21.4 Bonds/Securities/Payments in Lieu of Works

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

- 12.21.4.2 A maintenance security of 5% of the value of the required engineering works or alternatively in the form of a letter of undertaking, 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.

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

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

12.21.5 **Inspection of Work**

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

12.22 **Security**

12.22.1 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.

12.23 **Rural Fire Service**

12.23.1 **Asset Protection Zones**

12.23.1.1 Future development applications lodged for land within this subdivision may be subject to the requirements of 'Planning for Bush Fire Protection'. The provision of asset protection zones (APZs) and construction to Australian Standard AS3959 may also be required.

12.23.1.2 At the issue of subdivision certificate and until each Lot is redeveloped, the entire site shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

12.23.1.3 Future dwellings on proposed Lots fronting Road No.51, including corner Lot 420, but excluding corner Lot 411, shall have a minimum APZ of 25 metres. The APZ shall consist of the road reserve and front / side boundary setbacks.

12.23.1.4 Future dwellings on proposed Lots 387 to 398, fronting Wellington Street, shall have a minimum APZ of 25 metres. The APZ shall consist of the road reserve and front / side boundary setbacks.

12.23.1.5 Future dwellings on proposed Lots fronting Edmund Street shall have a minimum APZ of 20 metres. The APZ shall consist of the road reserve and front / side boundary setbacks.

12.24 **Pedestrian Laneways**

12.24.1 All embellishment works on the pedestrian laneways are to be completed prior to the issue of the Subdivision Certificate.

13 **OPERATIONAL (ENVIRONMENTAL HEALTH)**

13.1 **Environmental Management**

13.1.1 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.

13.1.2 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.

13.1.3 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.

13.1.4 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 8pm and 7am.

