

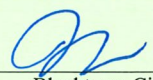
above for the related street pits draining to it. Furthermore, the owners of Temporary Basin No. 2 is to be burdened with the requirements above for the related street pits draining to it.

- 15.10.13 Provide a positive covenant over Lots 5, 6 & 7 for future development to provide water quality and a Stream Erosion Index <3.5 in accordance with the requirements of Council's DCP 2015 Part J.
- 15.10.14 Provide a positive covenant over Lot 5 for future development to achieve a minimum of 49.00% of the non-potable water uses on-site using rainwater or stormwater. The positive covenant must be registered with NSW Land Registry Services prior to the release of the subdivision certificate.
- 15.10.15 Provide maintenance requirements for each of the proposed water quality/detention devices generally in accordance with the Council's WSUD Inspection and Maintenance Guidelines available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD developer handbook. The filter cartridge must be replaced/refurbished by the filter manufacturer. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 15.10.16 Written evidence is to be provided that the registered owner/ owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the street OceanGuards, bio-retention's, sediment pits and Detention systems. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details to be forwarded to the Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners' corporation). The maintenance contract is to contain a requirement that all maintenance on the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD developer handbook. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years.
- 15.11 **Dedications**
- 15.11.1 Dedication at no cost to Council of all splay corners on lots at each street intersection.
- 15.11.2 The final plan of subdivision will not be released unless written evidence from the Transport for NSW (TfNSW) has been obtained indicating that satisfactory

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arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.

- 15.11.3 The applicant is to contact TfNSW regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with or prior to the Occupation Certificate application.

15.12 Bonds/Securities/Payments in Lieu of Works

- 15.12.1 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.

- 15.12.2 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.

- 15.12.3 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.

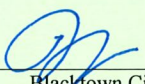
- 15.12.4 Where Council has granted approval of providing security in lieu of outstanding works, security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved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

- 15.12.5 A Bioretention Construction Security is required and is not to be released until:
- i) Practical completion of the bioretention basin, where practical completion is defined as the removal of any temporary protection measures, installation of the transition layer, filter media and planting out of the basin; and
 - ii) A Geotechnical Engineer has undertaken insitu Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practise Note 1 of the FAWB guidelines. Test points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance -0% to + 400%), remediation works will be required over the whole filter area to restore the conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practise Note

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1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bioretention system; and

iii) After the hydraulic conductivity has been certified by the Geotechnical Engineer, a Horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced, the area is free of rubbish and that any areas of scour or disrepair have been restored.

iv) The gross pollutant and bioretention sediment traps have been cleaned and cleaning docket provided.

15.12.6 A temporary OceanGuard removal security is required. The temporary OceanGuard removal security can only be refunded and the positive covenant for the maintenance of the OceanGuards in the street pits can only be removed when the downstream regional basin is fully developed as agreed with Council and the street pit OceanGuards including frames are removed.

15.13.7 **Inspection of Work**

15.13.7.1 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, a SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

15.14 **Waste Matters**

15.14.1 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, organic waste and recycling from each of those lots.


15.14.2 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, organic waste and recycling within the appropriate garbage bins on their respective lots or nominated lots as per the bin placement plan;
- b) place all garbage, organic waste and recycling bins in the designated communal garbage, organic waste and recycling collection area no earlier than 2pm the day before the scheduled collection time for that area;

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- c) collect and return the empty garbage, organic waste and recycling bins to their respective lots no later than 7pm on the day collection has taken place; and
- d) place whitegoods and large household items in the designated communal bulky waste collection area the evening before the date allocated by the Prescribed Authority for the collection of such items.

15.14.3 The public positive covenant must:

- e) contain a plan, compliant with the requirements of LRS, indicating the designated communal area/s within the development for the collection of garbage, organic 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;
- f) 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
- g) provide that the positive public covenant cannot be released, varied or modified without the Prescribed Authority's consent.

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

15.14.5 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, organic waste and recycling within the appropriate garbage bin areas designated on the plan for the Lot Burdened;
- b) place all garbage, organic waste and recycling bins in the communal garbage, organic waste and recycling collection area, designated on the plan for the Lot Burdened, no earlier than 2pm the day before the scheduled collection time;
- c) collect and return the empty garbage, organic waste and recycling bins to the Lot Burdened no later than 7pm on the day 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, the evening

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before the date allocated by the Prescribed Authority for the collection of such items;

- e) The Owner of the lot burdened acknowledges that the bin storage area will accommodate a communal bin pad for the collection of waste bins weekly and recycling bins fortnightly, on collection day. The number of bins will exceed the two belonging to the owner of the lot burdened and will include two bins for every lot entitled to place bins in the bin storage area in accordance with Restriction on the Use of Land; and
- f) 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.
- g) This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.

15.14.6 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.

15.14.7 The following documentary evidence shall accompany any Construction 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, 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.
- b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service

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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.

16. Prior to Occupation Certificate (waste)

16.1 As Council will provide a waste service to this site, the elected community manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite

16.2 A Community Management Agreement/Building Management Agreement is required and to Council's satisfaction which:

- o 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 2pm the day before the scheduled collection time for that area. The bins must be withdrawn from the kerbside to its corresponding lot no later than 7pm on the day of collection.
- o 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. Collection of these items must be in accordance with our Resource (waste) Management Services Charter. Please call Council to book in a collection date.
- o clearly outlines a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
- o clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
- o clearly outlines the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.

17. Prior to Occupation Certificate (recreation, planning and design)

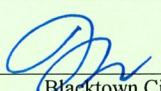
17.1 The applicant/ developer shall complete the open space embellishment works in accordance with, but not limited to following indicative scope of inclusions:

- Mulched garden bed
- Native grasses
- Native tree/ shrubs planting

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These works are to be constructed to the requirements of Council's Manager Recreation Planning and Design team and completed prior to the issue of any Occupation Certificate at full cost to the applicant/ developer.

18 Operational (waste)

- 18.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 18.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 18.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:
- a) separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
 - b) provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.
 - c) separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
 - d) provision of bin movement aids such as bin tugs and trolleys if suggested for the site.
 - e) engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.
- 18.4 A building manager must be engaged in perpetuity and for the life of the development to:
- a) manage bins and bulky waste onsite
 - b) clean bins and the waste room(s)
 - c) arrange clear access to the waste loading bay on collection day (ie, remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.
 - d) install and maintain relevant waste management signage onsite

19 Operational (Planning)

19.1 Specific Uses

- 19.1.1 The use of the approved development shall, at all times, be conducted in a manner

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consistent with the terms and conditions of this consent.

19.1.2 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.

19.2 Access and Parking

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

19.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

19.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

19.3 General

19.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

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

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

19.4 Landscaping

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

19.4.2 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future strata management plan of the multi-dwelling developments and residential flat building development, once these developments are occupied.

19.5 Waste

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

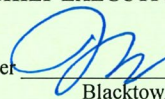
19.5.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.

19.5.3 The entire waste entry driveway including area outside the loading dock are to be kept unobstructed and free of any vehicle parking and any other obstructions so it is always freely available for use by the waste delivery trucks. The Strata Management are responsible for enforcing this requirement.

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19.6 Clothes Drying

- 19.6.1 The hanging/drying of clothes on balconies (where visible from a public place) is prohibited in the residential flat buildings. A clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

19.7 Access and Parking

- 19.7.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 19.7.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 19.7.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

19.8 Crime Prevention Through Environmental Design

- 19.8.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.

19.9 NSW Rural Fire Service Requirements

- 19.9.1 The development shall adhere to the General Terms of Approval issued by NSW Rural Fire Service under Division 4.8 of the Environmental Planning and Assessment Act 1979 and a Bush Fire Safety Authority, under Section 100B of the Rural Fires Act 1997, dated 4 October 2019.

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