

Conditions of consent (draft)

Proposed development	Multi-dwelling housing development for the construction of 235 x 2 storey dwellings over 5 approved super lots, de-watering of existing dams, tree removal, road construction and stormwater drainage works including a temporary onsite stormwater detention basin on 2 approved super lots, associated landscaping and provision of open space.
Property description	312 South Street, Marsden Park (Lot 50 DP1234732)

1 **ADVISORY NOTES**

1.1 **Terminology**

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of 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 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as internal and external boundary fencing, construction of internal roads, stormwater drainage works and associated works, landscaping or any other works required in accordance with this consent or as modified and all associated Construction Certificates have been fully completed to Council's satisfaction.
- 1.2.3 This consent gives approval for construction of 235 two-storey dwellings over 5 super lots; car parking spaces; construction of internal roads and stormwater drainage works; provision of landscaping and private open space.

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, and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation, advertising structure or other development not being exempt development or development shown on the approved plans, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) strata subdivision, and
- (e) separate Council approval under the Roads Act 1993 for any crane used to construct this development that swings over public air space.

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

- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
- (b) the installation of a vehicular footway crossing servicing the development,

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

1.2.4 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to:

www.sydneywater.com.au, then follow the 'Developing Your Land' link or telephone 1300 082 746 for assistance.

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

the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 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.

1.6 Identification Survey

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

2 GENERAL

2.1 Scope of Consent

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

Drawing Title.	Drawing No.	Revision	Dated	Encl. Reference
MASTER PLAN	DA02	H	MAR 2020	22B
LOT 1 SITE ANALYSIS PLAN	DA101	D	JUNE 2019	22C
LOT 1 SITE PLAN	DA102	D	JUNE 2019	22D
LOT 1 GROUND FLOOR PLAN	DA103	D	JUNE 2019	22E
LOT 1 FIRST FLOOR PLAN	DA104	D	JUNE 2019	22F
LOT 1 ELEVATIONS	DA105	D	JUNE 2019	22G

LOT 1 ELEVATIONS - SECTIONS	DA106	D	JUNE 2019	22H
LOT 1 SHADOW ANALYSIS	DA107	D	JUNE 2019	22I
LOT 1 BINS TRAVEL PATHS PLAN	DA108	D	JUNE 2019	22J
LOT 1 TURNPATH PLAN	DA109	D	JUNE 2019	22K
LOT 2 SITE ANALYSIS PLAN	DA201	F	MAR 2020	22L
LOT 2 SITE PLAN	DA202	F	MAR 2020	22M
LOT 2 GROUND FLOOR PLAN	DA203	F	MAR 2020	22N
LOT 2 FIRST FLOOR PLAN	DA204	F	MAR 2020	22O
LOT 2 ELEVATIONS - SECTIONS	DA205	F	MAR 2020	22P
LOT 2 SHADOW ANALYSIS	DA206	F	MAR 2020	22Q
LOT 2 BINS TRAVEL PATHS PLAN	DA207	F	MAR 2020	22QA
LOT 2 TURNPATH PLAN	DA208	F	MAR 2020	22QB
LOT 3 SITE ANALYSIS PLAN	DA301	E	MAY 2019	22R
LOT 3 SITE PLAN	DA302	E	MAY 2019	22S
LOT 3 GROUND FLOOR PLAN	DA303	E	MAY 2019	22T
LOT 3 FIRST FLOOR PLAN	DA304	E	MAY 2019	22U
LOT 3 ELEVATIONS	DA305	E	MAY 2019	22V
LOT 3 ELEVATIONS	DA306	E	MAY 2019	22W
LOT 3 ELEVATIONS - SECTIONS	DA307	E	MAY 2019	22X
LOT 3 SHADOW ANALYSIS	DA308	E	MAY 2019	22Y
LOT 3 BINS TRAVEL PATHS PLAN	DA309	E	MAY 2019	22Z
LOT 3 TURNPATH PLAN	DA310	E	MAY 2019	22AA
LOT 4 SITE ANALYSIS PLAN	DA401	F	JUNE 2019	22BB
LOT 4 SITE PLAN	DA402	F	JUNE 2019	22CC
LOT 4 GROUND FLOOR PLAN	DA403	F	JUNE 2019	22DD
LOT 4 FIRST FLOOR PLAN	DA404	E	APR 2019	22EE
LOT 4 ELEVATIONS & SECTION	DA405	F	JUNE 2019	22FF
LOT 4 SHADOW ANALYSIS	DA406	F	JUNE 2019	22GG
LOT 4 BINS TRAVEL PATHS PLAN	DA407	F	JUNE 2019	22HH
LOT 5 SITE ANALYSIS PLAN	DA501	E	MAY 2019	22II
LOT 5 SITE PLAN	DA502	E	MAY 2019	22JJ
LOT 5 GROUND FLOOR PLAN	DA503	E	MAY 2019	22KK

LOT 5 FIRST FLOOR PLAN	DA504	E	MAY 2019	22LL
LOT 5 ELEVATIONS	DA505	E	MAY 2019	22MM
LOT 5 ELEVATIONS - SECTIONS	DA506	E	MAY 2019	22NN
LOT 5 SHADOW ANALYSIS	DA507	E	MAY 2019	22OO
LOT 5 BINS TRAVEL PATHS PLAN	DA508	E	MAY 2019	22PP
LOT 5 TURNPATH PLAN	DA509	E	MAY 2019	22QQ
STREET TREE PLANTING PLAN	LP01/07	R02	APR 2018	23A
LOT 1 – CONCEPT LANDSCAPE PLAN	LP02/07	R01	SEP 2017	23B
LOT 2 – CONCEPT LANDSCAPE PLAN	LP03/07	R02	APR 2018	23C
LOT 3 – CONCEPT LANDSCAPE PLAN	LP04/07	R02	APR 2018	23D
LOT 4 – CONCEPT LANDSCAPE PLAN	LP05/07	R01	SEP 2017	23E
LOT 5 – CONCEPT LANDSCAPE PLAN	LP06/07	R02	APR 2018	23F
COLOUR SCHEDULE	COLOUR SCHEDULE	C	MAY 2020	24A-D

* Unless modified by any condition(s) of this consent.

2.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

(a) Construction of 235 two-storey multi-dwelling housing units as follows:

- Lot 1: 58 x 2 storey dwellings
- Lot 2: 28 x 2 storey dwellings
- Lot 3: 71 x 2 storey dwellings
- Lot 4: 32 x 2 storey dwellings
- Lot 5: 46 x 2 storey dwellings

A minimum of ten per cent of dwellings must be adaptable dwellings.

(b) Construction of internal roads

(c) Associated stormwater drainage works

(d) Landscaping, including street tree planting.

2.2 Services

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

2.3 Suburb Name

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

Suburb: Marsden Park

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

Suburb: Marsden Park

2.4 **Tree Removal**

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

2.5 **Inconsistency between Documents**

- 2.5.1 If there is any inconsistency between the plans and documentation referred to in the consent, the most recent document or plan will prevail to the extent of the inconsistency. However, conditions of the consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved sections and plans, the plans prevail.

2.6 **Compliance with BASIX Certificate**

- 2.6.1 All commitments listed in the following BASIX Certificates shall be complied with:

- BASIX Certificate 719106M_03 (Lot 1)
- BASIX Certificate 719143M_04 (Lot 2)
- BASIX Certificate 860354M (Lot 3)
- BASIX Certificate 719877M_04 (Lot 4)
- BASIX Certificate 860355M (Lot 5)

The BASIX Certificates are to be revised to accord with the final approved plans.

2.8 **TransGrid Requirements**

- 2.8.1 Consideration is to be given in the design works for any proposed access ways/roads to TransGrid's easement & structures to cater for the weight and size of TransGrid's maintenance vehicles - to withstand the 40ton load capacity of maintenance trucks.

- 2.8.2 TransGrid is to be advised of any amendments or modifications to the proposed work, as this will need to be assessed by *TransGrid's Technical Engineers*.

2.9 **Signage**

- 2.9.1 Any other signage requires separate consent from Council, unless it is permitted pursuant to SEPP (Exempt and Complying Development Codes (2008)).

2.10 **Other Matters**

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

2.11 **Engineering Matters**

2.11.1 **Design and Works Specification**

2.11.1.1 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 On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M

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.

2.11.1.2 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.

2.11.2 Other Necessary Approvals

2.11.2.1 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)

2.12 Other Matters

2.12.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

- 3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:
- (a) Road inspection fee of \$180.00;
 - (b) Road maintenance bond of \$5000.00; and
 - (c) Road maintenance bond administration fee of \$104.00

The bond is required to cover the cost of any damage to Council's public assets (e.g.: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

3.3 **Blacktown Growth Centres Development Control Plan 2018**

- 3.3.1 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.

3.4 **Acoustic Attenuation**

- 3.4.1 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria L_{Aeq} (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 B(A)

- 3.4.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
 - b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.
- 3.4.3 The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- 3.4.4 Development on each lot is to be comply with the performance requirements recommended in the Acoustic Assessments for each lot prepared by Acoustic Logic and dated April 2016 to verify that this residential development complies with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors, as required by Clause 4.2.9 *Visual and Acoustic Privacy* of the Growth Centres Precincts DCP 2018. The recommendations of the Acoustic Assessments are to be included on the Construction Certificate documentation.

3.5 **Tree Protection and Street Trees**

3.5.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Civil and Open Space Infrastructure. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines, and will include the following:

- 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.

These shall be submitted to Council for the approval of Council's Manager Civil and Open Space Infrastructure. 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.

Details shall be submitted to Council for approval prior to the issue of any Construction Certificate. Landscaping to lot boundaries shall be shown wholly located within private property and not encroach upon the road reserve.

3.5.2 The proposed street tree planting shall be reviewed in relation to the proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.

3.5.3 Council's Project Officer for Civil and Open Space infrastructure must be notified when street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.

3.6 **Salinity**

3.6.1 The recommendations outlined in the Preliminary Salinity and Geotechnical Assessment, prepared by Martens & Associates Pty Ltd, report no. P1505038JR02V01, dated December 2015 must be carried out. Note: Final validation will be required prior to the release of an Occupation Certificate.

3.7 **Contamination and Remediation**

3.7.1 Prior to the issue of a Construction Certificate all areas potentially contaminated / contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out 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 qualified and EPA recognised Geoscientist shall review the validation report and 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.

3.8 **Construction Environmental Management Plan**

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

3.9 **Other Matters**

- 3.9.1 The Construction Certificate plans are to show that each dwelling is serviced by a suitably located driveway which is able to achieve satisfactory street access meeting the relevant clearance requirements from tangent points, services, infrastructure and street trees. The location of street trees must not interfere with future driveways.
- 3.9.2 The Construction Certificate plans are to show any existing/proposed substations, kiosks, sewer man holes and/or vents affecting any lots / units, including corner lots / units in accordance with the Blacktown Growth Centres Precincts DCP 2018.
- 3.9.3 The Construction Certificate plans are to show that the construction and layout of the footpath system provides for continuous disabled and pram access movement in terms of crossing points, including to nearby public transport services.
- 3.9.4 All mail boxes are to accord with the requirements of Australia Post with regard to location, access and size. The letterbox system is to be vandal resistant and secure. Appropriate sight lines are to be provided for vehicles using the mail box waiting bay for safety purposes.

3.10 **Ecology – Dam Dewatering Plan**

- 3.10.1 Prior to the issuing of a Construction Certificate, A Dam Decommissioning Plan is to be prepared and submitted to Council for approval. The plan is to provide details on the following:
- Fauna/aquatic survey prior to dam dewatering and a description of fauna residing within the dam.
 - Proposed relocation sites for native species, including the licence details required under the *Fisheries Management Act, 1994* or the *National Parks and Wildlife Act, 1974*.
 - If large numbers of predatory fish (e.g. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.
 - Methods to prevent injury to fauna during pumping of water from the dam.
 - Details of how exotic pest species will be humanely euthanised in a manner consistent with the *Prevention of Cruelty to Animals Act, 1979*.
 - Methods for disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways.
 - Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam.
 - Details of the appropriate timing (season) for dewatering.

- Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).
- Discharge limits as per relevant ANZECC WQO and EPL

3.11 TransGrid Requirements

- 3.11.1 Details of the street lights arrangement is to be provided. Street lighting will need to be limited within the easement according TransGrid's Easement Guidelines. Connection to the local electricity system is only permitted if electrically isolated as per AS3000 and the point of isolation is located outside of the easement.
- 3.11.2 Buried services shall not come within 20m of the tower structure and buried services should be non-metallic.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions under Section 7.17 Directions

- 4.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at 5 May 2020. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Marsden Creek	\$1,184,957.00	21
Little Creek	\$1,156,340.00	21
Stormwater Quality		
Marsden Creek	\$43,967.00	21
Little Creek	\$38,970.00	21
Traffic Management	\$773,564.00	21
Open Space	\$6,579,409.00	21
Community Facilities	\$84,509.00	21
E2 Conservation Zone	\$209,227.00	21
Aquatic Facility	\$137,667.00	21
Total	\$10,208,610.00	

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

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

S7.11 CP No. 21 – Marsden Park Precinct

The Section 7.11 contribution(s) have been based on the total developable area and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 4.4576 hectares

Additional Population: 634.5 persons

Stormwater Quality Marsden Creek: 0.3555 hectares

Stormwater Quality Little Creek: 0.7589

In the event that each super lot is separately developed, contributions will be calculated on a pro rata basis and a suitable compliance certificate will be issued for each lot as set out in Condition 4.1.2.

- 4.1.2 Any Compliance Certificate issued for the payment of Section 7.17 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 7.17 Contributions have been paid for that particular development or stage of development.

4.2 Special Infrastructure Contributions

- 4.2.1 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 7.23 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 Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

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

4.3 Aesthetics

- 4.3.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent and must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.
- 4.3.2 Any bathroom, w.c. or laundry window in the external walls of the buildings shall be fitted with translucent glazing.
- 4.3.3 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours approved by Council on the approved Dwelling plans in condition 2.1.1 of this consent. Any variation to these will need the prior formal approval of Council.
- 4.3.4 External service fixtures and conduits are to be designed so that they form part of the overall appearance of the building, or are to be screened from view.

4.4 Fencing

- 4.4.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks.

- 4.4.2 Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti. All fencing which is visible from the public domain is not permitted to be continuous, closed board, or the like.

4.5 Common Areas and Landscaping

- 4.5.1 A detailed landscape plan for the landscaping associated with the multi-dwellings is to be submitted to Council prior to issue of the building Construction Certificate, to Council's satisfaction. The landscape plan and details should provide details of the species types, pot sizes and growth heights at maturity.
- 4.5.2 All common areas and landscaping shall be of a high quality and detailed on the landscaping design plans as part of the Construction Certificate.
- 4.5.3 At least 30% of the site area is to be landscaped in accordance with the Growth Centres Precincts DCP 2018.

4.6 Access and Parking

- 4.6.1 A minimum of 423 car parking spaces are required to be provided within the site, being 370 resident spaces and 53 visitor car parking spaces, and all are to be designed having minimum internal clear dimensions in accordance with the Growth Centres Precincts DCP 2018.
- 4.6.2 Adequate pedestrian and bicycle access is required to be provided to the adjoining road network.
- 4.6.3 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with AS/NZ 2890.1:2004 and AS/NZS2890.6:2009.
- 4.6.4 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.6.5 Wheel stops are to be fitted to all of the uncovered car parking spaces on the site.

4.7 Adaptable Dwellings

- 4.7.1 A minimum of 10% of the 235 dwellings are to be designed in accordance with the Australian Adaptable Housing Code (AS 4299-1995) which includes "pre-adaptation" design details to ensure visitability is achieved.
- 4.7.2 The following dwellings are nominated to have adaptable floor plans:
- Lot 1: dwellings 17, 26, 27, 28, 29 and 35
 - Lot 2: dwellings 36, 37, 42 and 51
 - Lot 3: dwellings 1, 6, 37, 38, 60, 61, 64
 - Lot 4: dwellings 2, 3 and 21
 - Lot 5: dwellings 10, 18, 19, 27, 45

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable

standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 5 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

5.3 BASIX Certificate Compliance

5.3.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Numbers: 719106M_03 (Lot 1), 719143M_04 (Lot 2), 860354M (Lot 3), 719877M_04 (Lot 4) and 860355M (Lot 5) as revised to accord with the final approved plans.

5.4 Registration of Subdivision approved under JRPP-16-03321

5.4.1 The subdivision approved under JRPP-16-03321 must be registered with NSW Land Registry Services (LRS) prior to the issue of any Construction Certificate for this development.

5.5 Salinity

5.5.1 At the completion of site works, a post works salinity assessment shall be carried out and provide appropriate recommendations on construction materials for floor slab, footings and internal beams in accordance with AS2870-2011 'Residential Slabs and Footings'.

5.5.2 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings."

- 5.5.3 The recommendations outlined in the Preliminary Site Investigation, prepared by Martens & Associates Pty Ltd, report no. P1505038JR01V01, dated December 2015 must be carried out. Note: Final validation will be required prior to the release of an Occupation Certificate.

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 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application.

Construction Certificate plans shall be generally in accordance with the drawings prepared by Barker Ryan Stewart, project reference no. SY17117, sheet no. 1 to 35, rev G dated 31/03/2020 and relevant Consent conditions.

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

- i. It is required to provide sufficient details of temporary half road width pavement extension of Road no. 7 to service townhouses 1 and 2 to ensure operational effectiveness and safety. The design shall ensure adequate transitions to the existing surface level and inclusive of full width cross sections.

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

- Water quality treatment
- Earthworks
- Internal drainage construction
- Temporary road pavement (extension of temporary Road no. 7 pavement to provide access to townhouses 1 and 2)

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

6.3 Roads Act Requirements

- 6.3.1 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
- Kerb inlet pit connections or construction
- Vehicular crossings

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

6.4 Other Engineering Requirements

- 6.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 6.4.2 Any ancillary works undertaken shall be at no cost to Council.

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

6.5 Roads

- 6.5.1 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 person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 6.5.2 Proposed temporary road shall be designed and constructed with the traffic loading of 5 x 10⁵ N(ESA).

6.6 Drainage

- 6.6.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.6.2 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.

6.7 Erosion and Sediment Control

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

6.8 Earthworks

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

6.9 Stormwater Quality Control

- 6.9.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 6.9.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

6.10 Vehicular Crossings

- 6.10.1 Plans to demonstrate the construction of all vehicular crossings to Council's standard A(BS)103S.

7 PRIOR TO DEVELOPMENT WORKS COMMENCING

7.1 Compliance Certificate Fee

- 7.1.1 All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

7.2 Safety / Health / Amenity

- 7.2.1 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.

- 7.2.2 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.

- 7.2.3 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.

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

- 7.2.6 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.

- 7.2.7 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.

7.3 Notification to Council

- 7.3.1 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.

7.4 Home Building Act

- 7.4.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

7.5 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneypwater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

7.6 Dam Dewatering

- 7.6.1 The requirements included in the approved Dam Dewatering Plan must be implemented prior to any bulk earthworks associated with dewatering of the dams being undertaken.

8 DURING CONSTRUCTION (GENERAL)

8.1 Asbestos Handling

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

8.2 European Heritage

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

8.3 Aboriginal Heritage

- 8.3.1 If, during the course of construction works, the applicant or person acting on this consent become aware of any previously unidentified heritage object(s), all works likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of *the Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.
- 8.3.2 If, during the course of construction works, the applicant or person acting on this consent become aware of any previously unidentified Aboriginal object(s), all works likely to affect the object(s) shall cease immediately and the NSW Office of Environment and Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from NSW Office of Environment and Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

8.4 Acoustics

- 8.4.1 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 10pm and 7am.

8.5 Ecology

- 8.5.1 Clearing works on the site must adequately manage any weeds under the *Biosecurity Act 2016* and implement adequate sediment and erosion control practices. Any retained vegetation must be protected during construction.

8.6 TransGrid Requirements

- 8.6.1 The development is to be designed so that during construction phase TransGrid is not restricted from undertaking normal maintenance & inspection activities, and, at completion of works, access to Transmission Lines & structures shall be available at all times for TransGrid plant & personnel.
- o Currently the access point to the easement and Structure 14-62, located on the development site, is situated off South Street. The development appears to impact on both the access point and the means of travel along the easement to the structure.

- o It is requested that a new **TransGrid vehicular access** point be considered in the final design, possibly off the new roads adjacent to the easement in the vicinity of the structure. (A layback may be required). The new access arrangement is to be confirmed with TransGrid's Maintenance Staff.
- 8.6.2 No obstructions are to be placed on access tracks or within the easement area that restricts access.
- a. Any trees and/or vegetation proposed to be planted within the easement are not to exceed the 4m mature height limit and must not impede on access to the structure. These should also not be planted within 30m of the structure.
- 8.6.3 Location of any excavation works is not to be within 20 metres of any part of a steel tower, and the subsoil stability and surface drainage is **not** to be adversely affected in the vicinity of these structures. (Earth straps are buried coming out from each of the leg towers and these are not to be disturbed or exposed. Please contact TransGrid immediately if this does occur).
- 8.6.4 During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
- 8.6.5 All works must follow the *Work Near Overhead Power Lines Code of Practice 2006* and *TransGrid's Easement Guidelines for Third Party Development (V10)*
- 8.6.6 Safety clearances are to be observed near powerlines.
- 8.7 Recreational Planning and Design Requirements**
- 8.7.1 The applicant must provide wire mesh fencing around the perimeter of the RE1 land to protect the RE1 land from illegal dumping and trespassers until a time that Council acquires the land. All perimeter fencing should meet TransGrid fencing guidelines and not prevent TransGrid personnel from accessing the easement.
- 8.8 Street Tree Planting and Service Locations**
- 8.8.1 Street tree and 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.
- 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.
- 9 DURING CONSTRUCTION (BUILDING)**
- 9.1 Safety/Health/Amenity**
- 9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.2 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.

9.1.3 Should the development work:

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

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

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

9.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

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

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

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

9.2 **Building Code of Australia Compliance**

9.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

9.3 **Surveys**

9.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

9.4 **Nuisance Control**

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

9.5 Stormwater Drainage

9.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

9.6 Waste Control

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

9.7 Construction Inspections

9.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

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.

10.2 **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 **Boundary Levels**

- 10.3.1 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.

10.4 **Soil Erosion and Sediment Control Measures**

- 10.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.4.3 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.

10.5 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**

- 10.5.1 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, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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.

10.6 **Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**

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

Inspections must be pre-booked with a minimum 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, 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).

10.7 **Public Safety**

- 10.7.1 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.

10.8 Traffic Control

- 10.8.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card 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 - 2009.
- 10.8.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 10.8.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 10.8.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (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 - 2009.
- 10.8.5 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 person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

11.9 Dam Dewatering

- 11.9.1 Once the Dam Decommissioning Plan is approved by Council, its implementation must be supervised by a suitably qualified and experienced Ecologist who must provide Council's Natural Areas team with a brief email report of the results of the dam removal works.

11.10 Other Matters

- 11.10.1 Any substation or other utility installation required to service the approved development shall not be sited on future or existing Council land, including road reservations and/or public reserves or drainage reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Road Damage

- 11.1.1 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 will be met in full by the applicant/developer.

11.2 Compliance with Conditions

- 11.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 11.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.
- 11.3 Service Authorities**
- 11.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.
- 11.4 Temporary Facilities Removal**
- 11.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 11.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 11.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.
- 11.5 Fee Payment**
- 11.5.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.
- 11.6 Services / Utilities**
- 11.6.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. 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. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The

Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

11.7 Waste Services

11.7.1 A Community Management Agreement/Strata Management Agreement must exist which:

- clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
- clearly outlines a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
- clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
- clearly outlines the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- includes the updated (and approved) waste management plan as lodged with the development application.
- clearly outlines the travel path to take bins from the storage area to the designated collection points.

11.7.2 The applicant must ensure that the communal bin pads (if on private property), are line marked and sign posted for their use as a bin collection point. No stopping signage along these points is also required to aid collection of waste and recycling bins, and discarded bulky waste items. These areas must be clear of landscaping and vegetation plantings.

11.7.3 The applicant must provide an individual 240L waste and 240L recycling service to each dwelling consistent with Council's mobile garbage bin service. Should Council provide this service, we require the elected strata manager to sign our 'Onsite Waste Collection Agreement Form' before collections can occur onsite.

11.7.4 Access for collection vehicles must be designed in accordance with approved architectural plans, CAD files and vertical clearances as per Australian Standards.

11.7.5 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved architectural plans and vertical cross-section plans (demonstrating compliance with Australian Standards for headroom allowances) showing adequate truck entry and exit and in all manoeuvring areas.

11.7.6 The applicant must ensure that roads and driveways etc. are rated suitable for 24 tonne trucks.

11.8 Public Positive Covenant

11.8.1 The applicant must prepare and provide to Council for approval an instrument, substantially on the terms set out below and compliant with the requirements of NSW Land Registry Services, which will create a public positive covenant pursuant to section 88E of the Conveyancing Act 1919 on all lots within the development providing for the management and collection of all forms of garbage, green waste and recycling from each of those lots.

Terms of Positive Public Covenant

- 1) The Registered Proprietor from time to time of the Lot Burdened covenants personally and on behalf of all occupants of the Lot Burdened in favour of the Prescribed Authority under section 88E of the Conveyancing Act 1919 to do the following:
 - a) store all forms of garbage, green waste and recycling within the appropriate garbage bin areas designated on the plan for the Lot Burdened;
 - b) place all garbage, green waste and recycling bins in the communal garbage, green waste and recycling collection area, designated on the plan for the Lot Burdened, within 24 hours of the collection time;
 - c) collect and return the empty garbage, green waste and recycling bins to the Lot Burdened within 12 hours after collection has taken place;
 - d) place whitegoods and large household items in the communal bulky waste collection area, designated on the plan for the Lot Burdened, not more than 24 hours before each date allocated by the Prescribed Authority for the collection of such items; and
 - e) release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf.
- 2) This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.

The terms of the public positive covenant are to be approved by Council prior to the issue of any subdivision certificate or registration of the plan of subdivision. The applicant/developer should ensure that all lots burdened by the public positive covenant are clearly identified on the plan of subdivision. All costs incurred by Council to review and approve the terms of the public positive covenant shall be met in full by the applicant/developer.

- 11.8.2 The public positive covenant must require the lot owners to covenant on behalf of themselves and all occupants of the lots to:

- a) store all forms of garbage, green waste and recycling within the appropriate garbage bins on their respective lots;
- b) place all garbage, green waste and recycling bins in the designated communal garbage, green waste and recycling collection area within 24 hours of the collection time;
- c) collect and return the empty garbage, green waste and recycling bins to their respective lots within 12 hours after collection has taken place; and
- d) place whitegoods and large household items in the designated communal bulky waste collection area not more than 24 hours before each date allocated by the Prescribed Authority for the collection of such items.

- 11.8.3 The public positive covenant must:

- a) contain a plan, compliant with the requirements of NSW Land Registry Services, indicating the designated communal area/s within the development for the collection of garbage, green waste, recycling and bulky waste from all the lots within the development, with such designated communal collection area/s being in the location shown on the plans annexed to this consent;
- b) provide for the lot owners (on behalf of themselves and all occupants of the lots) to release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf; and
- c) provide that the positive public covenant cannot be released, varied or modified without the Prescribed Authority's consent.

11.8.4 These provisions must be put into effect prior to the release of the subdivision certificate and the applicant must ensure that the public positive covenant is registered with the plan of subdivision for the development.

11.9 Other Matters

11.9.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

11.9.2 All common areas and private driveways and pathways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

11.9.3 All fencing and retaining walls shall be completed in accordance with the approved plans and with the details submitted as part of the Construction Certificate. All fencing / retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material / design must also minimise / eliminate the potential for graffiti attacks. Where possible, foliage should be grown on / over fencing adjacent to public areas to minimise the potential for graffiti.

11.9.4 Vandal proof and security lighting, and appropriate security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.

11.9.5 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

11.9.6 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability. Wheel stops are to be fitted to all of the uncovered car parking spaces on the site. This does not relate to the stacked residential car parking spaces.

11.9.7 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

11.9.8 The turning bay areas at the end of the internal aisles within the development are to be signposted as 'Turning Bays' and 'No Parking'.

11.9.9 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves and also not on drainage zoned land.

11.9.10 All privacy screening measures / devices detailed on the approved plans are to be installed.

11.10 Graffiti Management Plan

11.10.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

11.11 Total Maintenance Plan

11.11.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, through site links, soft and hard landscaping, security systems, mail boxes, lighting, bulky waste storage and loading areas, feature entry signage, parking signage and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.
- (c) The development is managed by a Site / Strata / Building Manager.

A copy of the Plan is to be submitted to Council for separate approval prior to the release of any Occupation Certificate.

11.12 Acoustic Verification

11.12.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

11.13 Relationship with other Approvals

11.13.1 Compliance with the relevant requirements of the following nominated approvals:

- a) Development Consent No. JRPP-16-03321 dated 5/06/2017 issued by Land and Environment Court.

- b) Section 4.55 Application / modification to consent No. JRPP-16-03321 dated 26/09/2018 appealed by Land and Environment Court.
- c) Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993*.

The conditions contained within the above approvals shall be fully complied with in order to obtain release of any Occupation Certificate.

The authorised person issuing the Occupation Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

11.14 Engineering Matters

11.14.1 Surveys/Certificates/Works As Executed plans

- 11.14.1.1 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 colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 11.14.1.2 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.
- 11.14.1.3 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.

11.14.2 Easements/Restrictions/Positive Covenants

- 11.14.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
 - (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).
- 11.14.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.

11.14.2.3 All potential purchasers shall be advised of the development being located nearby an existing chicken farm. The Applicant must attach to any Contract for the Sale of any dwelling created under this consent copies of the following report:

a. Response to Statement of Facts and Contentions – Inclusions of Poultry Farm at 306 South Street (Report No: 20-139), prepared by Astute Environmental Consulting Pty Ltd, dated 19 May 2020.

A Section 88B restriction is to be listed on the title of the lots to this effect.

11.15 **Inspections**

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

11.16 **CCTV Inspection of Stormwater Drainage Structures**

11.16.1 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.

11.17 **Adaptable Housing Units**

11.17.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council

11.18 **Street Tree Planting**

11.18.1 The applicant is to plant street trees at 2m centre spacings with mulched garden bed along 1m verge. Species to be planted is *Tristaniopsis laurina*.

11.18.2 Trees must be 100L container size at planting time.

11.18.3 The landscape treatment is to be extended to the south as shown in the plan attached to this consent.

11.18.3 Due to the electricity transmission easement, mature trees should not be more than 4m in height. The applicant can install Callistemon or Melaleuca species that will grow approximately 4m at maturity. The spacing is to be 2m with mulched garden bed underneath. Planting details are to be confirmed by Rick Davis of Council's Open Space Maintenance Team.

11.19 **Traffic**

11.19.1 Signs are to be painted on the driveways of the following dwellings indicating no parking zones in front of their garages:

Lot 1 - dwellings 1-16, 20, 44-50, 52, 53-58.

Lot 2 - dwellings 33-41

Lot 3 - dwellings 1-2, 10-14, 15-30, 31-42, 53-54, 55-60 and 64-71

Lot 4 - dwellings 25-29
Lot 5 - dwellings 38-42, 29-34 and 14-18

11.19.2 Any proposed fence/Side boundary fence/landscape element on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5m from the property boundary within the property and 2.0m along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.

11.20 **Signage**

11.20.1 Entrance/exit points are to be clearly signposted and visible from the street.

11.21 **Odour**

11.21.1 Air conditioning units are to be installed in every dwelling associated with this development to mitigate odour impacts from the poultry farm located at 306 South Street.

11.22 **Other Matters**

11.22.1 All new and replacement boundary fencing associated with this development is to be at full cost to the parties acting on this consent.

12 **OPERATIONAL**

12.1 **Use of Premises**

12.1.1 The development shall not be used or converted for use for any purpose other than that:

- (a) Granted consent by this consent or as modified, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

12.1.2 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

12.2 **Traffic**

12.2.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.

12.2.2 The no parking zones in the private driveways of the following dwellings are to be adhered to at all times:

Lot 1 - dwellings 1-16, 20, 44-50, 52, 53-58.
Lot 2 - dwellings 33-41
Lot 3 - dwellings 1-2, 10-14, 15-30, 31-42, 53-54, 55-60 and 64-71
Lot 4 - dwellings 25-29
Lot 5 - dwellings 38-42, 29-34 and 14-18

12.3 **Landscaping**

12.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

12.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site

to ensure that sightlines are kept free from obstructions.

12.4 Waste Management and Collection

- 12.4.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 12.4.2 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.

12.5 Storage

- 12.5.1 No goods, materials, or trade waste shall be stored, displayed for sale or manufactured at any time outside the buildings on either the internal driveway / road, car parking areas, landscaping or footpaths, other than the approved garbage areas.

12.6 Lighting and Security

- 12.6.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.6.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.6.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.

12.7 Graffiti Removal

- 12.7.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection. The approved Graffiti Management Plan is to be adhered to at all times.

12.8 Total Maintenance Plan

- 12.8.1 The approved Total Maintenance Plan must be adhered to at all times.

12.9 Environmental Management

- 12.9.1 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.
- 12.9.2 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.
- 12.9.3 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.

12.10 TransGrid Requirements

- 12.10.1 General constraints for common space proposed in Block 7 & 8:

- Flying of kites, model aircraft and remote controlled aerial devices is not permitted within the easement.
- Erection of seating, shelters, playgrounds and other apparatus encouraging congregation of people of people is either prohibited or limited to the outer 5M of the easement.
- The burning or lighting of fires is not permitted within the easement.

12.10.2 Safety clearances are to be observed near powerlines.

12.10.3 No obstructions are to be placed on access tracks or within the easement area that restricts access.

- a. Any trees and/or vegetation proposed to be planted within the easement are not to exceed the 4m mature height limit and must not impede on access to the structure. These should also not be planted within 30m of the structure.

