

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	7 December 2022
DATE OF PANEL DECISION	7 December 2022
DATE OF PANEL MEETING	1 December 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Moninder Singh, Chris Quilkey
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 25 November 2022.

MATTER DETERMINED

PPSSCC-258 – SPP-21-00006 - Blacktown - Lot 10 Deposited Plan 27220 - Staged subdivision – stage 1 being 4 residue lots and public roads, stage 2 being 2 residue lots and public roads. Both with associated civil works including site remediation, tree removal, dam dewatering, importation of fill material and landscaping.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION



The panel determined approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with amendments as detailed in the attached addendum. The approval is not subject to deferred commencement conditions.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during the public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan

Moninder Singh

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Chris Quilkey

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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-258 – SPP-21-00006 - Blacktown
2	PROPOSED DEVELOPMENT	Staged subdivision – stage 1 being 4 residue lots and public roads, stage 2 being 2 residue lots and public roads. Both with associated civil works including site remediation, tree removal, dam dewatering, importation of fill material and landscaping.
3	STREET ADDRESS	Lot 10 Deposited Plan 27220
4	APPLICANT/OWNER	Applicant: Landcom Owner: Landcom
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts - Central River City) 2021 Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Precincts Development Control Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant] Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 17 November 2022 Written submissions during public exhibition: 0 Updated conditions of consent: 5 December 2022
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 10 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Chris Quilkey <u>Council assessment staff</u>: Alan Middlemiss, Luma Araim Final briefing to discuss council's recommendation: 1 December 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Moninder Singh, Chris Quilkey <u>Council assessment staff</u>: Judith Portelli, Alan Middlemiss, Danny Zablaki, Alex Kwok, Nadeem Shaikh, Tanvir Mazumder, Alison Catherine Hewitt, Martin Juleff <u>Applicant representatives</u>: Amelia Hawke, Zack Wilson

9	COUNCIL RECOMMENDATION	Approval, Deferred Commencement Consent. The deferred commencement consent was amended subsequent to the panel meeting of 1 December 2022, as reflected in the addendum that is attached to this Determination and Statement of Reasons.
10	DRAFT CONDITIONS	Draft attached to the council assessment report. Subsequent addendum received that is attached to this Determination and Statement of Reasons.

SPP-21-00006 Sydney Central City Planning Panel – addendum

Condition as shown in Attachment 7 submitted to the Planning Panel	Revised draft consent as agreed
Proposed development	The words 'stormwater drainage works' have been added to the proposed development description
Section 1 – deferred commencement	All conditions in section 1 have been relocated with the applicant's consent to later stages. The recommendation is that the consent is an operational consent, not a deferred commencement consent.
1.1.1	Relocated to new Condition 7.1.2(i)
1.1.2	Condition deleted – owner's consent obtained
1.1.3	See new Conditions 7.6.1.1 and 10.7.3.1
1.1.4	See new Condition 10.7.3.4
1.1.5	See new Condition 7.13/7.13.1
1.2	Deleted
2.1.2	New Condition 1.1.2 added as agreed
2.2.1	Condition amended as agreed to include the words 'relevant stage in...' and 'relevant' and condition changed to new Condition 1.2.1
2.2.3	Agreed new Condition 1.2.3 added
2.5.1	Agreed new Condition 1.5.1 as modified to reflect that it will be future tree planting, not part of this development application
3.7.3	Renumbered Condition 2.7.3, this condition requires that Blacktown City Council is the Principal Certifying Authority for the subdivision.
3.9.1	Agreed delete reference to 'temporary drainage works' (such works are to occur on SP2 land). New Condition 2.9.1
5.4.1	Agreed additional wording '....with any future development application' to reflect that street trees do not form part of this consent. New Condition 4.4.1
5.5.1.1(d)	Revision C replaced with Revision D – agreed. New Condition 4.5.1.1(d)
5.5.6	New Condition 4.5.6 added as agreed.
6.3.1	Condition amended as agreed - the amount of fill is 3492m³, not 3300m³. New Condition 5.3.1
7.2	Deleted. More appropriate at detailed development application stage for buildings
8.1.2	New condition 7.1.2(i) added as agreed (moved from previous Section 1 – Deferred Commencement Consent). Draft Conditions 8.1.2(i) to 8.1.2(xiv) become 7.1.2(ii) to 7.1.2(xv).
8.6.1.1	New Condition 7.6.1.1 added as agreed. Relocated from previous Condition 1.1.3
8.6.6	Condition deleted as agreed
8.6.9	New Condition 7.6.8 added as agreed – staging of road construction

8.11.1	Insert the word 'temporary' as agreed in new Condition 7.11.1
10.1.1	Agreed additional wording in s7.11 contributions condition to ensure that it reflects the relevant staging of the development. New Condition 9 (9.1 and 9.1.1)
11.1.1	New Condition 10.1.1 graphic deleted. Conditions accurately outline road widths
11.2/11.2.1	Delete condition as agreed
11.5/11/5/1	Delete condition as agreed
11.9.3.4	Delete condition as agreed
All conditions	Re-numbered due to agreed deletion of, and added, conditions throughout.

Conditions of consent (draft)

Proposed development	Staged subdivision – stage 1 being 4 residue lots and public roads, stage 2 being 2 residue lots and public roads. Both with associated civil works including site remediation, tree removal, dam dewatering, stormwater drainage works, importation of fill material and landscaping.
Property description	Lot 10 DP 27220, 93 Schofields Road, Rouse Hill, Lot 2809 DP 1253963, Schofields Road, Rouse Hill, Lots 2810-2813 DP 1253963, Cudgegong Road and Schofields Road, Rouse Hill and Lot 2817 DP 1253963, Schofields Road, Rouse Hill

Commented [AM1]: agreed

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 subdivision works certificate or subdivision certificate is a reference to a certificate as defined by Section 6.4 of the EP&A Act.

1.2 Scope of Consent

- 1.2.1 The applicant is advised that Council will not release the Subdivision Certificate for the relevant stage in the approved development until such time as the development has been completed in accordance with all of the relevant conditions of consent, to Council's satisfaction.
- 1.2.2 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.
- 1.2.3 Further development consent is required from Council prior to the development of any super lot and residue lot to be created. In this regard, the applicant shall be required to submit a development application for any intended lot usage and/or further subdivision.

1.3 Other Approvals

- 1.3.1 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) demolition of any existing buildings and associated structures in accordance with

the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and

- (d) the installation of vehicular footway crossings servicing the development, and
- (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

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

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

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

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

1.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

1.4.5 Telstra (and its authorised contractors) is the only company that is permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995

(Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.

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

- 1.5.1 Future 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. In any future development application, the applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

1.6 **Identification Survey**

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

1.7 **Engineering Notes**

- 1.7.1 All works requiring approval under the Roads Act 1993 or Local Government Act 1993 must be approved PRIOR to the Subdivision Works Certification

1.8 **Road Damage**

- 1.8.1 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.

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.	Dated
Subdivision Plan – Stage 1 SW_PR144810_DP01	28 October 2022
Subdivision Plan – Stage 2 SW_PR144810_DP02	28 October 2022
Subdivision Plan - Staging Plan - Stage 2 SW_PR144810_DP01 (red highlights)	28 October 2022

*Unless modified by conditions of consent

2.2 **Vegetation Management Plan**

- 2.2.1 The Vegetation Management Plan 'Rouse Hill Terry Road SINSW VMP Version 4' dated 21 July 2022 prepared by Eco Logical Australia and approved by BCC must be implemented.

2.3 **Salinity**

- 2.3.1 The recommendations made in the Salinity Management Plan (Ref: E24803.E99), prepared by EI Australia, dated 27 January 2021, are to be implemented.

2.4 **Acoustic impact**

- 2.4.1 The recommendations made in the DA Acoustic Assessment (Ref: 20191020.1) prepared by Acoustic Logic, dated February 2020, are to be implemented.

2.5 **Services**

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

2.6 **Suburb Name**

- 2.6.1 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: ROUSE HILL

2.7 **Engineering Matters**

2.7.1 **Design and Works Specification**

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M

Any Subdivision Works Certification must also be accompanied by the above documents.

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

- Path paving construction
- Final layer asphaltic concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

- 2.7.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council

controlled lands (i.e. roads, drainage reserves, parks, etc.)

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

2.7.2 Other Necessary Approvals

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

- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)
- Road and drainage construction and associated works at interface of new Terry Rd extension and existing Terry Road.
- Road and drainage construction and associated works at interface of new Terry Road extension and Schofields Road in addition to any works within Schofields Road (i.e. batter works within Schofields Road reserve off proposed Road 3 Ch 225 to 285).

2.7.3 Subdivision

2.7.3.1 Principal Certifier - Blacktown City Council shall be the Principal Certifier for the proposed subdivision and issue the Subdivision Certificate.

2.8 Imported Fill Material

2.8.1 The only fill material that may be received at the development site is virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*). Validation of imported material will be required pre-subdivision certificate.

2.9 Other Matters

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

2.10 Transport for NSW (TfNSW) Requirements

2.10.1 The proposed traffic control light at the intersection of Schofields Road/Terry Road/The Ponds Boulevard to be designed to meet Transport for NSW requirements. The Traffic Control Signal (TCS) plans to be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design to be in accordance with Austroads Guide to Road Design in association with relevant Transport for NSW supplements (available on www.rms.nsw.gov.au). The certified copies of the signal design and civil design plans to be submitted to Transport for NSW for consideration and approval, prior to the release of a Construction Certificate and commencement of road works.

Documents to be submitted to Development.Sydney@transport.nsw.gov.au

Transport for NSW fees for administration, plan checking, civil works inspections and project management to be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the aforementioned works.

2.10.2 The redundant driveways on the Schofields Road boundary to be removed and replaced with kerb and gutter to match existing – design and construction of the kerb

and gutter on Schofields Road to be in accordance with Transport for NSW requirements. Details of these requirements to be obtained by email to DeveloperWorks.Sydney@transport.nsw.gov.au

Detailed design plans of the proposed kerb and gutter to be submitted to Transport for NSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Documents should be submitted to Development.Sydney@transport.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Transport for NSW.

- 2.10.3 Detailed design plans and hydraulic calculations indicating any changes to the stormwater drainage system to be submitted to Transport for NSW for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@transport.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Transport for NSW approval is issued.

- 2.10.4 All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Schofields Road boundary.
- 2.10.5 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control to be submitted to Council for approval prior to the issue of a Certification of Crown works.
- 2.10.6 A Road Occupancy Licence to be obtained from the Transport Management Centre for any works that may impact on traffic flows on Schofields Road during construction activities. A Road Occupancy Licence can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- 2.10.7 All vehicles are to enter and leave the site in a forward direction.
- 2.10.8 All vehicles are to be wholly contained on site before being required to stop.
- 2.10.9 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Schofields Road.

3 PRIOR TO CONSTRUCTION WORKS (NATURAL AREAS REQUIREMENTS)

3.1 Vegetation Management Plan

- 3.1.1 Annual reports must be provided to Council through the Natural Areas Team.
- 3.1.2 Before the conclusion of the maintenance period (i.e. end of Year 5), the Vegetation Management Plan will need to be revised to guide the on-going management of the Vegetation Management Plan site, including performance criteria for management in perpetuity.

4 PRIOR TO CONSTRUCTION (GENERAL)

4.1 DA Plan Consistency

- 4.1.1 Crown certification 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.

4.2 **Footpath/Road Condition Assessment Fee**

- 4.2.1 A footpath/road condition assessment fee is to be paid prior to Crown certification. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

Council will undertake an initial inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

4.3 **Services/Utilities**

- 4.3.1 The following documentary evidence shall accompany any Crown Certification:

- (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.

4.4 **Landscape Architect Requirements**

- 4.4.1 The applicant to submit landscape plans including street trees for the approval of Council's Recreation Planning and Design team with any future development application.
- 4.4.2 The applicant to provide 1.5m wide footpath on the road verge adjacent to public open space.

4.5 **Sydney Metro Requirements**

4.5.1 **Prior to Construction**

- 4.5.1.1 All excavation and construction works are to be undertaken in accordance with the following:
- (a) Detailed Site Investigation, E24803.E02_Rev1, prepared by ei Australia dated 10 February 2021.
 - (b) Preliminary Site (Contamination) Investigation, R.001.Rev0, prepared by Douglas Partners, dated April 2020
 - (c) Survey Plan, prepared by RPS, dated 21 August 2019
 - (d) Civil Engineering Plans, Revision D prepared by Orion Consulting, dated 5 June 2020
 - (e) Salinity Management Plan, E24803.E99_Rev0, prepared by ei Australia, dated 27 January 2021.
 - (f) Traffic and Transport Study prepared by SCT Consulting, dated 26 November 2020.
 - (g) Landscape Development Application, prepared by place design group and Landcom, dated 27 July 2020.
 - (h) All documents approved by Sydney Metro under to the deferred commencement condition of this consent.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

Crown certification must not be issued for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

- (a) Final construction drawings for the Crown certification;
- (b) Revised Risk Assessment – Management Plan addressing the following:
- (c) Compliance with Sydney Metro above ground guidelines

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

4.5.2 Inspections

4.5.2.1 At any time during the construction of the development, Sydney Metro may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:

- a) Inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
- b) Attend on-site meetings with the Applicant and its contractors,

to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

4.5.3 Construction

4.5.3.1 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. Crown certification must not be issued for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

4.5.3.2 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. Crown certification must not be issued for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

4.5.4 Documentation

4.5.4.1 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to Crown Certification.

4.5.5 General

4.5.5.1 Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).

4.5.5.2 Where a condition of consent requires Sydney Metro endorsement or approval, Crown Certification, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Crown certification dealing with specific works and compliance conditions can

only occur subject to written confirmation from Sydney Metro.

4.5.6 Adjoining owners

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

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

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

Commented [AH2]: To discuss

Commented [AM3R2]: Condition to remain. Has been resolved

5 PRIOR TO CONSTRUCTION (PLANNING)

5.1 Other matters

- 5.1.1 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development. The location of the substation must be endorsed by Council prior to Crown certification.

5.2 Aboriginal Heritage

- 5.2.1 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 the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

5.3 Imported fill material

- 5.3.1 The maximum imported fill material shall not exceed 3,492 m³.
- 5.3.2 Clean fill material that is sourced locally and confirmed as being either virgin natural material or excavated natural material at the source prior to importation shall be imported to the site.
- 5.3.3 Truck route for fill material shall only be via arterial roads i.e Windsor, Richmond and Schofields Road.

6 PRIOR TO CONSTRUCTION (ENVIRONMENTAL HEALTH)

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

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

7 PRIOR TO SUBDIVISION WORKS (ENGINEERING)

7.1 General

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

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

Construction /Subdivision works plans shall be generally in accordance with the following drawings and relevant consent conditions:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Orion Consulting	19-0061	DA001	02	C	23/02/2022
Orion Consulting	19-0061	DA002	02	D	23/02/2022
Orion Consulting	19-0061	DA003	02	C	23/02/2022
Orion Consulting	19-0061	DA004	02	A	05/06/2022
Orion Consulting	19-0061	DA005	02	A	05/06/2020
Orion Consulting	19-0061	DA006	02	A	05/06/2020
Orion Consulting	19-0061	DA100	02	C	23/02/2022
Orion Consulting	19-0061	DA101	02	A	05/06/2020
Orion Consulting	19-0061	DA200	02	C	23/02/2022
Orion Consulting	19-0061	DA201	02	B	23/02/2022
Orion Consulting	19-0061	DA202	02	C	23/02/2022
Orion Consulting	19-0061	DA300	02	A	05/06/2020
Orion Consulting	19-0061	DA301	02	A	05/06/2020
Orion Consulting	19-0061	DA302	02	A	05/06/2020
Orion Consulting	19-0061	DA303	02	B	23/02/2022
Orion Consulting	19-0061	DA304	02	A	05/06/2020
Orion Consulting	19-0061	DA400	02	C	23/02/2022
Orion Consulting	19-0061	DA401	02	B	23/02/2022
Orion Consulting	19-0061	DA402	02	C	23/02/2022
Orion Consulting	19-0061	DA410	02	B	23/02/2022
Orion Consulting	19-0061	DA411	02	B	23/02/2022
Orion Consulting	19-0061	DA412	02	B	23/02/2022
Orion Consulting	19-0061	DA413	02	B	23/02/2022
Orion Consulting	19-0061	DA414	02	B	23/02/2022
Orion Consulting	19-0061	DA415	02	B	23/02/2022
Orion Consulting	19-0061	DA416	02	B	23/02/2022
Orion Consulting	19-0061	DA417	02	A	23/02/2022
Orion Consulting	19-0061	DA420	02	A	23/02/2022
Orion Consulting	19-0061	DA421	02	A	23/02/2022
Orion Consulting	19-0061	DA422	02	A	23/02/2022
Orion Consulting	19-0061	DA423	02	A	23/02/2022
Orion Consulting	19-0061	DA700	02	C	23/02/2022
Orion Consulting	19-0061	DA701	02	C	23/02/2022
Orion Consulting	19-0061	DA702	02	C	23/02/2022
Orion Consulting	19-0061	DA703	02	C	23/02/2022
Orion Consulting	19-0061	DA704	02	B	23/02/2022

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

- i. An easement has been created and registered from the neighbouring property owners of Lot 11/DP 27220; Lot 5/DP 1190434; Lot 132/DP 208203 and Lot 2816/ DP1253963 where trunk drainage line construction and cut or fill batters are proposed. The creation is under Section 88B of the Conveyancing Act, 1919 and registration with NSW Land Registry Services.
- ii. Obtain written concurrence from Council's Manager Asset Design that proposed engineering works are consistent with our S7.11 works design prior to issue of any Subdivision Works certification. The mark up plan has been saved in Council's record system (TRIM No: D22/421911). The applicant needs to address this mark-up plan in preparing any Subdivision work documentation. The engineering plans needs to include S7.11 road and drainage items. Therefore, Works In Kind may be possible.
- iii. Permanent on lot treatment is required for the R3 zoned residue lots. Concurrence from Council Asset Design Team is required for any restriction on future lots for permanent Stormwater Treatment Measures.
- iv. Create drainage easement over drainage works on adjoining land not dedicated as drainage reserve. Supporting documents (owners' consent) needs to be provided for proposed works on adjoining properties.
- v. Include appropriate hydraulic losses and tailwater conditions and resolve design issues in areas on mark up plans (TRIM No: D22/421911) as part of the detailed design.
- vi. The proposed road and drainage design need to be consistent with Blacktown City Council. The applicant needs to adopt that future design stages, runoff from proposed Residential at Lot 2812 DP 1253963 should be treated by Basin S6. The Gross Pollution Trap S6.1 invert level at CP22W Basin S6 is set at IL 44.55m Australian Height Datum, top of bioretention basin filter is RL 44.35m Australian Height Datum and top of Gross Pollution Trap diversion weir is currently set at 45.35m Australian Height Datum. The applicant shall obtain concurrence from Council's Manager Asset Design for any variation in regard to levels.
- vii. Obtain approvals from Sydney Metro for works within and adjoining its corridor and comply with all applicable conditions and requirements.
- viii. Vertical clearance for underpass and barrier system/signage is required for satisfaction to Sydney Metro at Terry Road. Note also the clearance at the local road due to road design needs also to be considered at the north western corner of site.
- ix. A Chartered Civil Engineer registered with National Engineers Recognition, is to certify that all the maximum depth of flow in the gutter is less than 200 mm for all 1% AEP storm events.
- x. Revised plan of subdivision is to be submitted to Council Planning section to reflect appropriate land dedications for Lot 5 in DP 1190434 and Lot 132 in DP 208203.
- xi. Include Work Asset Diagram with Transport for NSW for amended kerb alignment works and associated works at Schofields Rd Intersection and Terry Road extension. Including Road Occupancy Licence.

- xii. The drainage stub at pit 01/01 should be aligned not to clash with future location of the kerb ramp.
- xiii. Approval from Council's S7.11 (Asset Design Team) section is required for any clash with S7.11 works in the Contribution Plan with the development. (Contribution Plans items S1.3 Works In Kind culvert under road; and Contribution Plans items RM7 WIK Terry Road extension fronting drainage reserve and metro).
- xiv. Tailout works are in Environmental zoned area. Approval from Council native vegetation area is required.
- xv. The applicant is to deliver the pedestrian link towards the east of Terry Road extension and north of the Sydney Metro rail viaduct. This is to be consistent with approvals currently in place with Craig and Rhodes toward the east of Lot 134 in DP 208203.

7.2 Subdivision Works/Construction Requirements

7.2.1 Under the *Environmental Planning and Assessment Act 1979* Crown certification is required. These works include but are not limited to the following:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path paving (within a subdivision)

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

7.3 Local Government Act Requirements

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

- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

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

7.4 Roads Act Requirements

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

- Any works within Council's road reserve
- Road and drainage construction and associated works at interface of new Terry Road extension and existing Terry Road.
- Road and drainage construction and associated works at interface of new Terry Road extension and Schofields Road in addition to any works within Schofields Road (i.e. batter works within Schofields Road reserve off proposed Road 3 Ch 225 to 285).

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

7.5 Other Engineering Requirements

- 7.5.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 7.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 7.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 7.5.4 Submit written evidence from Transport for NSW (Roads and Maritime Services) indicating compliance with all necessary requirements.
- 7.5.5 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 7.5.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 7.5.7 If the development is requiring for any Works-in Kind (WIK) agreement then the execution of the WIK agreement shall be provided in writing from Council's Manager Asset Design (Section 7.11).

7.6 Roads

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

Note: The design California Bearing Ratio is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design California Bearing Ratio, revised pavement design will be required.
- 7.6.1.1 Any approved drawing must show a 5m x 5m splay for residential allotments at each street intersection.
- 7.6.2 Submit a traffic management plan including but not limited to a Traffic Control Plan and Pedestrian Management Plan, for any works within public road reserves. The Traffic Control Plan shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 7.6.3 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	19	165	4.5-11-3.5	5x10^5
Road No.2	9 (half width)	216	3.5-5.5	5x10^5
Road No.3 (CH 00.00 to CH 225.00)	9 (half width)	225		5x10^5
Road No.3 (CH 225.00 to CH 295.00)	18	70	3.5-11-3.5	5x10^5
Road No.4	19	70	4.5-11-3.5	5x10^5
Road No.5	9 (half width)	211.5	3.5-5.5	5x10^5
Terry Rd (extension)	20 and Variable*	420	4.5-11-4.5 and Variable*	1x10^6

*Note Terry Road extension is a collector road with general formation 4.5m verge-11m carriageway and 4.5m verge. Road reserve width and carriageway formation from chainage 135.00 to connection with Schofields Road is to generally be in accordance with engineering plans prepared by Orion Consulting Pty Ltd plan reference No. 19-0061, plan No.201, revision B and dated 23/02/2022. Prior to release of any subdivision works certification and/or Roads Act Approval for Terry Road (extension) interfacing with Schofields Rd, the applicant shall obtain the necessary concurrence from Transport for New South Wales (Roads and Maritime) as detailed within this consent.

- 7.6.4 Half width road with a minimum 4.5 m width of pavement for the full road frontage of the development is required. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

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

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Terry Road	20	50	4.5-11-4.5	1x10^6

- 7.6.6 Design the roundabout in accordance with Austroads "Guide to Traffic Engineering Practice - Roundabouts Part 6" and to Council's standard. The roundabout shall be constructed at the intersection of Terry Rd (extension) and Road No.1.
- 7.6.7 Suitable traffic circulation in the form of temporary turning heads (in accordance with Council Engineering Guide for Development – *section 3.27 Temporary Turning Heads*) in dead end roads are to be provided. I.e. within Road No.5 – note the proposed temporary turning head will need to be amended to meet Council's requirements.
- 7.6.8 Staging of road construction will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.

7.7 Drainage

- 7.7.1 Drainage from the site must be connected into Council's existing drainage system.
- 7.7.2 Provide inter-allotment drainage and associated easement in gross to drain water, to the benefit of Blacktown City Council, where stormwater drainage does not drain directly to a public road. i.e. stormwater discharge into Lot 11 in DP 27220 as well as Lots 2815, 2816, 2813 and 2811 in DP 125963.
- 7.7.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

7.8 Signage and Line Marking

- 7.8.1 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.

Must include but not be limited to:

- the entire site
- roundabout
- underpass and clearance signage/crash barriers if required.
- intersection of Terry Road extension and Schofields Road

7.9 Erosion and Sediment Control

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

7.10 Earthworks

- 7.10.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 7.10.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.10.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

7.11 Temporary Stormwater Quality Control (Roads)

- 7.11.1 A temporary stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#) for treatment of stormwater runoff from the new roads.
- 7.11.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

7.12 Footpaths

- 7.12.1 Path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.
- 7.12.2 Construct shared user paths (including signage and linemarking) in accordance with Part 6A (Paths for Walking and Cycling) 2017 of Austroads "Guide to Road Design" and the RMS NSW Bicycle Guidelines – July 2005, as follows:

Street Name	Side	Cycle-way Width (m)	Length
Terry Road Extension Road 1 and Road 4	East	2.5	Full length

7.13 Dam Dewatering

- 7.13.1 The Dam Dewatering Plan must be prepared by a suitably qualified aquatic ecologist and must include the following recommendations and information:
- That a fauna survey will be conducted prior to dam dewatering.
 - Proposed relocation sites for native species. Additional release points must be considered if large numbers of predatory fish (e.g. Long-finned Eels) are recovered.
 - Identification of the licence details required under the Fisheries Management Act 1994 and / or the Biodiversity Conservation Act 2016.
 - Methods to prevent injury to fauna during pumping of water from the dam.

- Details of how exotic pest species will be humanely euthanised in a manner consistent with the Prevention of Cruelty to Animals Act 1979.
- Methods for disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways.
- Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam.
- Details of the appropriate timing (season) for dewatering.
- Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).
- Details on dealing with unexpected threatened species finds e.g. Green and Golden Bell Frog. The procedure must include, as a minimum, the following:
 - i. stop work arrangements in the immediate area of the threatened species;
 - ii. notification and communication protocol;
 - iii. consultation with the specialists to assess the significance of the find; and
 - iv. a list of approvals, licences or permits likely required prior to recommencing works.
- Discharge limits as per relevant Australian and New Zealand Environment and Conservation Council water quality guidelines
- Prior to any work commencing, an Aquatic Ecologist is to be appointed and their details (name, qualifications, phone and email) provided to Council.
- The Aquatic Ecologist is to be present during all Dam Dewatering
- If the Aquatic Ecologist is replaced, Council is to be notified in writing of the reason and the details of the new Project Ecologist within 7 days.
- Within 7 days of the works, the aquatic ecologist is to provide a report on the works, to Council through the Natural Areas Team

8 DURING CONSTRUCTION (ENGINEERING)

8.1 Notification of Works

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

8.2 Insurances

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

8.3 Boundary Levels

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

8.4 Tree Protection and Preservation

- 8.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 8.4.2 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

8.5 Soil Erosion and Sediment Control Measures

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

8.6 Filling of Land and Compaction Requirements

- 8.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 8.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

The above documentation shall be submitted prior to release of the Subdivision certificate as required by this consent.

- 8.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 8.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). All fill material imported to site shall be classified as Virgin Excavated Natural Material (VENM). Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 8.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.
- 8.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 8.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 8.6.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 8.7 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979**
- 8.7.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).
- 8.8 **Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**
- 8.8.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or Local Government Act 1993 must be made by Council's Development Overseers.
- Inspections must be pre-booked with a minimum 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).
- 8.9 **Public Safety**
- 8.9.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

8.10 Site Security

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

8.11 Traffic Control

- 8.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 8.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 8.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 8.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 8.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

8.12 Powder Coated Furniture

- 8.12.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

8.13 Road Line Marking and Traffic Signage

- 8.13.1 Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall acquire an approved construction certificate for the line marking and traffic signage plan arrangement.

In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the construction certificate for line marking and traffic signage.

8.14 Other Matters (Drainage)

- 8.14.1 The 200-micron Ocean Guards by Ocean Protect in the street pits are not to be reduced in size nor replaced with an alternate manufacturer's product.

8.15 Environmental Health requirements

- 8.15.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.
- 8.15.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)

9 PRIOR TO SUBDIVISION CERTIFICATE - PLANNING

9.1 Section 7.11 Contributions under Section 7.17 Directions

- 9.1.1 The following monetary contributions under *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 25 August 2022. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first for the relevant stage.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card or EFTPOS attract a 0.5% surcharge.

Contribution Item	Amount
Stormwater Quantity	
Second Ponds Creek Land	\$1,895,669.00
Second Ponds Creek Works	\$273,398.00
Stormwater Quality	
Second Ponds Creek all other development	\$378,259.00
Total	\$2,547,326.00

Developable Area: 5.2150 hectares

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

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

S7.11 CP No. 22 – Rouse Hill (Works and Land)

The Section 7.11 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 7.11 contribution(s) will be adjusted accordingly.

9.2 Special Infrastructure Contribution

- 9.2.1 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.

9.3 Service Authority Approvals

- 9.3.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.
 - (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that 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.

9.4 Consent Compliance

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

9.5 Salinity

- 9.5.1 A detailed salinity assessment report for all roads in each stage prepared by a suitable qualified person shall be prepared and submitted to Council's satisfaction prior to the subdivision works. The recommendations of the salinity assessment are to be identified on the construction plans and implemented during construction.

9.6 **Site Validation Contamination**

- 9.6.1 A site validation contamination report for all roads in each stage prepared by a suitable qualified geoscientist shall be prepared and submitted to Council's satisfaction prior to subdivision works confirming validation to residential standard in National Environmental Protection Measure Guidelines amended 2013.

9.7 **Section 88B**

- 9.7.1 A restriction as to User over each proposed residue lots shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by development consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill and the payment of Section 7.11 Contributions.

NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

10 PRIOR TO SUBDIVISION ENGINEERING

10.1 **Site Access**

- 10.1.1 There shall be no direct vehicular or pedestrian access to and/or from the following nominated road(s) for any lots having frontage to that road. An appropriate restriction on the use of land shall be created under Section 88B of the *Conveyancing Act 1919* covering this requirement. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council.

Nominated Road(s): Terry Road and Schofields Road

- 10.1.2 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.
- 10.1.3 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.

10.2 **Road Damage**

- 10.2.1 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.

10.3 **Security**

- 10.3.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.
- 10.3.2 The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

10.4 **Consent Compliance**

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

10.5 Additional Inspections

10.5.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

10.6 Other Matters (Drainage)

10.6.1 A Chartered Civil Engineer registered with National Engineers Recognition, is to certify that:

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. The 200 micron OceanGuards have been installed in the street pits as per the approved plan;
- iii. the maximum depth of flow in the gutter is less than 200 mm for all 1% Annual Exceedance Probability storm events;
- iv. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

10.6.2 EASEMENTS/RESTRICTIONS/POSITIVE COVENANTS

10.6.2.1 Provide a Positive Covenant over each lot for future development to provide water quality for the entire site in accordance with the following target requirements:

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

10.6.2.2 The Positive Covenant must be registered with NSW Land Registry Services.

Provide a Positive Covenant over each lot for future development to have a Stream Erosion Index of 3.5 or less. The Positive Covenant must be registered with NSW Land Registry Services.

10.6.3 OTHER DRAINAGE MATTERS

10.6.3.1 Written evidence is to be provided that the developer/owner has entered into and prepaid a minimum six years signed and endorsed maintenance contract with Ocean Protect for the maintenance of the 200 micron OceanGuards after installation in all the street pits (including Terry Road extension), in accordance with the following:

- i. an initial inspection of the site to verify the number of OceanGuards and that the OceanGuards are all correctly installed and not damaged.
- ii. where OceanGuards are missing, not properly installed or damaged, include the cost of rectification.
- iii. provision for 4 cleans per year for the first 2 years;
- iv. provision for 3 cleans per year thereafter;

- v. replacement of the 200 micron bags at 2 years and 4 years ;
- vi. complete removal of the temporary OceanGuards and their associated frames from the street pits at the end of the 6 year period;
- vii. the estimate shall include allowances for CPI and a 15% allowance for possible damage to the devices by third parties.
- viii. Report annually on maintenance undertaken to Council's Water Sensitive Urban Design Compliance Officer at WSUD@blacktown.nsw.gov.au
- ix. Forward a copy of the signed and endorsed contract and evidence of payment to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This contract cannot be cancelled.

10.7 Engineering Matters

10.7.1 Surveys/Certificates/Works As Executed plans

- 10.7.1.1 A Work-as-Executed plan signed by a Registered Engineer or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, Crown certification plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this development application).
- 10.7.1.2 A Work-as-Executed plan for any S7.11 infrastructure works signed by a Registered Engineer or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, Crown Certification plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 10.7.1.3 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.
- 10.7.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 10.7.1.5 Written evidence is to be obtained from Transport for NSW (Roads and Maritime) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 10.7.1.6 Written evidence is to be obtained from Sydney Metro (Rail Authority) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 10.7.1.7 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
 - a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

- e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4

- Compliance Certificate and Test Results
- Delivery Dockets
- Summary of Material deliveries as per template available on Council's website.

10.7.1.8 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.

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

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

Note: Practical Completion issued by Council's Asset Construction team will be required for any S7.11 works under relevant Work-in-Kind agreement.

10.7.1.10 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.

10.7.1.11 Structural certification 'as built' by a qualified Engineer for all structural items approved by the scope of this consent. This includes but is not limited to the following components:

- a) Non-standard stormwater pits
- b) Culverts
- c) Any other structural elements

10.7.1.12 A certificate or letter signed by an appropriately qualified professional, indicating that all pre-cast pits/culverts have been specifically designed and manufactured for the project in accordance with the approved civil plans (specific reference required) and the necessary Australian Standards.

10.7.1.13 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM).

10.7.2 Easements/Restrictions/Positive Covenants

10.7.2.1 Any covenant, easement or restriction created as a result of this consent must be in accordance with the following:

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

- 10.7.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this lodgement shall be submitted to Council.
- 10.7.2.3 The creation of an Easement in Gross to Drain Water, with a minimum width in accordance with Council's Engineering Guide for Development (current issue), to the benefit of Blacktown City Council over the following nominated lot(s) free of cost to Council. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited.
- Nominated Lot(s) Burdened: All lots affected by stormwater infrastructure from Road No.1. This includes Lot 11 in DP 27220 as well as Lots 2815, 2816, 2813 and 2811 in DP 125963.
- 10.7.2.4 All relevant 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.
- 10.7.3 **Dedications**
- 10.7.3.1 Dedication at no cost to Council of 5 m x 5 m splay corners on lots at each street intersection.
- 10.7.3.2 Dedication at no cost to Council splay corners at the Roundabout (intersection of Terry Road extension and Road No.1/Road No.4 to the satisfaction of Council's Senior Coordinator Engineering Approvals and generally in accordance with the approved design.
- 10.7.3.3 Dedication at no cost to Council splay corners at the intersection of Terry Road extension and Schofields Road to the satisfaction of Council's Senior Coordinator Engineering Approvals and generally in accordance with the approved design.
- 10.7.3.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 10.7.4 **Bonds/Securities/Payments in Lieu of Works**
- 10.7.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 10.7.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.
- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.
- This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.
- 10.7.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based

upon Council's Goods and Services Pricing Schedule. The security will be released upon satisfactory completion of the works.

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

10.7.5 **Inspection of Work**

- 10.7.5.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of video footage of the inspections, report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

11 PRIOR TO SUBDIVISION (ENVIRONMENTAL HEALTH)

- 11.1. Any areas potentially/contaminated shall be remediated. Upon completion of any required remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- *Remedial Action Plan*, (Ref: E24803.EO6_Rev 1) prepared by EI Australia, dated 27 January 2021
 - NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
 - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
 - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" 3rd edition (2017)
 - National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2013)