

hours, and

- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

10.1.3 Should the development work:

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

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

10.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

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

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

10.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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10.2 Notification to Council

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

10.3 Home Building Act

- 10.3.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

10.4 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water 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 must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

10.5 Removal of Dams

- 10.5.1 Any dam on site shall be de-watered in stages. All native fauna located within and surrounding the dam shall be collected by an appropriately qualified and licensed ecologist. Any captured native fauna shall be relocated to a suitable location managed by the applicant or as nominated by Council. Details shall be submitted to Council, including photographs, surveys and diary entries of species found and

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details of relocation.

10.6 Protection of Fauna

- 10.6.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

11 During Construction (Building)

11.1 Safety/Health/Amenity

- 11.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

- 11.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulation 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

- 11.1.3 Should the development work:

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

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

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

- 11.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

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

- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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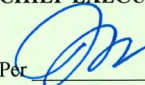
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- 11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 11.2 **Building Code of Australia Compliance**
- 11.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 11.3 **Surveys**
- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.
- 11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.
- 11.4 **Nuisance Control**
- 11.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11.5 **Stormwater Drainage**
- 11.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.
 - (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS
- 11.6 **Waste Control**
- 11.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation

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Development Control Plan shall be implemented during the course of development works.

11.7 Tree Protection

- 11.7.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

11.8 Construction Inspections

- 11.8.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

11.9 Biodiversity Management Plan

- 11.9.1 During construction and clearance activities the approved Biodiversity Management Plan is to be implemented and at all times adhered to. An appropriately qualified and experienced ecologist is to be present when clearing trees onsite.
- 11.9.2 At the conclusion of clearance works a report detailing works undertaken in accordance with the Biodiversity Management Plan is to be provided to Natural Areas Team within 14 days of clearance.

11.10 Dam Dewatering Plan

- 11.10.1 During the dewatering of the dam, the approved Dam Dewatering Plan is to be implemented and at all times adhered to. An appropriately qualified and experienced aquatic ecologist is to be present.

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At the conclusion of dewatering works a report detailing works undertaken in accordance with the Plan is to be provided to Natural Areas Team within 14 days of dewatering.

12 During Construction (Engineering)

12.1 Notification of Works

12.1.1 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.

12.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

12.2 Insurances

12.2.1 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.

12.3 Service Authority Approvals

12.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

12.4 Boundary Levels

12.4.1 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.

12.5 Soil Erosion and Sediment Control Measures

12.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

12.5.2 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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12.6 Filling of Land and Compaction Requirements

12.6.1 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.

12.6.2 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 Subdivision and/or Occupation certificate as required by this consent.

12.6.3 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.


12.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

12.6.5 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 windblown dust.

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- 12.6.6 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.
- 12.6.7 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.
- 12.6.8 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.

12.7 Filling in Contaminated Land

- 12.7.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 12.7.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 12.7.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

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

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

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

12.9 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

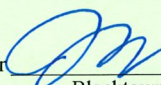
- 12.9.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Development Overseers.

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,

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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).

12.10 Public Safety

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

12.11 Site Security

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

12.12 Traffic Control

- 12.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Transport for NSW's 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.
- 12.12.2 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 Transport for NSW (TfNSW) accreditation and photo card to implement Traffic Control Plans.
- 12.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current TfNSW's Traffic Controller accreditation and photo card and carry it with them.
- 12.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified TfNSW 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.
- 12.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current TfNSW 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 TfNSW's *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

12.13 Road Line Marking and Traffic Signage

- 12.13.1 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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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.

12.14 Drainage

12.14.1 The 30x200 micron OceanGuards (Enviropods), 46x690mm and 8x460mm high Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

12.14.2 Provide certification prior to placement of the liner for the bioretention that the minimum filter area has been achieved excluding all pits and scour protection and that the base is free of rocks and debris.

a) Provide certification prior to placement, that the bioretention filter media ex-bin has:

- i. A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
- ii. A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
- iii. A pH between 5.5 to 7
- iv. An Orthophosphate content < 20 mg/kg
- v. A Total Nitrogen content < 900 mg/kg
- vi. Is not hydrophobic.

b) Provide certification prior to placement in the bioretention basin, that the transition layer material ex-bin:

- i. Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and
- ii. Satisfies the bridging criteria $D_{15}(\text{transition layer}) \leq 4 \times D_{85}(\text{filter media})$ where: D_{15} is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than D_{15} mm), and D_{85} is the 85th percentile particle size in the filter media.
- iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{transition layer}) \geq D_{15}(\text{filter media}) \times 3$.


c) Provide certification prior to placement in the bioretention basin, that the drainage layer material ex-bin:

- i. Is a clean washed 5-7 mm gravel, such as washed screenings.
- ii. Satisfies the bridging criteria $D_{15}(\text{drainage layer}) \leq 4 \times D_{85}(\text{transition layer})$ where: $D_{15}(\text{drainage layer})$ is the 15th percentile particle size in the

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drainage layer material (i.e., 15% of the gravel is smaller than D15 mm), and D85 (transition layer) is the 85th percentile particle size in the transition layer material. iii. Satisfies the hydraulic conductivity criteria D15 (drainage layer) \geq D15 (transition layer) x 3.

- d) No fertiliser or additional nutrient material or mulch is to be provided to the bioretention basin filter area during planting of the tubestock, or at any time.
- e) Where more than 90% of the dwellings within the development are constructed the bioretention basins are to be fully constructed to final design levels prior to release of the construction certificate. If the development is staged, then where more than 90% of the dwellings upstream of a bioretention basin are constructed then that basin is to be fully constructed to final design levels prior to release of the construction certificate and the remaining bioretention basins constructed to the intermediate construction standard.

13 During Construction (Environmental Health)

- 13.1 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 (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 13.2 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

14 Prior to Occupation Certificate

14.1 Compliance with Conditions

- 14.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 14.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Sections 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

14.2 Fire Safety Certificate

- 14.2.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

14.3 Fee Payment

- 14.3.1 Any fee payable to Council as part of a Construction, Subdivision Works, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid

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in full.

14.4 Service Authorities

- 14.4.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

14.5 Environmental Health - Acoustic Requirements

- 14.5.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

14.6 Streetscape and Landscaping

- 14.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.6.2 All landscaping, recreation features and furniture and bbq facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 14.6.3 All privacy screening measures / devices detailed on the approved plans are to be installed prior to the issue of any Occupation Certificate.
- 14.6.4 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 14.6.5 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 14.6.6 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 14.6.7 The required letterboxes are to comply with the details submitted as part of the Construction Certificate and with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.
- 14.6.8 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 14.6.9 Entrance/exit points to the residential flat building are to be clearly signposted and visible from the street and the site at all times.
- 14.6.10 If air conditioning units are to be located on balconies, they are to be located below

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balustrade level and shielded from public view.

- 14.6.11 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.

14.7 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

- 14.7.1 No occupation certification must be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

14.8 Car Parking

- 14.8.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 14.8.2 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.8.3 Access and parking for people with disabilities to the residential flat building shall be provided in accordance with Australian Standard 2890.1.
- 14.8.4 Head room clearance at the basement ramp of the residential flat building development must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 14.8.5 A roller shutter and card-key system is to be installed at the entry/exit points of the basement car park to the residential flat building development.
- 14.8.6 Should any basement storage areas be provided, they are to have quality doors/cages and lock sets to restrict unauthorised access. These are recommended to be constructed of an appropriately robust steel welded mesh to be used in lieu of chain link wire. Consider the use of 'over the bonnet' metal fully enclosed and lockable storage containers.
- 14.8.7 Bicycle racks are to be provided on site.


14.9 Adaptable Housing Units

- 14.9.1 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units in the residential flat building development are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

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- 14.9.2 Certification from a qualified Access Consultant confirming that the Adaptable Housing Units in the multi-dwelling development are capable of being modified when required by the occupants in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) is to be submitted to Council.

14.10 Total Maintenance Plan

- 14.10.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, the communal open space areas, security systems, mail boxes, lighting, loading areas and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.
- (c) The proposed development is always under the control of a fulltime Building Manager.

A copy of the Plan is to be submitted to Council for separate approval prior to the release of any Occupation Certificate.

14.11 Graffiti Management Plan

- 14.11.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

14.12 Street Tree Planting

- 14.12.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Maintenance Section.

- 14.12.2 Any tree planting (and maintenance) along the frontages of the development site to improve the amenity of the streetscape must be approved before any Occupation Certificate is issued.

Trees must be of a minimum container size of 45 litres with root barriers.

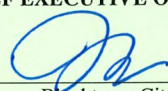
The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion

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of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

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

14.13 Environmental Management

14.13.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

14.13.2 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

14.13.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

14.13.4 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

14.14 NSW Local Police Matters

14.14.1 Details of the Body Corporate/s are to be forwarded to NSW Local Police by the developer/applicant, Quakers Hill Local Area Command.

14.14.2 A copy of Evacuation Plan for the residential flat building development is to be forwarded to the NSW Local Police by the developer/applicant, Quakers Hill Local Area Command.

14.15 Engineering Matters


14.15.1 Surveys/Certificates/Works As Executed plans

14.15.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be

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prepared on a copy of the original, stamped Subdivision Works Certificate plans for engineering works.

- 14.15.1.2 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 14.15.1.3 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.
- 14.15.1.4 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.
- 14.15.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed temporary OSD and Bio-retention basin will function effectively in accordance with Blacktown Council's Engineering Guide for Development (current version).
- 14.15.1.6 Written evidence is to be obtained from the TfNSW indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 14.15.1.7 Applicant is to compile and 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.
- 14.15.1.8 The applicant is to submit the certified 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.

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- 14.15.1.9 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.

When 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.

- 14.14.1.10 A Chartered Civil Engineer registered with NER, is to certify that:

- a) All the requirements of the approved drainage plan have been undertaken.
- b) A chartered Civil Engineer registered with NER is to certify that the maximum depth of flow in the gutter is <200mm for all the 1% AEP storm events.
- c) Temporary Basin 01: the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socked slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media/coarse sand and turf to enable construction of a future minimum filter media area of 270m² for the bioretention basin clear of pits, access tracks, flow spreaders and scour protection.
- d) Temporary Basin 02: the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socked slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media and turf to enable construction of a future minimum filter media area of 220m² for the bioretention basin clear of pits, flow spreaders and scour protection.
- e) The subsoil collection pits are provided with a sealed lid and discharge to the outlet independent of the discharge control pit.
- f) The sediment traps have been provided as part of the scour protection to each of the headwalls discharging to the bioretention basin 02.
- g) Temporary Basin 01: the minimum detention storage of 2603.70m³ has been provided below the 1.5-year ARI weir and a total of 3948.90m³ has been provided below the 100-year ARI emergency overflow weir.
- h) Temporary Basin 02: the minimum detention storage of 1056.30m³ has been provided below the 1.5-year ARI weir and a total of 1602.10m³ has been provided below the 100-year ARI emergency overflow weir.
- i) The orifice sizes match the approved construction certificate plans.
- j) Super lot 5: a minimum 20m³ rainwater tank has been provided collecting roof water from a minimum 2500m² of roof area.

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- k) All the signage and warning notices have been installed.
- l) The interpretative water quality sign has been correctly installed.
- m) Any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- n) That all street pits are to contain a 200-micron OceanGuard as a temporary measure.
- o) A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

14.14.1.11 Ocean Protect (Stormwater 360) is to certify for the installation of the 200-micron OceanGuards (Enviropods) and Stormfilters that (for super lots 5, 6 & 7):

- a) They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- b) A minimum of 46x690mm Ocean Protect stormfilters have been installed and 8x460mm Ocean Protect Stormfilters have been installed;
- c) A minimum of 28 x 200-micron OceanGuards (Enviropods) have been installed;
- d) That all street pits contain an OceanGuard if the temporary basins have not been decommissioned.
- e) The Stormfilter tank includes a baffle 400mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690mm cartridges;
- f) The Stormfilter tank includes a baffle 300mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 460mm cartridges;
- g) The Stormfilter weir length is as per the approved construction certificate plans;
- h) The Stormfilters have a minimum flow rate of 73.60L/s and 8.80L/s at standard weir height for the 690mm high cartridges and 460mm high cartridges respectively;
- i) Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- j) Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.


14.14.1.12 An experienced irrigation specialist, is to certify for super lot 5 that:

- a) All the non-potable landscape water uses are being supplied by rainwater;

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- b) All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- c) The flow meters have been installed on the pump outflow and the mains water supply to the rainwater tank to determine non-potable usage and actual percentage of reuse;
- d) The automatic timer has been set up for time and frequency to deliver 700kL/year on average and the system has been design will adjust for twice the rate in summer and half the rate in winter.
- e) The pumps, alarms and all other systems are working correctly; and
- f) The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
- g) Rainwater warning signs are fitted to all external taps using rainwater.
- h) A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

14.15.1 **Easements/Restrictions/Positive Covenants**

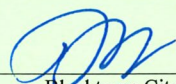
- 14.15.1.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).
- 14.15.1.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the temporary On- Site Detentions, Bio- retention Systems and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 14.15.1.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 14.15.1.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).
- 14.15.1.5 The creation of a reciprocal rights of way over the access to the following nominated lot(s) with the following nominated width under Section 88B of the Conveyancing Act 1919.

Nominated Lot(s): Laneway 1 and Laneway 2

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Nominated Width: 7m and variable


A positive covenant for the "Maintenance and Repair of the Shared Access" is to be included in accordance with Blacktown City Council recitals for terms of Easements and Restrictions (Current Version).

- 14.15.1.6 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 14.15.1.7 Provide a positive covenant over the temporary Ocean Guards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005 (current version). The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The positive covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council. The owners of Temporary Basin No. 1 in residual lot 12 is to be burdened with the requirements 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.
- 14.15.1.8 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.
- 14.15.1.9 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.
- 14.15.1.10 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.
- 14.15.1.11 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

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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.

14.15.2 Bonds/Securities/Payments in Lieu of Works

14.15.2.1 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.

14.15.2.2 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.

14.15.2.3 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 Pricing Schedule. The security will be released upon satisfactory completion of the works.

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

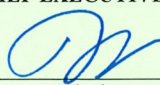
14.15.2.5 A Bioretention Construction Security is required and is not to be released until:

- 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

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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 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 dockets provided.

14.15.2.6 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.

14.15.3 CCTV Inspection of Stormwater Drainage Structures

14.15.3.1 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 copy of the 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 Prior to Subdivision Certificate for each stage of subdivision

15.1 The subdivision certificates for this development are to be released in the following order:

(a) Stage 1 subdivision of the whole site into:

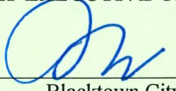
- 7 super lots (1, 2, 3, 4, 6, 7, 8);
- 2 temporary basin lots (Basin 1 within Lot 12, and Basin 2 within Lot 5 only as Lot 10 is to be deleted);
- 1 residue Lot 9 for future RE1 land;
- 1 residue Lot 11 for future part of public road; and
- Dedication of all the public local roads

(b) Stage 2 subdivision on:

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- Super lots 3, 4 and 8 into 67 Torrens titled residential lots with Building Envelope Plans (BEPs) on any lots smaller than 300 m²; and
 - Super lots 1 and 2 into 47 residential lots with private laneways within a Community title plan.
- (c) Stage 3 depicting the development once the temporary basins are no longer required:
- Super Lot 12 into 11 residential lots with a private laneway within a Community title plan; and
 - Super Lot 5 developed into 5 residential flat buildings

15.2 Section 7.11 Contributions under Section 7.17 Directions

15.2.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* (the Act) must be paid. The amounts below are stated as at 1 December 2020. 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) whichever occurs first, either by Council or any accredited certifier.

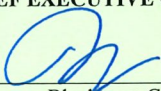
PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Marsden Creek	\$1,878,215.00	21
Little Creek	\$1,503,136.00	21
Stormwater Quality		
Marsden Creek	\$68,116.00	21
Little Creek	\$64,969.00	21
Traffic Management	\$1,670,088.00	21
Open Space	\$4,145,376.00	21
Community Facilities	\$209,406.00	21

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Contribution Item	Amount	Relevant C.P.
E2 Conservation Zone	\$267,866.00	21
Aquatic Facility	\$352,501.00	21
Total	\$10,159,673.00	

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

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

Section 7.11 Contributions Plan No. 21 – Marsden Park

The Section 7.11 contribution(s) are based on the site's 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.

Developable Area: 9.9606 hectares

Stormwater Quality Marsden Creek: 2.9646 hectares

Stormwater Quality Little Creek: 6.9960 hectares

Additional Population: 816.5 persons

Note: These contributions are payable with the first subdivision certificate issued by Council unless modified by Condition 15.2.2 below.

- 15.2.2 Should the applicant/developer wish to stage the required Section 7.11 Contributions payment, a modification application will be required for Council's consideration and approval.

15.3 Special Infrastructure Contribution

- 15.3.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning, Industry and Environment before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.


More information

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

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<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem>

[abid/75/guage/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/guage/en-US/Default.aspx)

15.4 **Street Tree Planting**

- 15.4.1 Any tree planting (and maintenance) along the frontages of the development site to improve the amenity of the streetscape must be approved before any Occupation Certificate is issued.

Trees must be of a minimum container size of 45 litres with root barriers.

The applicant must obtain clearances from relevant service authorities.

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

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

15.5 **Others matters**

- 15.5.1 The applicant shall demonstrate that the recommendations of the Aboriginal Archaeological Due Diligence Assessment prepared by Dominic Steele Consulting Archaeology and dated 10 July 2019 were appropriately implemented.

- 15.5.2 Prior to the issue of the Subdivision Certificate, an EPA recognised accredited geoscientist is to validate the storage of subdivision as suitable for residential development in accordance with the strict residential use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

15.6 **Orderly Development of subdivision**

- 15.6.1 A restriction on title is to be placed on Lot 126 that restricts any further development on this lot until such time as it is no longer required as a temporary road and then must be amalgamated with a part of the adjoining property to the south to create a standard sized and dimensioned residential lot.

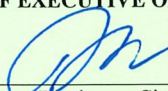
- 15.6.2 A Restriction as to User over proposed Lot 9 shall be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

No further development of the lot burdened is to take place as it is to be dedicated to Council as a public reserve in the future when requested by Council.

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NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Applicant is to contact the Section 7.11 Contributions Section to determine timing.

- 15.6.3 A Restriction as to User over proposed Lot 11 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 until it forms part of the road network under the State Infrastructure Contribution plan.

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

15.7 **Engineering Matters**

15.7.1 **Site Access**

- 15.7.2 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.

- 15.7.3 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.

15.8 **Road Damage**

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

15.9 **Engineering Matters**

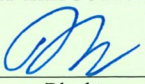
15.9.1 **Surveys/Certificates/Works As Executed plans**

- 15.9.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 15.9.1.2 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 15.9.1.3 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.
- 15.9.1.4 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.

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- 15.9.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed temporary OSD and WSUD will function effectively in accordance with Blacktown Council's Engineering Guide for Development (current version).
- 15.9.1.6 Written evidence is to be obtained from TfNSW indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 15.9.1.7 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.
- 15.9.1.8 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.
- 15.9.1.9 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.
- When 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.
- 15.9.1.10 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.
- 15.9.1.11 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

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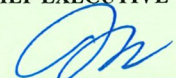
- a) Retaining walls over 0.6 m in height
 - b) Rigid pavements
 - c) Non-standard stormwater pits
- 15.9.1.12 A certificate or letter signed by an appropriately qualified professional, indicating that all pre-cast pits/culverts have been specifically designed and manufactured for the project in accordance with the approved civil plans (specific reference required) and the necessary Australian Standards.
- 15.9.1.13 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) or (ENM).
- 15.9.1.14 A Chartered Civil Engineer registered with NER, is to certify that:
- a) All the requirements of the approved drainage plan have been undertaken.
 - b) A chartered Civil Engineer registered with NER is to certify that the maximum depth of flow in the gutter is <200mm for all the 1% AEP storm events.
 - c) Temporary Basin 01: the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socketed slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media/coarse sand and turf to enable construction of a future minimum filter media area of 270m² for the bioretention basin clear of pits, access tracks, flow spreaders and scour protection.
 - d) Temporary Basin 02: the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socketed slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media and turf to enable construction of a future minimum filter media area of 220m² for the bioretention basin clear of pits, flow spreaders and scour protection.
 - e) The subsoil collection pits are provided with a sealed lid and discharge to the outlet independent of the discharge control pit.
 - f) The sediment traps have been provided as part of the scour protection to each of the headwalls discharging to the bioretention basin 02.
 - g) Temporary Basin 01: the minimum detention storage of 2603.70m³ has been provided below the 1.5-year ARI weir and a total of 3948.90m³ has been provided below the 100-year ARI emergency overflow weir.
 - h) Temporary Basin 02: the minimum detention storage of 1056.30m³ has been provided below the 1.5-year ARI weir and a total of 1602.10m³ has been provided below the 100-year ARI emergency overflow weir.

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- i) The orifice sizes match the approved construction certificate plans.
- j) Super lot 5: a minimum 20m³ rainwater tank has been provided collecting roof water from a minimum 2500m² of roof area.
- k) All the signage and warning notices have been installed.
- l) The interpretative water quality sign has been correctly installed.
- m) Any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- n) That all street pits are to contain a 200-micron OceanGuard as a temporary measure.
- o) A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

15.10. Easements/Restrictions/Positive Covenants

- 15.10.1 Any 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.
- 15.10.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the temporary On- Site Detentions, Bio-retention Systems and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 15.10.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 15.10.4 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path. Documentary evidence of this lodgement shall be submitted to Council.
- 15.10.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).
- 15.10.6 The creation of a reciprocal rights of way over the access to the following nominated lot(s) with the following nominated width under Section 88B of the *Conveyancing Act 1919*.
- Nominated Lot(s): Laneway 1 and Laneway 2
- Nominated Width: 7m and variable

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A positive covenant for the "Maintenance and Repair of the Shared Access" is to be included in accordance with Blacktown City Council recitals for terms of Easements and Restrictions (Current Version).

- 15.10.7 A temporary Right of Carriageway shall be provided over the following nominated lot(s) to provide access to the temporary onsite stormwater detention basin on proposed Lot 12 and the new residential lot 101 – 107 and 121 – 125 in the community plan. An appropriate restriction on the use of the land shall be created, under Section 88B of the *Conveyancing Act 1919*, covering this requirement. This Right of Carriageway is a temporary right can only terminate when the temporary OSD basin is decommissioned to Council's satisfaction.

Nominated Lot(s): 108, 120 and 126

- 15.10.8 A Restriction as to User over proposed Lots 108 and 120 shall be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

The nominated lot(s) shall not be developed before decommissioning of the temporary basin on the adjoining (Lot 12 as these lots provide access to the basin) and removal of all restrictions related to the temporary basin works on that lot.

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

- 15.10.9 A Restriction as to User over proposed lot 12 and lot 5 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 consent will not be issued until downstream permanent drainage has been completed and each lot is no longer required as a temporary drainage basin. Such approval is also likely to require, but not be limited to, construction of road and drainage works, the provision of lot fill and the payment of Section 94 Contributions.

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

- 15.10.10 A restriction as to User with Council's standard wording must be placed on all filled lots

- 15.10.11 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.


- 15.10.12 Provide a positive covenant over the temporary Ocean Guards in the Street Pits generally in accordance with the requirements of Council's Engineering Guide for Development 2005 (current version). The covenant requirements are to include cleaning at maximum 4 monthly intervals and the submission of an annual report on water treatment before 1 September each year. The positive covenant must be registered with NSW Land Registry Services prior to the final occupation certificate and include a sunset clause releasing the covenant once the regional water quality facility is provided as agreed with Council. The owners of Temporary Basin No. 1 in residue Lot 12 is to be burdened with the requirements

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