

## Conditions of consent (draft)

<b>Proposed development</b>	Construction of integrated housing consisting of 56 attached dwellings, 10 semi-detached dwellings and 4 dwelling houses with Torrens title and community title subdivision with associated landscaping and infrastructure works.
<b>Property description</b>	Approved Lots 3082 to 3086 in a subdivision of Lot 111 DP 1190510, Richmond Road Marsden Park

### 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 Part 6 – Subdivision 6.3 of the Environmental Planning and Assessment Act 1979.

#### 1.2 Scope of consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.2 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction. However, in the event that the subdivision precedes full completion of buildings and associated works in accordance with the approved plans on any of the lots, the Applicant shall comply with Council's "early release" criteria for subdivisions, including, but not limited to:
  - a) the outer main walls for all the dwellings including the party walls between the dwellings shall be constructed;
  - b) a certificate from a registered surveyor shall be submitted confirming that the common party walls between the dwellings are located exactly on the approved subdivision lot boundaries;
  - c) the lodgement of a Section 88b instrument creating a positive covenant on the title of the subject land that ensures the development proceeds only in accordance with this Consent;
  - d) the payment of a monetary bond for covering the cost of outstanding works to Council's requirements; and
  - e) the positive covenant is to contain a provision that it may not be extinguished or altered except with the consent of the Blacktown City Council.

### **1.3 Other approvals**

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

### **1.4 Services**

- 1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

### **1.5 Identification survey**

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

### **1.6 Tree planting and service locations (after all other services)**

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

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

### **1.7 Engineering notes**

- 1.7.1 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
- 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)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

- 1.7.2 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.

## **1.8 Payment of engineering fees**

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

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

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

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

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

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

## **1.9 Other matters**

- 1.9.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

## **1.10 Road damage**

- 1.10.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

## 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.	Drawing Name	Prepared by	Date/Revision
<b>Community Title Plan of Subdivision</b>			
108-12GL29 (00)-MD5-DA2-Community-Overall - Sheet 1	MD5-DA2- Community Title Overall	Craig & Rhodes	19/12/2017
108-12GL29 (00)-MD5-DA2-Community-Lot Layout Stage 1 - Sheet 2	MD5-DA2- Community Title – Lot Layout Stage 1	Craig & Rhodes	19/12/2017
108-12GL29 (00)-MD5-DA2-Community-Lot Layout Stage 2 – Lot 11 in Stage 1 - Sheet 3	MD5-DA2- Community Title – Lot Layout Stage 2	Craig & Rhodes	19/12/2017
<b>Torrens Title Plan of Subdivision</b>			
108-12GL28 (00)-MD5-DA2- overall Layout - Sheet 1	MD5-DA2- Overall Layout	Craig & Rhodes	19/12/2017
108-12GL28 (00)-MD5-DA2- Lot Layout – 3082 - Sheet 2	MD5-DA2- Lot 3082	Craig & Rhodes	19/12/2017
108-12GL28 (00)-MD5-DA2- Lot Layout – 3083 - Sheet 3	MD5-DA2- Lot 3083	Craig & Rhodes	19/12/2017
108-12GL28 (00)-MD5-DA2- Lot Layout – 3084 - Sheet 4	MD5-DA2- 3084	Craig & Rhodes	19/12/2017
108-12GL28 (00)-MD5-DA2- Lot Layout – 3086 - Sheet 5	MD5-DA2- 3086	Craig & Rhodes	19/12/2017
<b>Architectural Plans</b>			
DA2-100/1	Cover Page	DKO	27/06/2018 Rev. C
DA2-200/1	Site Analysis & Site Plan	DKO	27/06/2018 Rev. C
DA2-300/1	Ground Lots 201 - 311	DKO	27/06/2018 Rev. C
DA2-300/2	First Lots 201 - 311	DKO	27/06/2018 Rev. C
DA2-300/3	Roof Lots 201 - 311	DKO	27/06/2018 Rev. C
DA2-300/4	Ground Lots 031 - 412	DKO	27/06/2018 Rev. C
DA2-300/5	First Lots 031 - 412	DKO	27/06/2018 Rev. C
DA2-300/6	Roof Lots 031 - 412	DKO	27/06/2018 Rev. C
DA2-300/7	Ground Lots 02 - 31	DKO	27/06/2018 Rev. C
DA2-300/8	First Lots 02 - 31	DKO	27/06/2018 Rev. C
DA2-300/9	Roof Lots 02 - 31	DKO	27/06/2018 Rev. C
DA2-300/10	Ground Lots 601 - 608	DKO	27/06/2018 Rev. C
DA2-300/11	First Lots 601 - 608	DKO	27/06/2018

Drawing No.	Drawing Name	Prepared by	Date/Revision
			Rev. C
DA2-300/12	Roof Lots 601 - 608	DKO	27/06/2018 Rev. C
DA2-400/1	Streetscapes	DKO	27/06/2018 Rev. C
DA2-400/2	Streetscapes	DKO	27/06/2018 Rev. C
DA2-500/1	Shadow Diagrams	DKO	27/06/2018 Rev. C
DA2-500/2	Shadow Diagrams	DKO	27/06/2018 Rev. C
DA2-500/3	Shadow Diagrams	DKO	27/06/2018 Rev. C
DA2-500/4	Shadow Diagrams	DKO	27/06/2018 Rev. C
DA2-601/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-601/2	Ground Floor Plan	DKO	18/04/2018 Rev. B
DA2-601/3	First Floor Plan	DKO	18/04/2018 Rev. B
DA2-601/4	Roof Plan	DKO	18/04/2018 Rev. B
DA2-601/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-601/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-602/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-602/2	Ground Floor Plan	DKO	18/04/2018 Rev. B
DA2-602/3	First Floor Plan	DKO	18/04/2018 Rev. B
DA2-602/4	Roof Plan	DKO	18/04/2018 Rev. B
DA2-602/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-602/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-603/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-603/2	Ground Floor Plan	DKO	18/04/2018 Rev. B
DA2-603/3	First Floor Plan	DKO	18/04/2018 Rev. B
DA2-603/4	Roof Plan	DKO	18/04/2018 Rev. B
DA2-603/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-603/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-604/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-604/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-604/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-604/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-604/5	Elevations 01	DKO	18/04/2018

<b>Drawing No.</b>	<b>Drawing Name</b>	<b>Prepared by</b>	<b>Date/Revision</b>
			Rev. B
DA2-604/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-605/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-605/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-605/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-605/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-605/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-605/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-606/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-606/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-606/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-606/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-606/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-606/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-607/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-607/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-607/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-607/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-607/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-607/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-608/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-608/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-608/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-608/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-608/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-608/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-609/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-609/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-609/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-609/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-609/5	Elevations 01	DKO	18/04/2018

Drawing No.	Drawing Name	Prepared by	Date/Revision
			Rev. B
DA2-609/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-610/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-610/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-610/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-610/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-610/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-610/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-611/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-611/2	Ground Floor Plan	DKO	18/04/2018 Rev. B
DA2-611/3	First Floor Plan	DKO	18/04/2018 Rev. B
DA2-611/4	Roof Plan	DKO	18/04/2018 Rev. B
DA2-611/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-611/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-612/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-612/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-612/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-612/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-612/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-612/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-613/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-613/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-613/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-613/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-613/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-613/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-614/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-614/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-614/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-614/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-614/5	Elevations 01	DKO	18/04/2018

Drawing No.	Drawing Name	Prepared by	Date/Revision
			Rev. B
DA2-614/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-615/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-615/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-615/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-615/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-615/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-615/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-616/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-616/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-616/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-616/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-616/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-616/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-617/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-617/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-617/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-617/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-617/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-617/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-618/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-618/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-618/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-618/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-618/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-618/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-619/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-619/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-619/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-619/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-619/5	Elevations 01	DKO	18/04/2018



Drawing No.	Drawing Name	Prepared by	Date/Revision
			Rev. B
DA2-619/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B
DA2-620/1	Cover Page	DKO	18/04/2018 Rev. B
DA2-620/2	Ground Floor Plans	DKO	18/04/2018 Rev. B
DA2-620/3	First Floor Plans	DKO	18/04/2018 Rev. B
DA2-620/4	Roof Plans	DKO	18/04/2018 Rev. B
DA2-620/5	Elevations 01	DKO	18/04/2018 Rev. B
DA2-620/6	Elevations 02 & Section	DKO	18/04/2018 Rev. B

Reference No	Document	Prepared By	Date
Nil	Elara DA Landscape Report Precinct 3 / MD5 Stage 1 – Pages 8 to 23	GroupGSA	December 2017 Rev 4 dated 22/12/2017
JC12129A-r1	Salinity and Geotechnical Assessment	GeoEnviro Consultants Pty Ltd	July 2013

Unless modified by any conditions of this consent. See condition 2.1.2.1 below.

## 2.1.2 Studio Dwelling

- 2.1.2.1 The studio dwelling and associated garage, as well as the associated strata subdivision to create Lot 12a (stage 3), is to be deleted, and does not form part of this Consent. The applicant can lodge a further application to Council seeking consent for this component of the development at a later date.
- 2.1.2.2 Prior to the release of a subdivision certificate for lot 12 an amended landscape plan showing the treatment of this area is to be completed and submitted to Council.

## 2.2 Services

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

## 2.3 Suburb name

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

Suburb: MARSDEN PARK

## 2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in BASIX Certificates 890127, 890132S, 890134S to 890137S, 890141S, 890143S, 890145S, 890147S, 890151S, 890152S, 890157S, 890162S, 890163S, 890165S, 890166S, 890167S, 890170S 890173S to 890177S, 890179S, 890188S, 890189S, 890191S, 890193S, 890194S, 890360S, 890197S, 890200S, 890201S, 890203S 890205S, 890207S, 890208S, 890211S, 890212S, 890219S, 890224S, 890225S, 890228S, 890229S, 890231S, 890234S, 890236S, 890240S, 890248S, 890252S to 890254S dated 17 December 2017, 890359S dated 18 December 2017, 890130S, 890133S, 890138S, 890139S, 890155S-02, 890174S,

890176S, 890182S, 890213S, 890215S, 890244S, 890251S dated 19 December 2017 and 890925M dated 20 December 2017 shall be complied with.

## **2.5 Engineering matters**

### **2.5.1 Design and Works Specification**

2.5.1.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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

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

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

2.5.1.2 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

- (a) Vehicular Crossing Application and Inspection Fee: **\$145-** per crossing.

NOTE: This amount is valid until the 30<sup>th</sup> June 2018 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

### **2.5.2 Subdivision**

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

## **2.6 Other Matters**

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

2.6.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.

2.6.3 The applicant shall comply with the mitigation measures and recommendations of the any Aboriginal Heritage Impact Permit (AHIP) issued on the site.

### **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 Services/Utilities**

- 3.2.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
  - (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.
- 3.2.2 Separate documentary evidence from Endeavour Energy shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line

#### **3.3 Access/Parking**

- 3.3.1 The access driveway area shall meet the relevant requirements of AS2890 that requires vehicles to enter and leave in a forward direction, in one journey.
- Obstructions on either side of the access ways as outlined by AS2890 must not exceed 900mm height for a length of 2.5m from the property boundary within the property, and 2.0m along the property boundary (see AS 2890.1 Figure 3.3) to provide safety of pedestrians.
- 3.3.2 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

#### **3.4 Street tree planting**

- 3.4.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:
- a) cross-sections showing dimensions of tree pits
  - b) species
  - c) details of root protection barriers
  - d) soil specifications
  - e) location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

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

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

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

### **3.5 Waste management**

- 3.5.1 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 3.5.2 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans with each bin indicated.

Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas.

- 4.6.3 The applicant must ensure that the communal bin pads (if on private property), are line marked and sign posted for their use as a bin collection point. No stopping signage along the entire private road is also required to aid collection of waste and recycling bins, and discarded bulky waste items.
- 4.6.4 The applicant must ensure no plantings or landscaping is located where the bin collection points are as this will hinder safe and efficient collection of bins and bulky waste from the development.
- 4.6.5 The applicant must splay the driveway to safely accommodate the waste collection vehicle around the site and allow it remain within the driveway.

## **4 Prior to construction certificate (Planning)**

### **4.1 Necessary plan amendments**

- 4.1.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:
  - a) The studio dwelling and associated garage on proposed Lot 12a under this Consent has been deleted and does not form part of this approval. A landscape plan demonstrating the final treatment of this area is to be submitted to Council.
  - b) Strata subdivision does not form part of this Consent.
  - c) All roof cladding shall be in light to mid colours and not be in dark tones.

### **4.2 Aesthetics**

- 4.2.1 All bathroom, w.c and laundry windows in the external walls of the dwellings shall be fitted with translucent glazing.
- 4.2.2 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours approved by Council on the approved dwelling plans in condition 2.1.1 of this consent. Any variation to these will need the prior formal approval of Council.

### **4.3 Access/Parking**

- 4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1 unless specified elsewhere under this Consent.
- 4.3.2 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.3 A driveway location plan shall be submitted to Council demonstrating that all proposed lots are able to achieve satisfactory street access, meeting the relevant clearance requirements from tangent points, vehicle sweep paths, services, infrastructure stormwater grates/lintels and street trees.

Note: At least 1 metre clearance (2 m desirable) is required from stormwater lintels & pits.

### **4.4 Fencing**

- 4.4.1 All front side and rear fencing is to be in accordance with the submitted details approved by Council on the approved dwelling plans in Condition 2.11 of this consent. Any variation to these will need the prior formal approval of Council.
- 4.4.2 All internal and external boundary retaining walls are to be constructed of masonry.

## **5 Prior to Construction Certificate (Building)**

### **5.1 Building Code of Australia compliance**

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
  - (a) Complying with the deemed to satisfy provisions, or
  - (b) Formulating an alternative solution which:
    - (i) complies with the performance requirements, or
    - (ii) Is shown to be at least equivalent to the deemed to satisfy provision, or
    - (iii) A combination of (a) and (b).
- 5.1.2 All aspects of the garages shall comply with the NSW Additions 1.1 of the National Construction Code 2016, Volume 2, Building Code of Australia.

### **5.2 Site works and drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
  - (a) be in accordance with Australian Standard 3500.3, and
  - (b) provide for drainage discharge to an existing Council drainage system, and
  - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

### **5.3 External wall cladding**

- 5.3.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the external material and finishes schedule submitted with the application. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external wall cladding of the development are to comply with the requirements of the Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018 and State Environmental Planning Policy Amendment

(Exempt Development – Cladding and Decorative Work) 2018 which commenced on 22 October 2018.

## **6 Prior to development works**

### **6.1 Safety/Health/Amenity**

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

Each toilet provided shall be:

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

- 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.

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.

#### **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) 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.

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

- 6.1.5 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.

- 6.1.6 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.

## **6.2 Notification to Council**

- 6.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

## **6.3 Home Building Act**

- 6.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

## **6.4 Sydney Water Authorisation**

- 6.4.1 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](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

# **7 Prior to Construction Certificate (Engineering)**

## **7.1 General**

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

## **7.2 Compliance with Conditions**

- 7.2.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 7.2.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

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

Prepared By	Project	Drawing No.	Sheet No.	Revision	Dated
Arcadis	10009694	C-05-001 to C-05-502	-	01	19.12.2017

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

- The vehicular accessway ML07 shall be Community Title.
- Driveways shall be located at least 1 metre clear of kerb inlet pits.

### 7.3 Construction Certificate requirements

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

- Construction of shared driveways (ML04, ML05, ML06, ML07 & ML08) and associated drainage
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

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

### 7.4 Road-works

- 7.4.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.
- 7.4.2 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.
- 7.4.3 A splay corner of 1m x 1m is to be provided at the intersection of private driveways (including community title) and the public road. Where this cannot be achieved due to land outside this application's scope, the fence on the adjoining lot must ensure that the fence height does not exceed 900mm for a length of 2.5m from the property boundary within the property, and 2.0m along the property boundary (see AS 2890.1 Figure 3.3) to provide safety to pedestrians. This may be applicable along the Southern boundary of Lots 3082, 3083 and 3084 and the Eastern boundary of Lot 3086 (approved under DA-16-05045).
- 7.4.4 The pavement of all private shared driveways and community title roads shall be designed as a rigid pavement. A suitable qualified engineer (NER registered) must certify that the pavement has been structurally designed in accordance with Austroads Guide to Pavement Technology Part 2: Pavement Structural Design with a Design Traffic loading determined in accordance with Austroads particularly Section 7.7 and that all joining and reinforcement requirements are consistent with RMS NSW practice (ie RMS NSW Publication – Plain Concrete pavement MD.R83.CP, jointed concrete pavement MD.R83CJ and Continuously reinforced concrete pavement MD.RD.CC)



## **7.5 Erosion and sediment control**

- 7.5.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

## **7.6 Asset management**

- 7.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

## **7.7 Ancillary works**

- 7.7.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:
- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
  - (b) the relocation of above ground power and telephone services.
  - (c) the matching of new infrastructure into existing or future designed infrastructure.

## **7.8 Scope of Engineering works**

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

### **7.8.1 Road and Drainage works**

- 7.8.1.1 The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.
- 7.8.2 Shared driveways (ML04, ML05, ML06, ML07 and ML08) and Community title roads shall be designed and constructed as follows:

Road name	Lots Benefited	Width (m)	Length	Formation (m)	Traffic Loading N(E.S.A)
ML04	201 - 210	6.5	80	0.3 – 5.0 – 1.2	5 x 10<5
ML05	301 - 311	6.5	75	0.3 – 5.0 – 1.2	5 x 10<5
ML06	401 - 412	6.5	80	0.3 – 5.0 – 1.2	5 x 10<5
ML07	002 - 031	8.0	125	1.0 – 6.0 – 1.0	5 x 10<5
ML08	601 -608	6.5	75	0.3 – 5.0 – 1.2	5 x 10<5

### **7.8.3 Vehicular Crossings**

- 8.8.3.1 Construction of Council's standard residential vehicular footway and gutter (layback) crossing(s) to each of the following nominated lot(s) in accordance with Council's plan A(BS)103S but thickened to 150mm and reinforced with F82 steel reinforcing fabric. The construction standard for this work may be reduced if the house construction precedes the crossing construction.

Note: At least 1metre clearance (2m desirable) is required from stormwater lintels & pits.

#### **7.8.4 Footpaths**

- 7.8.4.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.
- 7.8.4.2 The construction of path paving 1.5 metre wide is to be provided in accordance with Council's Path Paving Policy.
- 7.8.5 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

#### **7.9 Drainage**

- 7.9.1 Drainage from the site must be connected into Council's existing drainage system.
- 7.9.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 7.9.3 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
- (a) the depth of the invert of the existing pipeline, and/or
  - (b) the depth of the invert of the proposed pipeline.
- All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.
- 7.9.4 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 7.9.5 Finished boundary levels
- 7.9.5.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

### **8 During construction (Building)**

#### **8.1 Safety/Health/Amenity**

- 8.1.1 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.
- 8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- a) the name, address and telephone number of the principal certifying authority for the work, and
  - b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.
- 8.1.3 Should the development work:

- a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) 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.

- 8.1.4 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.
- 8.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 8.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 8.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## **8.2 Building Code of Australia compliance**

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

## **8.3 Surveys**

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

## **8.4 Nuisance control**

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

## **8.5 Stormwater Drainage**

- 8.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
  - (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
  - (b) being drained to an effective drainage system.

## **8.6 Waste Control**

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

## **8.7 Construction Inspections**

- 8.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) After excavation for, and prior to placement of, any footings; and
  - (b) Prior to pouring any in-situ reinforced concrete building element; and
  - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
  - (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
  - (e) Prior to covering any stormwater drainage connections; and
  - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

## **8.8 Other matters**

- 8.8.1 All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

## **8.9 Uncovering archaeological evidence**

- 8.9.1 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, is to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.
- 8.9.2 The applicant must inform Council if archaeological material or evidence of the potential for archaeological material is discovered during construction. The applicant must ensure that all work ceases and the nominated archaeologist must attend the site to assess the nature of the discovery and inform the Council of the evidence.

## **8.10 Aboriginal archaeology**

- 8.10.1 The applicant must ensure that, if any archaeological material indicating Aboriginal occupation, ceremony or activity is uncovered during construction activities on any location within the proposed development, all works are to cease immediately and representatives of the Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

## **8.11 Salinity and aggressive soil management**

- 8.11.1 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

## **8.12 Site contamination**

- 8.12.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

## **8.13 Other matters**

- 8.13.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- (a) 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.
  - (b) 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.
  - (c) 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.

# **9 During construction (Engineering)**

## **9.1 Notice of work commencement**

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

## **9.2 Service Authority approvals**

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

## **9.3 Boundary levels**

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

## **9.4 Filling of land & compaction**

- 9.4.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control windblown dust from the site.

9.4.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

9.4.3 Trucks transporting fill must have their loads covered

## **9.5 Inspections of works**

9.5.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

- (i) Soil Erosion and Sediment Control
  - (a) Implementation of erosion and sediment control
  - (b) Revegetation of disturbed areas
  - (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
  - (d) Removal of sediment basins/ fencing etc.
  - (e) Internal sediment/ pollution control devices
  - (f) Final Inspection
- (ii) Traffic Control
  - (a) Implementation of traffic control
  - (b) Maintenance of traffic control during works
  - (c) Removal of traffic control
- (iii) Construction of Drainage works (including inter-allotment)
  - (a) Pipes before backfilling including trench excavation and bedding
  - (b) Sand Backfilling
  - (c) Final pipe inspection
  - (d) Pit bases and headwall aprons
  - (e) Pit Walls/ wingwalls/ headwalls
  - (f) Concrete pit tops
  - (g) Connection to existing system
  - (h) Tailout works
  - (i) Final Inspection
- (iv) Construction of Road Pavement
  - (a) Boxing out
  - (b) Sub-grade roller test
  - (c) Subsoil drainage
  - (d) Sandstone roller test layer 1
  - (e) Sandstone roller test layer 2
  - (f) Kerb pre-laying
  - (g) Kerb during laying including provision of roof-water outlets
  - (h) Sandstone depth
  - (i) Pavement profiles

- (j) DGB depths and roller tests
  - (k) Wearing Course
  - (l) Kerb final
  - (m) Concrete tests
  - (n) Formwork concrete pavements
  - (o) Final inspection
- (v) Provision of Street Furniture
  - (a) Street Furniture (including street signs guideposts guardrail etc)
  - (b) Erection of fencing adjoining public/ drainage reserves
- (vi) Footpath Works
  - (a) Footpath Trimming and/or turfing (to ensure 4% fall)
  - (b) Pathway construction (cycle/ link pathways)
  - (c) Path-paving construction
  - (d) Service Adjustments
  - (e) Final Inspection
- (vii) Traffic Control
  - (a) Implementation of traffic control
  - (b) Maintenance of traffic control during works
- (x) CCTV Inspection of Drainage Structures (pipelines and pits)
  - (a) All road drainage
- (xi) Final overall Inspections
  - (a) Preliminary overall final inspection
  - (b) Overall final inspection

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

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

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

## **9.6 Public safety**

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

## **9.7 Site security**

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

## **9.8 Other matters**

- 9.8.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

## **10 Prior to Occupation Certificate**

### **10.1 Road damage**

- 10.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

### **10.2 Services/Utilities Authorities**

- 10.2.1 The following documentary evidence shall accompany any Occupation Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.
- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

### **10.3 Compliance with Conditions**

- 10.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 10.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.10 of the Environmental Planning & Assessment Act 1979.
- 10.3.3 Mailboxes are to be provided on site in accordance with the requirements of Australia Post.

### **10.4 Waste management**

- 10.4.1 The applicant must provide an individual 240L waste and 240L recycling service to each dwelling consistent with Council's mobile garbage bin service. Should Council



provide this service, we require the elected strata manager to sign our 'Onsite Waste Collection Agreement Form' (attached) before collections can occur onsite.

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

- a) clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area. Bins must be placed out for collection no earlier than 12 hours before the collection day for that area. The bins must be withdrawn from the kerbside to its corresponding lot on the day of collection.
- b) clearly states that unwanted bulky waste such as lounges, mattresses and fridges must only be placed out for collection the night before the scheduled collection date provided by Council if we are servicing the site. Collection of these items must be in accordance with our Resource (waste) Management Services Charter. Please call Council to book in a collection date.
- c) clearly outlines a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
- d) clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
- e) clearly outlines the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- f) includes the updated (and approved) waste management plan as lodged with the development application.
- g) clearly outlines the travel path to take bins from the storage area to the designated collection points.

## 10.5 Services/Utilities

- 10.5.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

## 11 Prior to Subdivision Certificate

### 11.1 Road damage

- 11.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

### 11.2 Compliance with conditions

- 11.2.1 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied. However, in the event that the subdivision precedes full completion of buildings and associated works in accordance with the approved plans on any of the lots, the Applicant shall comply with Council's "early release" criteria for subdivisions, including, but not limited to:

- a) the outer main walls for all the dwellings including the party walls between the dwellings shall be constructed;
- b) a certificate from a registered surveyor shall be submitted confirming that the common party walls between the dwellings are located exactly on the approved subdivision lot boundaries;
- c) the lodgement of a Section 88b instrument creating a positive covenant on the title of the subject land that ensures the development proceeds only in accordance with this Consent;
- d) the payment of a monetary bond for covering the cost of outstanding works to Council's requirements; and
- e) the positive covenant is to contain a provision that it may not be extinguished or altered except with the consent of the Blacktown City Council.

### **11.3 Voluntary Planning Agreement**

- 11.3.1 Prior to the issue of a subdivision certificate for any subdivision works within MD5 - Stage 2, **Precinct 3** as referenced in Plan 108-12GL29(00)-MD5-DA2-Lots Layout 3082, 3083, 3084, 3085 and 3086 prepared by Craig & Rhodes dated 19 December 2017, the planning agreement for Precinct 3 being the subject of the offer made by the applicant to Blacktown City Council, by letter No CLC/JBSTOC12984-9119236 from CORRS CHAMBERS WESGARTH Lawyers dated 1 June 2018 (TRIM Reference D18/209966) and agreed by Blacktown City Council, shall be executed by the applicant and delivered to Blacktown City Council.

### **11.4 Voluntary Planning Agreement**

- 11.4.1 Prior to the issue of any subdivision certificate, any relevant obligation required by the applicant in the planning agreements for MD5 - Stage 2, **Precinct 3**, the subject of the offer made by the applicant to the Council by letter No CLC/JBSTOC12984-9119236 from CORRS CHAMBERS WESGARTH Lawyers dated 1 June 2018 (TRIM Reference D18/209966) must be completed.

The applicant shall provide evidence of its compliance to this condition when applying for the subdivision certificate. This condition will not be satisfied until Council has given its written certification to this effect.

### **11.5 Special Infrastructure Contribution**

- 11.5.1 A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information

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

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

Prior to the issue of any Subdivision Certificates, evidence that the special infrastructure contribution payment has been made is to be submitted to Council.

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

Note: This condition is for information purposes only.

### **11.6 Local Infrastructure Growth Scheme**

- 12.6.1 This consent has conditions that relate to a Voluntary Planning Agreement (VPA).

The VPA limits contributions by the applicant to \$40,000 per lot. This arrangement is linked to the Minister for Planning & Environment's Section 7.17 Direction that sets a maximum amount of monetary contributions under Section 7.11 of the Environment Planning and Assessment Act 1979.

To be eligible for "above the cap" funding from the State Government's Local Infrastructure Growth Scheme for VPAs, Councils are required to provide a copy of its Section 7.11 register with applicable development consents highlighted.

To facilitate this requirement, the information below provides information for the Council and the Department of Planning and Environment only.

Under the Section 7.17 Direction issued by the Minister for Planning on 17 July 2017, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$40,000 (for the period between 1 July 2018 to 30 June 2019) for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$40,000 for each residential lot authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended dwellings: 70

Contribution: \$2,800,000

Notes: In complying with the Minister's Section 7.17 Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan if funding from the State Government under LIGS discontinues.

The amounts below are the INDEXED contributions as at the date of this consent which, if not for the Ministerial Direction, would have applied to this consent. These amounts have been supplied for your information.

Contribution Item	Amount	Relevant C.P
i. Stormwater Quantity	\$420,139.00	CP 21
ii. Stormwater Quality	\$ 41,615.00	CP 21
iii. Traffic management	\$243,854.00	CP 21
iv. Open Space	\$2,073,234.00	CP 21
v. Community Facilities	\$26,629.00	CP 21
vi. Conservation Zone	\$65,929.00	CP 21
vii. Aquatic Facility	43,380.00	CP 21
Total contributions	\$2,91,780.00	

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

Developable Area: 1.4471ha

Additional Population: 205.9

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.94 CP No. 21 – Marsden Park

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

#### **11.6.1 Easements/Restrictions/Positive Covenants**

11.6.1.1 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.

11.6.1.2 An appropriate easement/covenant/restriction for access, maintenance and repair pursuant to Section 88B of the Conveyancing Act 1919 shall be created for any zero lot line walls benefiting and burdening the subject lots accordingly.

NOTE: A restriction as to use for 'Access, Maintenance and Repair' is to be in accordance with Blacktown City Council recitals for Terms of Easements and Restrictions (Current Version).

11.6.1.3 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.

#### **11.7 Site access**

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

NOTE: Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land shall must be negotiated with and fully endorsed by the relevant Council Directorates.

#### **11.8 Road damage**

11.8.1 The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of the development works be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

#### **11.9 Consent compliance**

11.9.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied unless stated elsewhere under this consent.

#### **11.10 Fee payment**

11.10.1 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.

#### **11.11 Final plans**

- 11.11.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with unless stated elsewhere under this consent.

## **11.12 Community Plan of Management**

- 11.12.1 Prior to the release of the Linen Plan, the applicant is to submit a copy of the Community Management Statement to Council for Lot 3085 development for review. This Statement is to include relevant details of the ongoing shared maintenance and repair of the Community Lot, establishment and regulation of the Community Body Corporate and access to the Community Lot to maintain residential dwellings.

NOTE: The final wording of the Management Statement shall be to Council's satisfaction.

## **11.13 Engineering Matters**

### **11.13.1 Surveys/Certificates/Works As Executed plans**

- 12.12.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format).

All Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans, signed and dated.

- 12.12.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

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

- 12.12.1.4 A certificate shall be submitted which has been prepared by a suitably qualified engineer (NER registered) indicating that each rigid pavement has been constructed to withstand all loads likely to be imposed on it during its lifetime, and that all appropriate inspections were undertaken to ensure construction of the pavement was in accordance with the approved design.

### **11.13.2 Easements/Restrictions/Positive Covenants**

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

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

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

### **11.13.3 Dedications**

- 11.13.3.1 Satisfaction of a 1m x 1m splay corner as part of the lot associated with the shared driveway on each lot, where applicable. Note, fencing requirements may achieve the relevant criteria under AS 2890.1 (Figure 3.3 – for pedestrian safety and sight lines in respect to public footpath users) through the imposition on restricted heights along the boundary intersections with the public road (ie no greater than 900mm) as outlined in earlier sections of this consent.

## **11.14 Relationship to Other Approvals**

### **11.14.1 Compliance with the requirements of the following nominated approvals:**

- a) Development Consent No. DA-14-01948 dated 27/01/2015 and DA16-05045 dated 2/06/2017 issued by Blacktown City Council.
- b) Relevant requirements of any other Development Consent and/or Construction Certificate issued under the Environmental Planning and Assessment Act 1979 and/or Building Approval issued under the Local Government Act 1993.

The conditions contained within the above approvals must be fully complied with in order to obtain release of the final plan of subdivision.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the development is/are required to be issued in relation to any element, component or system incorporated in the development. A copy of each required Compliance Certificate shall be lodged with Council.

12.13.2 The subdivision certificate for Stage 30A of the subdivision that creates the future lots 3082, 3083, 3084, 3085 and 3086 approved under development consent to DA16-05045 must first be issued by Council and the land to which this approval relates is to be identifiable with a Lot and Deposited Plan and registered with NSW Land Registry Services. A proof of registration is to be submitted to Council prior to release of a Subdivision Certificate associated with this Consent.

## **11.15 Easements/Restrictions/Positive Covenants - Waste management**

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

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

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

12.14.3 The public positive covenant must:

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

- (c) provide that the positive public covenant cannot be released, varied or modified without the Prescribed Authority's consent.

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

***Terms of Positive Public Covenant***

12.14.3.1 The Registered Proprietor from time to time of the Lot Burdened covenants personally and on behalf of all occupants of the Lot Burdened in favour of the Prescribed Authority under section 88E of the Conveyancing Act 1919 to do the following:

- (a) store all forms of garbage, green waste and recycling within the appropriate garbage bin areas designated on the plan for the Lot Burdened;
- (b) place all garbage, green waste and recycling bins in the communal garbage, green waste and recycling collection area, designated on the plan for the Lot Burdened, within 12 hours of the collection time;
- (c) collect and return the empty garbage, green waste and recycling bins to the Lot Burdened within 12 hours after collection has taken place;
- (d) place whitegoods and large household items in the communal bulky waste collection area, designated on the plan for the Lot Burdened, not more than 12 hours before each date allocated by the Prescribed Authority for the collection of such items; and
- (e) release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf.

12.14.3.2 This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.

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

**11.16 Services and Utilities**

12.15.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

## **12 Operational (Planning)**

### **12.1 Use of Premises**

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

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

### **12.2 Access/Parking**

12.2.1 All required off-street car parking spaces and the private driveways and any bollards shall be maintained to a standard suitable for the intended purpose.

### **12.3 General**

12.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

12.3.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

12.3.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

### **12.4 Landscaping**

12.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner, including drainage basins.

### **12.5 Fee Payment**

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

### **12.6 Waste Management**

12.6.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.

12.6.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.