

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No:	MOD-18-00331
Development Consent modified:	JRPP-15-02703
Description of development to be carried out under the consent (as previously modified):	Demolition of existing structures, tree removal, superlot subdivision of land including the construction of new roads and 6x4 storey residential flat buildings comprising 200 apartments, with basement car parking, landscaping and common open space embellishment.
Address and particulars of title of land on which development to be carried out:	Lot 8 DP 1190434 H/N 103 Schofields Road ROUSE HILL
Description of modification to the development consent:	Amendments to Stage 2 of the approved development to increase the developable area, provide revised layouts for the basement and buildings D, E and F, increasing the number of units and amendments to road design and locations.

Schedule of Modifications:

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
8 February 2022	MOD-18-00331	Land and Environment Court	2021/00207086

Determination: The development consent is modified as follows:

1. Delete Condition 1 (including 1.1 and 1.2).
2. Delete Condition 2.2.1.
3. Delete Condition 2.4.1 and replace with the following:

“The applicant is advised to consult with:

- Sydney Water Corporation Limited
- Energy provider
- Natural Gas Company
- 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~~ a Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.”

4. Delete Condition 2.6.2 and replace with the following:

“The proposed street tree planting shall be reviewed in relation to the existing / 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 the first Construction Certificate relating to the approved development.”

5. Delete Condition 2.8.1 and replace with the following:

“2.8.1 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

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works (including separate Construction Certificates for Stage 1 and Stage 2 works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

~~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)~~

6. Delete Condition 3.1.1 and replace with the following:

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

Drawing No.	Dated	Council's File Enclosure No.
Demolition and Streetscape Plan Dwg 0003 Issue D	19/09/2016	30D
Site Plan Dwg 0101 Issue D S96-13 <u>Issue 4</u>	19/09/2016 <u>21/10/2021</u>	-D21/670653
Basement and Ground Floor Plan Dwg 0102 Issue E	10/11/16	33B
<u>Basement Floor Plan – Stage 2</u> <u>S96-14 Issue 7</u>	<u>27/10/2021</u>	D21/662927
<u>Ground Floor Plan – Stage 2</u> <u>S96-15 Issue 5</u>	<u>27/10/2021</u>	D21/662928
<u>Upper Floor Plan – Stage 2</u> <u>S96-16 Issue 4</u>	<u>27/10/2021</u>	D21/662930
Level 1 and 2 Plans Dwg 0103 Issue D	19/09/2016	30H
<u>Typical Floor (Level 1-2) – Stage 2</u> <u>S96-17 Issue 5</u>	<u>27/10/2021</u>	D21/662932
Level 3 and Roof Dwg 0104 Issue D	19/09/2016	
<u>Level 3 – Stage 2</u> <u>S96-18 Issue 5</u>	<u>27/10/2021</u>	D21/662934
<u>Roof Level – Stage 2</u> <u>S96-19 Issue 5</u>	<u>27/10/2021</u>	D21/662935
Elevations - Boundary Dwg 0201 Issue D	19/09/2016	30K
Elevations – Blocks A, B, C, D Dwg 0202 Issue D	19/09/2016	30L
<u>Elevation – Stage 2</u> <u>S96-21 Issue 5</u>	<u>27/10/2021</u>	D21/662937
<u>Elevation – Stage 2</u> <u>S96-22 Issue 5</u>	<u>27/10/2021</u>	D21/662940
Sections Dwg 0301 Issue D	19/09/2016	

<u>Section A & B</u> <u>S96-31 Issue 3</u>	<u>21/10/2021</u>	D21/670656
<u>Section E</u> <u>S96-32 Issue 4</u>	<u>21/10/2021</u>	D21/670683
<u>Section F</u> <u>S96-33 Issue 4</u>	<u>21/10/2021</u>	D21/670714
<u>Section G</u> <u>S96-34 Issue 5</u>	<u>21/10/2021</u>	D21/670716
Details – Adaptable and Fencing Dwg 0401 Issue D	19/09/2016	30N
Street alignment Dwg 0402 and 0403 Issue D	19/09/2016	30P & 30Q
Service Bay Detail Dwg 0410 Issue D	19/09/2016	30X
Staging Plan 0005-0008 Issue D	17/01/17	40B
<u>Landscape Plan: General</u> <u>Layout Plan</u> <u>S34-L101 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Landscape Plan: Ground fr</u> <u>& Upper Ground fr</u> <u>S34-L102 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Landscape Plan: Level 03</u> <u>& typical detail</u> <u>S34-L103 Rev P</u>	<u>20/10/2021</u>	D21/670738
<u>Street Tree Plan & typical</u> <u>detail</u> <u>S34-L104 Rev P</u>	<u>20/10/2021</u>	D21/670738

** Unless modified by any conditions of this consent"*

7. Delete Condition 3.1.2 and replace with the following:

"The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

<u>Drawing No.</u>	<u>Dated</u>	<u>Council's file enclosure No.</u>
Proposed Plan of Subdivision 2908 <u>Plan of subdivision of Lot</u> <u>8 in DP 1190434</u> <u>Issue B</u> <u>(Surveyor's reference:</u> <u>50074 001DP)</u>	14 December 2015 <u>21 September 2017</u>	20G

8. Delete condition 3.1.3 and replace with the following:

“This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- *Stage 1 - Residue lot subdivision including road construction*
- *Stage 2- Blocks A, B and C*
- *Stage 3 – Blocks ~~B~~ and D, E and F”*

9. Delete condition 3.4.1 and replace with the following:

“All commitments listed in the BASIX Certificate numbers 689893M dated 21 December 2015 and 929841M 02 dated 21 October 2021 shall be complied with.”

10. Insert Conditions 3.5.1.5 – 3.5.1.9 after Condition 3.5.1.4, as follows:

3.5.1.5 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45

3.5.1.6 The registered proprietor/lessee is to provide to Council’s WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor’s cleaning reports or certificates to Council’s WSUD Compliance Officer WSUD@blacktown.nsw.gov.au.

3.5.1.6.a Each year the registered proprietor/lessee is to provide to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report

outlining all non-potable water used annually and the percentage of non-potable reuse. Design reuse supplied is 0.11 ML/yr at 100%.

3.5.1.7 Provide a Temporary OceanGuard Maintenance Estimate from Ocean Protect for the cleaning of the OceanGuards every 3 months for 2 years and every 4 months thereafter for duration of the contract. Replacement of the filter bags must occur every 2 years and the full removal of the temporary OceanGuards and frames from the street pits surrounding the development. At the end of the contract period of eight (8) years.

3.5.1.8. Provide a Stormwater Quality Improvement Device (SQID) Maintenance Estimate from Ocean Protect for the Stormfilter system and on-lot OceanGuards as per the supplier's maintenance schedule. The maintenance estimate is to be for a five (5) year period and include replacement of the stormfilters and OceanGuards at the end of the contract period.

3.5.1.9 A s4.55 modification of consent application is required where proprietary stormwater quality products are altered in the form of size, type or brand."

11. Delete Condition 5.3.1 and replace with the following:

"5.3.1 The developer is to provide securities to Council for the removal of the proposed temporary access when ILP road pattern is completed. The securities are to be provided for outstanding works for the ~~reinstatement~~ adjustment of Road No.1 to the ultimate design levels, as well as the reinstatement of the development frontage along Schofields Road to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021."

12. Delete Condition 5.3.2 and replace with the following:

"5.3.2 ~~Transport for NSW Roads and Maritime~~ has previously acquired a strip of land for road along the Schofields Road frontage of the subject property, being Lot 51 DP 1175424. Therefore, all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property — ~~Lot 8 DP 1190434~~ (unlimited in height or depth), along the Schofields Road boundary."

13. Delete Conditions 5.3.3 and 5.3.4

14. Delete Condition 5.3.5 and replace with the following:

"5.3.5 The temporary driveways and associated works along the Schofields Road boundary (as shown on the 'Roadworks and Drainage Layout Plan Sheet 1 of 2 (Interim Scenario)', plan reference No. 2021225, drawing 300.1, issue E, dated 25/11/2021, prepared by Telford Civil) shall be removed and the road frontage must be reinstated by the applicant at no cost to Transport for NSW, to the ultimate design as detailed on Roadworks and Drainage

Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021 to match existing when the road network within the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site). The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with ~~Roads and Maritime~~/TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au, from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to Transport for NSW Roads and Maritime for approval prior to the issue of a Construction Certificate (Engineering) and commencement of any road works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

Special attention is drawn to the requirement that the applicant is to provide a bond to Council for the removal of the proposed temporary access and all associated works as detailed within other parts of this consent. A detailed cost estimate is to be provided for these works. This will be required prior to the issue of any construction certificate.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Transport for NSW Roads and Maritime. Transport for NSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works."

15. Condition 5.3.6 is deleted and replaced with the following:

"5.3.6 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Transport for NSW Roads and Maritime for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

Details should be forwarded to:

The Sydney Asset Management Roads and Maritime Services.
PO Box 973 Parramatta CBD 2124

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

16. Delete Condition 6.1.1 and replace with the following:

“A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are not inconsistent with the approved Development Application design plans development consent.”

17. Delete Condition 6.6.4 and replace with the following:

“6.6.4 Prior to the relevant construction certificate, the applicant must, in the relevant plans and specifications to the subject of the construction certificate, provide physical treatment to the loading bay (e.g. removable, lockable bollards) to prevent unauthorised parking and to maintain truck turning areas.”

18. Delete Condition 6.8 and replace with the following:

“6.8 Transport for NSW

6.8.1 Prior to the issue of a the first Construction Certificate the Applicant is to submit to Council an acoustic assessment demonstrating how the development will comply with the Department of Planning and Infrastructure's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

6.8.2 Prior to the issue of a the first Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the electrolysis risk to the development from stray currents from the North West Rail Link. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a the first Construction Certificate.

6.8.3 Prior to the issue of a the first Construction Certificate the Applicant is to submit to the Deputy Project Director, Metro Product and Integration, Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing all craneage and other aerial operations for the development and must comply with all TfNSW requirements. The Principle Certifying Authority is not to issue the first Construction Certificate until written confirmation has been received from the TfNSW confirming that this condition has been satisfied.

6.8.4 Drainage from the development must be adequately managed and disposed of and not allowed to discharge into the rail corridor. Prior to the issue of a the first Construction Certificate the Applicant is to submit to the Deputy Project Director, Metro Product and Integration, Sydney Metro Delivery Office of Transport for NSW (TfNSW) a plan showing how stormwater drainage does not discharge to the rail corridor.

6.8.5 Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be provided to Blacktown

City Council for its records.”

19. Delete Condition 6.12.1.
20. Delete Condition 6.12.2 and replace with the following:

“6.12.2 The developer is to provide securities to Council for the removal of the proposed temporary access when ILP road pattern is completed. The securities are to be provided for outstanding works for the reinstated of Road No.1 to the ultimate design levels, as well as the reinstatement of the development frontage along Schofields Road to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021.”

21. Delete Condition 7.1.1 and replace with the following:

“The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are stated as at 4 January 2022 ~~as at the date of this consent~~. They WILL BE INDEXED from the date of this consent 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) whichever occurs first, 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 ~~up to \$10,000.00 only~~. Any ~~payments above \$10,000.00 must be made by cheque~~. Payments above \$10,000.00 However, payments by credit card or EFTPOS over \$10,000.00 are levied a 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Stage 1

<u>Contribution Item</u>	<u>Base Amount</u>	<u>Relevant C.P.</u>
Stormwater Quantity	\$382,187	CP22
Stormwater Quality	\$104,547	CP22
Traffic Management	\$263,243	CP22
Open Space	\$1,795,734	CP22
Community Facilities	\$11,352	CP22
E2 Conservation zone	\$55,523	CP22

<u>Contribution Item</u>	<u>Amount</u>	<u>Relevant C.P.</u>
Stormwater Quantity		
<u>Second Ponds Creek</u>	<u>\$414,237.00</u>	<u>22 – Area 20</u> <u>precincts</u>

<u>Stormwater Quality</u>		
<u>Second Ponds Creek</u>	<u>\$113,314.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Traffic Management</u>	<u>\$285,318.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Open Space</u>	<u>\$1,946,324.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Community Facilities</u>	<u>\$12,304.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>E2 Conservation Zone</u>	<u>\$60,179.00</u>	<u>22 – Area 20</u> <u>precincts</u>
<u>Total</u>	<u>\$2,831,676.00</u>	

The Section 7.11 contribution(s) are based on the site's 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: 1.1660 hectares

Stormwater Quality Area: 0.2915

Additional Population: 190.4 persons

Stage 2

<u>Contribution Item</u>	<u>Base Amount</u>	<u>Relevant C.P.</u>
<u>Stormwater Quantity</u>	<u>\$165,855</u>	<u>CP22</u>
<u>Stormwater Quality</u>	<u>\$45,370</u>	<u>CP22</u>
<u>Traffic Management</u>	<u>\$114,237</u>	<u>CP22</u>
<u>Open Space</u>	<u>\$1,795,734</u>	<u>CP22</u>
<u>Community Facilities</u>	<u>\$11,352</u>	<u>CP22</u>
<u>E2 Conservation zone</u>	<u>\$55,523</u>	<u>CP22</u>

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:

S.94 CP No. 22 -Area 20 Precinct

The Section 94 contribution(s) have been based on the total developable area, the site's road frontage 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 94 contribution(s) will be adjusted accordingly.

Stage 1

Developable Area: 1.166 hectares Additional Population: 190.4 persons

Stage 2

Developable Area:

0.5060 hectares

Additional Population:

190.4 persons

<u>Contribution Item</u>	<u>Amount</u>	<u>Relevant C.P.</u>
<u>Stormwater Quantity</u>		
<u>Second Ponds Creek</u>	<u>\$179,763.00</u>	<u>22 – Area 20 precincts</u>
<u>Stormwater Quality</u>		
<u>Second Ponds Creek</u>	<u>\$49,174.00</u>	<u>22 – Area 20 precincts</u>
<u>Traffic Management</u>	<u>\$123,817.00</u>	<u>22 – Area 20 precincts</u>
<u>Open Space</u>	<u>\$2,171,214.00</u>	<u>22 – Area 20 precincts</u>
<u>Community Facilities</u>	<u>\$13,726.00</u>	<u>22 – Area 20 precincts</u>
<u>E2 Conservation Zone</u>	<u>\$67,133.00</u>	<u>22 – Area 20 precincts</u>
<u>Total</u>	<u>\$2,604,827.00</u>	

The Section 7.11 contribution(s) are based on the site's 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: 0.5060 hectares

Stormwater Quality Area: 0.1265 hectares

Additional Population: 212.4 persons

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:

Section 7.11 Contributions Plan No. 22 – Area 20 Precincts.”

22. Delete Condition 7.5.4 and replace with the following:

“7.5.4 A minimum of 260 car parking spaces are to be provided on site, being 220 resident car parking spaces and 40 visitor car parking spaces.

All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

- Residential Flat Building (excluding width of pillar): 2.54m x 5.4m
- Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m
- Disabled Car Spaces: 4.8m x 5.4m (including shared zone)"

23. Delete Conditions 7.7 and 7.7.2

24. Delete Condition 8.6 and replace with the following:

"The plans and specifications must indicate compliance with (for stage 1) the commitments listed in the BASIX Certificate Number 689893M dated 21 December 2015 and (for stage 2) the commitments listed in BASIX Certificate Number 929841M 02 dated 21 October 2021."

25. Delete Condition 9.1.3 and replace with the following:

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Umbrella Civil	UM815145	CIV	00-13	8	30/5/16
Umbrella Civil	UM815145	SW	101-110	8	15/6/16

Civil engineering drawings				
<u>Prepared By</u>	<u>Drawing No</u>	<u>Title</u>	<u>Rev</u>	<u>Date</u>
<u>Telford Civil</u>	<u>001</u>	<u>Cover sheet, locality plan and drawing index</u>	<u>G</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>002</u>	<u>Existing services and demolition plan</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>300</u>	<u>Roadworks and drainage layout plan sheet 1 of 2</u>	<u>E</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>300.1</u>	<u>Roadworks and drainage layout plan sheet 1 of 2 (interim scenario)</u>	<u>E</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>301</u>	<u>Roadworks and drainage layout plan sheet 2 of 2</u>	<u>C</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>302</u>	<u>Road 1, 2, 3 & 4 typical cross sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>310</u>	<u>Road longitudinal sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>310.1</u>	<u>Interim road longitudinal sections</u>	<u>B</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>311</u>	<u>Road 1 cross sections</u>	<u>C</u>	<u>25/11/2021</u>

<u>Telford Civil</u>	<u>312</u>	<u>Road 2 cross sections sheet 1 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>313</u>	<u>Road 2 cross sections sheet 2 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>314</u>	<u>Road 3 cross sections sheet 1 of 2</u>	<u>B</u>	<u>1/11/2021</u>
<u>Telford Civil</u>	<u>315</u>	<u>Road 3 cross sections sheet 2 of 2</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>316</u>	<u>Road 4 cross sections</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>320</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2 (12.5m truck)</u>	<u>F</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>320.1</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2 (8.8m truck)</u>	<u>B</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>321</u>	<u>Signage, linemarking and swept path plan sheet 1 of 2</u>	<u>B</u>	<u>18/10/2021</u>
<u>Telford Civil</u>	<u>330</u>	<u>Construction and details sheet 1 of 3</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>331</u>	<u>Construction and details sheet 2 of 3</u>	<u>B</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>332</u>	<u>Construction and details sheet 3 of 3</u>	<u>A</u>	<u>14/09/2021</u>
<u>Telford Civil</u>	<u>335</u>	<u>Retaining walls details</u>	<u>D</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>335</u>	<u>Retaining walls details sheet 2 of 2</u>	<u>A</u>	<u>25/11/2021</u>
<u>Telford Civil</u>	<u>400</u>	<u>Stormwater catchment plan</u>	<u>B</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>410</u>	<u>Stormwater longitudinal section sheet 1 of 2</u>	<u>A</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>411</u>	<u>Stormwater longitudinal section sheet 2 of 2</u>	<u>A</u>	<u>18/11/2021</u>
<u>Telford Civil</u>	<u>420</u>	<u>Stormwater calculations table</u>	<u>A</u>	<u>18/11/2021</u>
<u>Stormwater engineering drawings</u>				
<u>Prepared By</u>	<u>Drawing No</u>	<u>Title</u>	<u>Rev</u>	<u>Date</u>
<u>Telford Civil</u>	<u>000</u>	<u>Cover sheet & drawing schedule</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>101</u>	<u>Stormwater layout plan basement level sheet 1 of 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>102</u>	<u>Stormwater layout plan basement level sheet 2 of 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>103</u>	<u>Ground floor plan – stage 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>104</u>	<u>Upper ground floor plan – stage 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>105</u>	<u>WSUD catchment plan stage 1 and 2</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>106</u>	<u>WSUD & miscellaneous details sheet</u>	<u>D</u>	<u>19/11/2021</u>
<u>Telford Civil</u>	<u>107</u>	<u>Erosion & sediment control plan & details</u>	<u>D</u>	<u>19/11/2021</u>

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

- i. The applicant is to ensure that any future level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310) are supported by means of an appropriate structure along the common boundary.

Any proposed structure must account for the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).

An NER Registered Structural Engineer is to submit certification to verify that:

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
 - The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
 - The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
 - The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.
- ii. The design and construction of all roads are to ensure there are no trapped low points within the road system. The design shall demonstrate adequate provision for the conveyance of the overland flows through the road system.
- iii. The proposed cross sectional detail of temporary road No.1 shall be no greater than 3% crossfall.
- iv. Prior to construction of the temporary access interface between interim road No. 1 and Schofields road, the applicant shall provide a certificate from a Traffic Engineer to confirm the access ramps/vehicular crossings are compliant with AS2890.2.
- v. Prior to the issue of any construction approval for the interface works between Road No.1 and Schofields Road, the applicant shall obtain written concurrence from Roads and Maritime Services/TfNSW.
- vi. A Road Safety Audit is to be submitted prior to the release of any construction approval for the proposed road system.
- vii. The ultimate road, drainage and lot levels and configuration are to be designed and constructed to ensure compatibility with approved road, drainage and lot levels and configuration detailed on approved neighbouring development JRPP-16-03310."
26. Insert Conditions 9.1.17 – 9.1.22 after Condition 9.1.16 as follows:
- "9.1.1 7 Provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank to 400 mm below the top of the weir for the 690mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 770mm above the false floor.

9.1.18 The minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e. $L > Q_{100} / (0.4 \times 0.25)$, or $L > 10 \times Q_{100}$) in m, where Q_{100} is in m^3/s . Provide calculations.

9.1.19 Provide metal mosquito proof mesh welded under the access grate(s) into the Stormfilter Chamber.

9.1.20 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 13 of Council's WSUD developer handbook and be approved by Council.

9.1.21 An experienced chartered hydraulic engineer is to prepare and certify a detailed Landscape Watering Plan for non-potable water uses (landscape watering) on the site and that all Sydney Water requirements have been satisfied. The plan is to show the non-potable pipe and tank arrangement including:

- a. a first flush or pre-treatment system;
- b. a pump with isolation valves and a warning light to indicate pump failure;
- c. a mains water direct tank top up with air gap for landscape watering.
- d. **flow meters** on the mains water tank top-up line and the pump outflow line, to determine actual non-potable usage;
- e. a timer and control box for landscape watering;
- f. how the system is designed to automatically achieve a minimum average usage rate of 112 kL/yr for landscape beds at (0.4 kL/yr/m^2) including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing for the cooler months.
- g. ensuring all the non-potable reuse pipes and taps are coloured purple;
- h. an inline filter and preferably an inline automatic backwash filter.
- i. fitting warning signs to all external taps using non-potable water.

9.1.22 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works. A determination will be required prior to the implementation of all signage and line marking works.

The signage and line marking plan shall be provided to Transport for NSW for review and endorsement prior to being determined and implemented

27. Insert Condition 9.2.2 after Condition 9.2.1 as follows:

“9.2.1 Under the Environmental Planning and Assessment Act 1979 a Construction Certificate is required. These works include but are not limited to the following:

- *On-site stormwater detention system*

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

28. Delete Condition 9.3.1 and replace with the following:

“9.3.1 Under Section 138 of the Roads Act 1993 an approval for engineering work within the existing public road reserve is required. These works include but are not limited to the following:

- *Any works within Council's road reserve*
- *Vehicular crossings*
- *Road access and associated works along Schofields Road.*

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

29. Insert Condition 9.3.2 after Condition 9.3.1 as follows:

9.3.1 “Prior to the issue of a construction certificate, evidence is required to be provided of separate development consent having being obtained for stormwater tail out works on downstream property Lot 7 in DP 1190434 to facilitate inter-allotment drainage on the adjoining land.”

30. Delete Condition 9.4.3 and replace with the following:

Lodge with Land Registry Services an application for the registration of an easement over the relevant part of Lot 7 DP 1190434 (sufficient to permit the drainage outcome for that land shown in the 'Roadworks and Drainage Layout Plan Sheet 2 of 2' drawing 301, revision A, 14 September 2-21, preparing by Telford Civil) with the consent of the relevant landowner. ~~written permission from the affected property owner for any works proposed on adjoining land~~ Any required development consent for the works/use Lot 7 must also be obtained (this development consent does not authorise the carrying out of any development on Lot 7).

31. Delete Condition 9.5.4 and replace with the following:

“9.5.4 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Road No. 1	15.5	75	3.5 - 11 - 1	5x10 ⁵
Road No. 2 (Half width)	18	205	3.5-11 - 3.5	5x10 ⁵
Road No. 3	18	205	3.5 - 11 - 3.5	5x10 ⁵
(Half width) Road No. 4	18	75	3.5-11 - 3.5	5x10 ⁵

Note: The road layout and associated levels are to be consistent with the adjoining development; namely JRPP-16-03310.

Note: The levels of the road have been approved on the basis that they are consistent with and will remain consistent with the development on the adjoining development approved pursuant to Development Consent No. JRPP-16-03310.

Note: The above formation figures include the path paving to be constructed in accordance with condition 9.12.1.”

32. Delete Condition 9.8.4

33. Delete Condition 9.9.4

34. Delete Condition 9.12.1 and replace with the following:

“9.12.1 Construct path paving in accordance with BCC GCP DCP and generally as follows:

Street Name	Side	Paving Width	Length
Road No. 1	North	1.2 1.5	Full frontage
Road No. 2	West	1.2 1.5	Full frontage
Road No. 3	East	1.2 1.5	Full frontage
Road No. 4	South	1.2 1.5	Full frontage

35. Delete Condition 10.5.2.

36. Insert Conditions 10.5.3 – 10.5.6 after Condition 10.5.2 as follows:

“10.5.3 A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Schofields Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

10.5.4 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Documents should be submitted to Development.Sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

10.5.5 The ground where the proposed safety barrier is to be installed must not exceed the manufacturer specifications/TfNSW acceptance conditions.

10.5.6 The suggested 'caution-watch for pedestrians and cyclists' sign or similar for exiting vehicles as suggested in the Varga Traffic Planning letter dated 29/11/2021 should be incorporated into the design."

37. Delete Condition 11.5 and 11.5.1

38. Delete Condition 11.11.1 and replace with the following:

"11.11.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work 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 or the Heritage Council provides written advice that it has no objection to the resumption of work"

39. Delete Condition 11.12.1 and replace with the following:

"11.12.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and Heritage NSW is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from ~~Heritage NSW~~ the NSW Office of Environment & Heritage is received by the Applicant or ~~Heritage NSW~~ provides written advice that it has no objection to the resumption of work. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted."

40. Insert Condition 12.15 after Condition 12.14.1 as follows:

“12.15 The 200-micron OceanGuards (Enviropods) and Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer’s product.”

41. Delete Condition 13.2.1 and replace with the following:

“13.2.1 Occupation Certificate shall not be issued until such time as all conditions of this consent relevant to the stage (or in relation to stage 2, the whole development), 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.”

42. Insert Conditions 13.7.1.8 – 13.7.1.14 after Condition 13.7.1.7 as follows:

“13.7.1.8 A Chartered Civil Engineer registered with NER, is to certify that:

- (a) all the requirements of the approved drainage plan have been undertaken;*
- (b) the orifice size matches the approved construction certificate plans;*
- (c) the total of 40kL rainwater tanks have been provided as per the approved construction certificate plans;*
- (d) all the signage and warning notices have been installed;*
- (e) any proprietary water quality devices have been installed for the site as per the manufacturer’s recommendations.*
- (f) the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100-year ARI storm events.*
- (g) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.*

13.7.1.9 A registered surveyor is to provide a works-as-executed plan of the detention basin and certify that the available storage volumes are at or exceed the design volumes in the 1 in 100-year ARI events.

13.7.1.10 Ocean Protect (Stormwater 360) is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Stormfilters that:

- i. They are installed in accordance with the Ocean Protect (Stormwater 360) standard operational guidelines and production drawings;*
- ii. A minimum of 8(eight) 200-micron OceanGuards (Enviropods) and 25 (690mm cartridges) Ocean Protect Stormfilters have been installed;*
- iii. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;*
- iv. The Stormfilter weir length is as per the manufacturers recommendation.*
- v. The Stormfilters have a minimum flow rate of 40 l/s at standard weir height;*
- vi. Mosquito proof screens have been provided under all grated*

- accesses into the Stormfilter tank; and
- vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber. A maintenance contract has been entered into for the maintenance of the stormfilters

13.7.1.11 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Non-standard stormwater pits

13.7.1.12 Certification 'as built' by a qualified Engineer (NER) for all barrier systems and associated items approved by the scope of this consent. This relates to the following components:

- a) The entire barrier system w-beam barrier along Schofields road.
- b) Barrier system along the western boundary of Road No. 3.

13.7.1.13 In regards to the as-built structure constructed to address the level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310). An NER Registered Structural Engineer is to submit certification to verify that;

- the retaining wall is structurally adequate and in accordance with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.
- The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
- The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
- The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.

13.7.1.14 The applicant is to submit the certified approved line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete."

43. Insert Conditions 13.7.2.5 - 13.7.2.9 after Condition 13.7.2.4 as follows:

"13.7.2.5 Prior to the issue of an occupation certificate, an easement must be registered over the relevant part of Lot 7 DP 1190434, sufficient to permit the

drainage outcome for that land shown in the 'Roadworks and Drainage Layout Plan Sheet 2 of 2' drawing 301, revision A, 14 September 2021.

13.7.2.6 Provide a Restriction to User and Positive Covenant (**Water Sensitive Urban Design System**) over the stormfilter tank and OceanGuards in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

13.7.2.7 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council.

13.7.2.8 Prior to the issue of an occupation certificate the the inter-allotment drainage line required to drain the development is to be constructed and a satisfactory final inspection by Council.

13.7.2.9 A Registered Surveyor must provide evidence that all pipes and associated structures lie wholly within any easement, and provide a Works-As-Executed plan

NOTE: All engineering Works-As-Executed plans must be prepared on a copy of the original approved engineering plans."

44. Delete Conditions 13.7.3 and 13.7.3.1

45. Insert Condition 13.7.4.5 after Condition 13.7.4.4 as follows:

"13.7.4.5 Security for outstanding works is to be submitted by the applicant for the removal of the interim road works along Road No.1 interfacing with Schofields Road and the reinstatement by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021. The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Note: These works can be implemented when the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site).

46. Insert Conditions 13.7.7 – 13.7.10 after Condition 13.7.6 as follows:

“13.7.7 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the WSUD Inspection and Maintenance Guidelines available on Council’s website. Where a proprietary device is not included within this guideline provide these separately. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer’s name, company, signature and date on it.

13.7.8 Written evidence is to be provided that the registered proprietor has entered into a minimum five (5) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Stormfilter and OceanGuards Maintenance Estimate. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled after the contract period, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners’ corporation).

13.7.9 An experienced irrigation specialist, is to certify that:

- a. the non-potable landscape water uses are being supplied by rainwater;
- b. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- c. The flow meters have been installed on the pump outflow and the mains water supply to the rainwater tank to determine non-potable usage and actual percentage of reuse;
- d. The automatic timer has been set up for time and frequency to deliver 112 kl/year on average and the system has been design will adjust for twice the rate in summer and half the rate in winter.
- e. The pumps, alarms and all other systems are working correctly;
and
- f. The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
- g. Rainwater warning signs are fitted to all external taps using rainwater.
- h. A signed, works-as-executed Landscape Watering Plan is to be provided to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

(Used for stand-alone landscape watering systems such as residential development in the growth centres - review details above and check specifics – delete).”

47. Delete Conditions 13.8.2 – 13.8.5 and replace with the following:

13.8.2 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate for the relevant stage.

13.8.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate for the relevant stage. 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 any potential for graffiti.

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

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

48. Delete Condition 13.9.1 and replace with the following:

"13.9.1 Prior to the issue of an Occupation Certificate for a stage and after all front fencing for that stage is constructed, a suitably qualified Traffic Consultant is to verify that the as-built driveways comply with the sight distance requirements in the relevant Australian"

49. Delete Condition 13.11.1 and replace with the following:

"13.11.1 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, landscaping, the communal open space areas, gymnasium, security systems, mail boxes, lighting, loading areas 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 proposed development is always under the control of a fulltime Building Manager.

A copy of the Plan is to be submitted to Council for separate

approval prior to the release of any Occupation Certificate for stage 2.

50. Delete Condition 13.12.2

51. Delete Condition 13.15.3 and replace with the following:

“13.15.3 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space area are to be completed for a given stage in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate for that stage.”

52. Delete Condition 13.16.1 and replace with the following:

“13.16.1 Any tree planting (and maintenance) along the frontage of ~~the development site~~ each stage to improve the amenity of the streetscape must be approved before a Occupation Certificate is issued for that stage.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of medium and high density residential developments.

Trees will be planted at a minimum spacing of 8 metres.

Additional trees may be requested following assessment of the subdivision configuration.

Trees must be of a minimum container size of 45 litres with root barriers. The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.”

53. Delete Condition 14.1.1 and replace with the following:

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

Council upon (and as a consequence of) the registration of the plan of subdivision.

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

54. Insert Condition 14.4.2 after Condition 14.4.1 as follows:

“14.4.2 Written evidence is to be provided that the developer has entered into a minimum eight (8) year signed and endorsed maintenance contract with Ocean Protect and prepaid all of the Temporary OceanGuard Maintenance Estimate for the maintenance of the OceanGuards within the street pits. Forward a copy of the signed and endorsed contract and maintenance contractor details to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.”

55. Delete Condition 14.6 (including Conditions 14.6.1 – 14.6.4).

56. Insert Conditions 14.11.1.8 – 14.11.1.11 after Condition 14.11.1.7 as follows:

14.11.1.8 Structural certification ‘as built’ by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a. Retaining walls over 0.6 m in height
- b. Non-standard stormwater pits

14.11.1.9 Certification ‘as built’ by a qualified Engineer (NER) for all barrier systems and associated items approved by the scope of this consent. This relates to the following components:

- a. The entire barrier system w-beam barrier along Schofields road.
- b. Barrier system along the western boundary of Road No. 3.

14.11.1.10 In regards to the as-built structure constructed to address the level difference between the interim levels of Road No.1 and Road No.3 at the south western end of site and the levels approved on the adjoining lot development (JRPP-16-03310). An NER Registered Structural Engineer is to submit certification to verify that;

- the retaining wall is structurally adequate and in accordance

with the relevant Australian Standards as well as able to withstand all loads likely to be imposed on it during its service life.

- The structural engineer's certification must consider the current road level on the adjoining property (i.e. undeveloped lot 7 in DP 1190434) as well as any future level difference resulting from the development of lot 7 in DP 1190434 (see road levels approved on JRPP-16-03310).
- The footing system of any proposed retaining wall must not impact the ultimate road pavement thickness.
- The structure is to include but not be limited to an appropriate barrier system for both vehicular traffic as well as pedestrian movement.

14.11.1.11 The applicant is to submit the certified approved line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.

57. Delete Condition 14.11.2.1 and replace with the following:

14.11.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority (or, in the case of the easement over Lot 7 DP 1190434 a person) 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.

58. Insert Conditions 14.11.2.6 and 14.11.2.7 after Condition 14.11.2.5 as follows:

"14.11.2.6 Provide a Positive Covenant over the Temporary OceanGuards (Enviropods) in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment by the first business day on or before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided.

14.11.2.7 Provide a Positive Covenant over the Temporary OceanGuards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council."

59. Delete Conditions 14.11.3.2 and 14.11.3.3

60. Delete Condition 14.11.4.3 and replace with the following:

"14.11.4.3 Concrete path paving must not be placed until about 75% of the lots dwellings in stage 1 have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works."

61. Insert Condition 14.11.4.5 after Condition 14.11.4.4 as follows:

"14.11.4.5 Security for outstanding works is to be submitted by the applicant for the removal of the interim road works along Road No.1 interfacing with Schofields Road and the reinstatement by the applicant to the ultimate design as detailed on Roadworks and Drainage Layout Plan prepared by Telford Civil, plan reference No. 2021225, Dwg No. 300, revision E and dated 25/11/2021. The design and construction of the kerb and gutter and associated works on Schofields Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Note: These works can be implemented when the site has permanent access to the existing road network in accordance with the intended ILP road layout (such access to be constructed by others either to the east or the west of the site)."

62. Delete Condition 15.1.2 and replace with the following:

"15.1.2 The communal ground level ~~and rooftop areas~~ are only permitted to be occupied by residents and their guests from 8am-8pm daily."

63. Insert Condition 15.5.4 after Condition 15.5.3 as follows:

“15.5.4 As the development will be serviced by private waste and recycling contractors, residents are unable to access Council’s household clean up service, or garbage and recycling service. These must be provided by the Owners Corporation. A Section 88B must be listed on the title to this effect and must contain the following:

- The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the Owners Corporation of the Burdened Lot:
 - Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
 - Must ensure waste and recycling services, and bulky waste collections for the residents of the building or Strata Scheme are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
 - Must not access Council’s household clean up service or waste/recycling service
 - Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
 - This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.”