

AGREEMENT BETWEEN PARTIES

Section 34(3)(a) and (b) of *Land and Environment Court Act 1979*

COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	Class 1
Case number	2018/308455

TITLE OF PROCEEDINGS

Applicant	St Marys Land Limited ACN 088 278 602
Respondent	Blacktown City Council ABN 18 153 831 768

PREPARATION DETAILS

Prepared for	St Marys Land Limited , Applicant
Legal representative	Luke Walker, MinterEllison
Legal representative reference	1228261
Contact name and telephone	Tim Poisel, (02) 9921 4541
Contact email	Tim.Poisel@minterellison.com Tara.Kahrovic@minterellison.com

TERMS OF AGREEMENT

1. The parties have reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
2. The terms of the decision are as follows:
 - (a) The applicant is granted leave to amend its application, and the plans filed with the Court on 9 October 2018, in accordance with condition 4.1.3 of '**Annexure A**'.
 - (b) The appeal is upheld.
 - (c) Development Application DA-18-00559 lodged on 29 March 2018 as amended by order 2(a) above (**Development Application**), seeking development consent for the construction of approximately 1.5km of the East West Connector Road (including bulk earthworks, importation and reuse of fill, retaining walls, fauna

crossings, stormwater and culvert crossings, widening of existing road footprint, pedestrian and cycle paths) and construction of a new Ropes Creek Bridge (including installing of new bridge piers, new support structures, and new bridge deck including handrails), Ropes Crossing, including, temporary use of access tracks and remediation comprising Stage 1 of the East West Connector Road development overs Lot 2 in DP 1203565, and part of Lots 5 and 6 in DP 1203565, is approved subject to the conditions set out in '**Annexure A**' attached hereto.

(d) The Applicant is to pay the Council's costs thrown away by reason of the leave granted in 2(a) in the agreed amount of \$7,120.00 (not including any GST).

3. Pursuant to section 34(3) of the *Land and Environment Court Act 1979*, the parties request that the Court dispose of these proceedings in accordance with the terms of the agreement set out in paragraphs 1 – 2 above.

SIGNATURES

Applicant

St Marys Land Limited, Applicant consents.

Signature of legal representative



Capacity

Solicitor for the Applicant

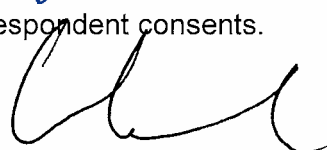
Date of signature

~~14~~ June 2019

Respondent

Blacktown City Council, Respondent consents.

Signature of legal representative



Capacity

Solicitor for the Respondent

Date of signature

14 June 2019

1 **ADVISORY NOTES**

1.1 **Terminology**

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

1.2 **Other Approvals**

- 1.2.1 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) 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
 - b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.

1.3 **Services**

- 1.3.1 The applicant is advised to consult with:

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

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

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

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

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

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

1.4 Identification Survey

- 1.4.1 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 and that the demolition works do not encroach outside the approved demolition areas.

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.

- 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.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Date	Enclosure No.
GENERAL ARRANGEMENT PLAN DWG. CV-CARDNO- EWC1A-1031 REV. 3	08.04.19	145C
STAGING PLAN* DWG. CV-CARDNO- EWC1A-1041 REV. 3	08.04.19	145D
CUT AND FILL PLAN SHEET 1 DWG. CV-CARDNO- EWC1A-1141 REV. 3	08.04.19	145M
CUT AND FILL PLAN SHEET 2 DWG. CV-CARDNO- EWC1A-1142 REV. 3	08.04.19	145N
TREE REMOVAL PLAN SHEET 1 DWG. CV-CARDNO- EWC1A-1151 REV. 3	08.04.19	145O
TREE REMOVAL PLAN SHEET 2 DWG. CV-CARDNO- EWC1A-1152 REV. 3	08.04.19	145P

*This application approves the construction of Stage 1 (marked in red) as shown on the staging plan approved by this consent.

- 2.1.2 This consent grants approval for:

- The construction of the East West Connector Road (Stage 1) and construction of Ropes Creek Bridge, including bulk earthworks, importation and reuse of fill, retaining walls, fauna crossings, stormwater and culvert crossings, widening of the existing road footprint, pedestrian and cycle paths, temporary use of access tracks and remediation.

Construction of the East West Connector Road (Stage 2) and South Creek Bridge does not form part of this development approval and will need to be the subject of a separate approval.

2.2 Department of Primary Industries – Water General Terms of Approval (GTA)

- 2.2.1 DPI Water requires the applicant to make an application for a Controlled Activity Approval for those activities prescribed by the Water Management Act 2000 occurring in or within 40m of a watercourse.

DPI Water's General Terms of Approval, held at TRIM ref. D18/467944 on Council's Content Management System, must be complied with as part of this consent. The General Terms of Approval have been included in Section 2.2 of this Notice of Determination for your information and action. However, please note that the General Terms of Approval do not constitute the actual controlled activity approval. In this regard, the applicant must obtain and complete to the satisfaction of DPI Water an application for a Controlled Activity Approval prior to the commencement of any works in or within 40 metres of a watercourse.

PRIOR TO THE COMMENCEMENT OF THE APPROVED DEVELOPMENT, Council is to be provided with evidence that a Controlled Activity Approval has been issued by DPI Water in relation to the proposed works.

- 2.2.2 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
- 2.2.3 A. The consent holder must ensure that any proposed materials or cleared vegetation, which may:
- (i) Obstruct water flow, or
 - (ii) Wash into the water body, or
 - (iii) Cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval.
- B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
- 2.2.4 The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
- 2.2.5 During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as:
- A. machinery must not enter the water course at any time,
 - B. there must be a minimum flow in the water course.
- 2.2.6 A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 18.550 provided by Council to Natural Resources Access Regulator.
- B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural

Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

- 2.2.7 A. A security deposit must be provided, if required by Natural Resources Access Regulator.
B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
- 2.2.8 A. The application for a controlled activity approval must include the following plan(s):
-
1. Detailed civil construction and drainage plans;
2. Sediment and erosion control plans;
3. Vegetation management plan including vegetation planting densities;
4. Project costings;
5. Stormwater management plans;
6. Box culvert design plans for one watercourse east and one watercourse west of the Ropes Creek crossing. *[ME note: applicant's intention was for a piped solution rather than a box culvert solution. We are waiting on instructions regarding this alternative solution. BCC to confirm if pressed]*

B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website
<http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.
- 2.2.9 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- 2.2.10 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.
- 2.2.11 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
- 2.2.12 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

2.3 Office of Environment and Heritage

- 2.3.1 Rehabilitation of the site is to be of a native species
- 2.3.2 Adequate fencing is installed, where necessary, to ensure that kangaroo and emus from the Regional Park cannot escape
- 2.3.3 If access to the Regional Park is required to undertake any works, written consent be obtained from OEH prior
- 2.3.4 If access to the Regional Park is granted, all gates must be closed immediately after entry/exit
- 2.3.5 Permanent fauna crossing over the road and at the bridges be included as part of

this development.

2.4 Engineering Matters

2.4.1 Design and Works Specification

- 2.4.1.1 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 Soil Erosion and Sediment Control Policy (Current Version)

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.

- 2.4.1.2 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

- 2.4.1.3 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.

- 2.4.1.4 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.

2.4.2 Other Necessary Approvals

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

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

2.4.3 **Engineering Compliance**

- 2.4.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed road works.
- 2.4.3.2 A compliance certificate certifying completion of the works approved by this consent shall be submitted to the PCA prior to dedication or use as a road.

2.5 **Other Matters**

- 2.5.1 This consent does not approve any construction preparatory work (including demolition, tree or vegetation removal) and no construction work approved by this consent shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 2.5.2 Any future substation, temporary drainage works 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.

3 **PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

3.1 **DA Plan Consistency**

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

3.2 **Geotechnical Reports**

- 3.2.1 The recommendations provided in the Geotechnical Factual Report (prepared by Cardno ref. 89914020-EWCR-GT-GFR-01) shall be implemented.
- 3.2.2 The recommendations provided in the Contamination Management Plan (prepared by JBS&G, ref. 43352/61064 rev. 3 dated 24 January 2018) shall be implemented.

3.4 **Access to Park**

- 3.4.3 Prior to the issue of a Construction Certificate, the applicant shall liaise with Council's Manager Open Space Maintenance in respect to the following matters:
 - a) Provide necessary access points and paths leading to the Regional Park. *[ME note: Access points are subject to NPWS arrangements]*
 - b) All boundaries to reserves are to be made vehicle proof. Vehicle-proof measures can be provided through barrier fencing or bollards, landscaping or grade level changes. Where landscaping is to be use, temporary barriers shall be provided until such time as the landscaping provides a vehicle proof barrier.

4 **PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

4.1 General

- 4.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 4.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 4.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Revision	Dated	
Cardno	CV-CARDNO-EWC1A-1001		4	08/04/2019	
	CV-CARDNO-EWC1A-1011		3		
	CV-CARDNO-EWC1A-1031				
	CV-CARDNO-EWC1A-1041				
	CV-CARDNO-EWC1A-1051				
	CV-CARDNO-EWC1A-1052				
	CV-CARDNO-EWC1A-1101				
	CV-CARDNO-EWC1A-1102				
	CV-CARDNO-EWC1A-1103				
	CV-CARDNO-EWC1A-1104				
	CV-CARDNO-EWC1A-1105				
	CV-CARDNO-EWC1A-1131				
	CV-CARDNO-EWC1A-1141				
	CV-CARDNO-EWC1A-1142				
	CV-CARDNO-EWC1A-1151				
	CV-CARDNO-EWC1A-1152				
	CV-CARDNO-EWC1A-1251		4	03/05/2019	
	CV-CARDNO-EWC1A-1301		4	03/05/2019	
	CV-CARDNO-EWC1A-1302		3	08/04/2019	
	CV-CARDNO-EWC1A-1303				
	CV-CARDNO-EWC1A-1304				
	CV-CARDNO-EWC1A-1305				
	CV-CARDNO-EWC1A-1351				
	CV-CARDNO-EWC1A-1352				
	CV-CARDNO-EWC1A-1353				
	CV-CARDNO-EWC1A-1601			1	
	CV-CARDNO-EWC1A-1602				
	CV-CARDNO-EWC1A-1701			3	16/04/2019
	CV-CARDNO-EWC1A-1702				
	CV-CARDNO-EWC1A-1703				
	CV-CARDNO-EWC1A-1704				
	CV-CARDNO-EWC1A-1705				
					08/04/2019
	CV-CARDNO-EWC1A-1851		2		8/04/2019
	CV-CARDNO-EWC1A-1852				
	CV-CARDNO-EWC1A-1853				
CV-CARDNO-EWC1A-1854					

	CV-CARDNO-EWC1A-2201		3	08/04/2019
	CV-CARDNO-EWC1A-2202			
	CV-CARDNO-EWC1A-2301			
	CV-CARDNO-EWC1A-2302			
	CV-CARDNO-EWC1A-2351			
Northrop	NL172056	S00.01	3	28.03.2019
		S00.02	2	
		S02.01	5	
		S02.02	3	

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

- i. All remediation works required to ensure a smooth transition with existing road works must be detailed in engineering plans for any Construction Certificate. In this regard, where works are required in the existing public road reserve, an appropriate approval is required, as detailed below.

Engineering plans by Cardno (mentioned earlier in this section of this consent) are to be amended as follows:

A. Drawing Number CV-CARDNO-EWC1A-1301:

- i. Provide Gross Pollutant Trap with oil baffle to treat flows from road up to the 6 month ARI at pit G2/2.
- ii. Provide service bay a minimum 15 metres in length and 3.6 metres in width from line of kerb, to allow access for maintenance and cleaning by Eductor truck without the need for traffic management provisions.

B. Drawing Number CV-CARDNO-EWC1A-1302:

- i. Provide Gross Pollutant Trap with oil baffle to treat flows from road up to the 6 month ARI at pit F2/2.
- ii. Provide service bay a minimum 15 metres in length and 3.6 metres in width from line of kerb, to allow access for maintenance and cleaning by Eductor truck without the need for traffic management provisions.

C. Drawing Number CV-CARDNO-EWC1A-1303:

- i. Provide Gross Pollutant Trap with oil baffle to treat flows from road up to the 6 month ARI at pit D2/2.
- ii. Provide service bay a minimum 15 metres in length and 3.6 metres in width from line of kerb, to allow access for maintenance and cleaning by Eductor truck without the need for traffic management provisions.

D. Drawing Number CV-CARDNO-EWC1A-1304:

- i. Provide Gross Pollutant Trap with oil baffle to treat flows from road up to the 6 month ARI at pit C8/2.
- ii. Provide service bay a minimum 15 metres in length and 3.6 metres in width from line of kerb, to allow access for

maintenance and cleaning by Eductor truck without the need for traffic management provisions.

E. Drawing Number CV-CARDNO-EWC1A-1305:

- i. Provide Gross Pollutant Trap with oil baffle to treat flows from road up to the 6 month ARI at pit B2/2.
- ii. Provide service bay a minimum 15 metres in length and 3.6 metres in width from line of kerb, to allow access for maintenance and cleaning by Eductor truck without the need for traffic management provisions.

4.2 Construction Certificate Requirements

4.2.1 A Construction Certificate must be granted for the engineering works prior to the carrying out of such works. These works include but are not limited to the following:

- Road and drainage construction
- Earthworks
- Path Paving

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

4.3 Roads Act Requirements

4.3.1 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 (including removal of existing road infrastructure and the related tie-in works).

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

4.4 Other Engineering Requirements

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

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

4.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

4.4.4 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.

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

4.5 Roads

- 4.5.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.
- 4.5.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 4.5.3 Proposed new roads shall be designed and constructed generally in accordance with the abovementioned engineering plans, and as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
East-West Connector Road	20.2	Full Length (excl. bridge)	1.8 – 13.0 – 5.4	1 x 10 ⁶
Ropes Creek Bridge	16.1	Full Length	Refer engineering plans	

- 4.5.4 The design of bridges and culverts shall be in accordance with AUSTROADS - Bridge Design Code and the structurally certified design shall be submitted to Council. Council will also require the submission of structural certification of the constructed works. Structural certification shall be submitted by a Registered Engineer (NER – Structural).
- 4.5.5 The soffit of the bridge must maintain a minimum 0.5m clearance above the 100 year ARI flow rate for the Critical Storm.
- 4.5.6 A road safety audit must be completed and included in any application for a Construction Certificate, and all relevant recommendations of the audit must be reflected in engineering plans and documents.

Note: Key items of the audit must include; the steep batter grades, the proximity of significant level differences (via batters and walls) to the road and the shared user path, and the location and design of safety barriers.

- 4.5.7 Safety barriers for roads and bridges shall be provided in accordance with AUSTROADS "*Guide to Road Design Part 6: Roadside Design, Safety and Barriers*" and any appropriate RMS design supplements.
- 4.5.8 The centreline of the road design level is to be a minimum of 500mm-300mm above the 100 year ARI flow rate for the Critical Storm peak water surface level.

4.6 **Drainage**

- 4.6.1 Any overland or stormwater flows must be conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

4.7 **Erosion and Sediment Control**

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

4.8 Earthworks

- 4.8.1 Where batters exceed a grade of 1V:5H, they are to be certified by an appropriately qualified engineer (which may include the provision for stabilisation with topsoil, turf and vegetation).

- 4.8.3 Retaining walls with a height greater than 0.6m must be structurally certified by an appropriately qualified engineer (NER – Structural) and must not create trapped or impeded flows from adjoining land. The structural design must consider loads resulting from flood waters.

4.9 Stormwater Quality Control

- 4.9.2 Gross pollutant treatment is to be provided at all kerb inlet pits discharging stormwater run-off from the road through the provision of Gross Pollutant Traps (GPTs) with oil baffle at all discharge points.

4.10 Footpaths

- 4.10.1 Construct shared user paths in accordance with AUSTROADS '*Part 6A: Paths for Walking and Cycling*' and the RMS NSW Bicycle Guidelines – November 2003. Paths must have a minimum width of 2.5m and be consistent with the engineering design plans referenced earlier in this section.

- 4.11 Signage and linemarking of the shared user paths must be in accordance with RMS '*Delineation - Section 12 Pavement markings for bicycle facilities (Feb 2010)*'.

4.12 Signage and Linemarking

- 4.12.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and linemarking details proposed as part of these works. A determination will be required prior to the implementation of all signage and linemarking site works, and confirmation of approval from the LTC with all works complete on site will be necessary prior to dedication of any public roads.

5 PRIOR TO DEVELOPMENT WORKS

5.1 Erosion and Sediment Control

- 5.1.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

5.2 Safety/Health/Amenity

- 5.2.1 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.

5.2.2 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.

5.2.3 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.

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

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

5.3 Nuisance Control

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

5.4 Sydney Water Authorisation

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

OR

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

5.5 Biodiversity

- 5.5.1 Prior to construction works commencing temporary fencing must be installed to mark the limits of "no-go" areas surrounding the footprint to ensure that vehicles and other associated direct disturbances are limited to the approved development areas.
- 5.5.2 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.
- 5.5.3 Trees not proposed for removal should be suitably protected, with no fill or machinery or vehicles located within the drip line of any tree.

6 DURING CONSTRUCTION (GENERAL)

6.1 Safety/Health/Amenity

- 6.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 6.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

- 6.1.3 Should the development work:

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

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

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

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

6.2 Nuisance Control

- 6.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 6.2.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

6.3 Geotechnical Reports

- 6.3.1 The recommendations provided in the Geotechnical Factual Report (prepared by Cardno ref. 89914020-EWCR-GT-GFR-01) shall be implemented during construction.
- 6.3.2 The recommendations provided in the Contamination Management Plan (prepared by JBS&G, ref. 43352/61064 rev. 3 dated 24 January 2018) shall be implemented during construction.

6.4 Other Matters

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

The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.

The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.

Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.

Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

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

6.5 Environmental Health

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 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.

7 DURING CONSTRUCTION (ENGINEERING)

7.1 Notification of Works

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

7.2 Insurances

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

7.3 Boundary Levels

- 7.3.1 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.

7.4 Tree Protection and Preservation

- 7.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

7.5 Soil Erosion and Sediment Control Measures

- 7.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 7.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

7.6 Filling of Land and Compaction Requirements

- 7.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 7.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
 - a) Submission of compaction certificates for fill within road reserves.
 - b) Submission of compaction certificates for road sub-grade.
 - c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
 - d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier). Evidence is required to confirm each stockpile used meets the required specification, has been supplied to the site, and the volume supplied meets the amount required to complete the approved works.

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 prior to Compliance certificate stage as required by this consent.

- 7.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 7.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer. Imported fill shall be verified as Virgin Excavated Natural Material (VENM).
- 7.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 7.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 7.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 7.6.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

7.7 Filling in Contaminated Land

- 7.7.1 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.
- 7.7.2 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.

- 7.7.3 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.

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

- 7.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

7.9 Inspection of Engineering Works - Roads Act 1993

- 7.9.1 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).

7.10 Public Safety

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

7.11 Site Security

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

7.12 Traffic Control

- 7.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 7.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

- 7.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 7.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 7.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.
- 7.13 **Powder Coated Furniture**
- 7.13.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

8 PRIOR TO DEDICATION FOR OR USE AS A ROAD

8.1 Site Contamination

- 8.1.1 A final site contamination Validation Report confirming the suitability of the site for the proposed road is to be endorsed by Council. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

8.2 Salinity

- 8.2.1 A post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for the road construction.

8.3 Road Configuration

- 8.3.1 The configuration of the road shall be consistent with the corresponding zone boundaries of Sydney Regional Environmental Plan No. 30

8.4 Biodiversity & Landscaping

- 8.4.1 Any damaged or removed 'Macro Fauna Fence' must be reinstated.
- 8.4.2 Installation of fauna culvert and fauna crossings as per the approved plans.

- 8.4.3 Rehabilitation of the access tracks used for the works with an equivalent grassed finish.
- 8.4.4 At completion of bridge construction works, rehabilitation and reinstatement of native vegetation under the bridge construction footprint must be carried out.
- 8.4.5 The areas subject to earthworks and fill adjacent to the boundary with the Regional Park shall be suitably stabilised and revegetated.
- 8.4.6 All landscaping and street tree planting is to be completed to Council's satisfaction.

8.5 Temporary Facilities Removal

- 8.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 8.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 8.5.3 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.
- 8.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 8.5.5 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.

8.6 Asset Management

- 8.6.1 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 for the development and is to be paid. 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.

A street lighting plan showing the number of light poles for the development is to be submitted to Council. Any enquiries regarding this fee are to be directed to the Civil Maintenance Section of the City Assets Directorate.

8.7 Fee Payment

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

8.8 Engineering Matters

8.8.1 Surveys/Certificates/Works As Executed plans

- 8.8.1.1 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, in a softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including any works approved under the *Roads Act 1993* and the *Local Government Act 1993* covered by this consent).
- 8.8.2 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 Sydney Regional Environmental Plan No 30 - St Marys (SREP 30) requirements.
- 8.8.3 Submission of structural certification of the constructed works for Ropes Creek bridge. Structural certification shall be authored by an appropriately qualified Structural Engineer.
- 8.8.4 Submission of structural certification of the constructed works for;
- (i) Retaining walls above 0.6m in height
 - (ii) Batters exceeding a grade of 1V:5H
 - (iii) Non-standard drainage structures, including pits and culverts
- Structural certification shall be authored by an appropriately qualified Structural Engineer.
- 8.8.5 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM).
- 8.8.5.1 Confirmation of approval from the Local Traffic Committee (LTC) for signage and linemarking, with clear evidence of all related works completed on site.
- 8.8.5.2 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.
- 8.8.5.3 A certificate confirming that a minimum of five (5) Gross Pollutant Traps (GPTs) have been installed as per the intent of the requirements outlined earlier in this consent. All kerb inlet pits discharging to a Gross Pollutant Trap with oil baffle must provide a service bay with a minimum 15 metres in length and 3.6 metres in width.
- 8.8.5.4 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) 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). Evidence is required to confirm each stockpile used meets the required specification, has been supplied to the site, and that the volume supplied meets the amount required to complete the approved works.

8.8.5.5 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.

8.8.6 **Easements/Restrictions/Positive Covenants**

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

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

8.8.6.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/ system and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.

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

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

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

8.8.8.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months following in respect of any defects in any such public work that arises within 6 months of that time.

- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

- 8.8.8.4 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

8.8.9 **Inspections**

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

8.8.10 **Inspection of Work**

- 8.8.10.1 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 video footage of the inspections, a 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.