

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: SPP-23-00037

Development: 4 lot subdivision, staged construction of a multi dwelling housing comprising 158 x 2 storey dwellings including 280 car parking spaces, construction and dedication of public roads, internal private roads, stormwater drainage works, tree removal and landscaping

Site: 1578, 1580, 1584 & 1586 Windsor Road, Vineyard NSW 2765 (Lots 21, 22 & 23 in DP 1224519 & Lot 1 in DP 224731), Part of Lot 18 and Lot 19 in DP 1224519 (O'Connell Street, Vineyard), Lot 1 in DP547368 (34 Bandon Road, Vineyard), Lot 2 DP795119 (10 Bandon Road, Vineyard)

The above development application has been determined by the granting of Deferred Commencement consent subject to the conditions specified in this consent.

Date of determination: 12 November 2024

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 1578, 1580, 1584 & 1586 Windsor Road, Vineyard NSW 2765 (Lots 21, 22 & 23 in DP 1224519 & Lot 1 in DP 224731), Part of Lot 18 and Lot 19 in DP 1224519 (O'Connell Street, Vineyard), Lot 1 in DP547368 (34 Bandon Road, Vineyard), and Lot 2 DP795119 (10 Bandon Road, Vineyard)

The conditions of consent are as follows:

DEFERRED COMMENCEMENT CONDITIONS

Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979* deferred commencement consent is granted subject to **Part A** of the consent.

PART A

- 1.1 The applicant is to provide evidence that it has entered into a Voluntary Planning Agreement (VPA) under Blacktown City Council Policy P000521 'Temporary stormwater drainage basins on Council land Council policy' to build the temporary basin as shown on plan 230056-00-DA-C01.31, Subdivision Staging Plan, Revision 5, dated 11 October 2024, prepared by Enspire Solutions Pty Ltd, on Council Land (Lot 18 DP 1224519)
- 1.2 This consent is not to operate until such time as the architectural plans have been amended to the satisfaction of Council to address the following matters:
 - a) Redesign U27,69,70,159 and 160 to provide a double size bedroom on the ground floor in a position that is least exposed to the Windsor Road traffic noise source.
 - b) Provide plans, sections and elevations showing details of the location and design of all elements of supplementary ventilation for every bedroom where it must be implemented based on the recommendations of Acoustic Assessment Report by Acoustic Logic Rev 6 dated 16 October 2024. This must include all vents, louvres, voids, bulkheads, service ducts, fans and the equipment. The design documentation must be accompanied by written verification from suitably qualified and experienced experts in mechanical, building and acoustic engineering to confirm that the proposed design meets relevant Australian Standards, the National Construction Code and the Building Code Australia.
- 1.3 All of the requirements listed in the above conditions must be completed within 36 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.
- 1,3 Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.
- 1.4. Upon satisfaction of the deferred commencement condition/s, the conditions in **Part B** of this consent apply.

PART B OPERATIVE CONDITIONS**2 ADVISORY NOTES****2.1 Terminology**

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

2.2 Scope of Consent

- 2.2.1 The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 2.3.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter;
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development;
 - (c) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the *Roads Act 1993* and *Local Government Act 1993* is required; and
 - (d) any business identification signage not being 'Exempt Development' under *State Environmental Planning Policy (Exempt and Complying Development) 2008*.
- 2.3.4 If any Aboriginal objects are found during construction, work is to cease immediately. Heritage NSW is to be notified, and the site and objects are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of Heritage NSW. No further works are to be undertaken on the site without the written consent of Heritage NSW.
- 2.3.5 This approval does not authorise any further subdivision other than that which is detailed by DA 20, Subdivision Plan with ILP, Revision 4, dated 22 November 2023, prepared by Bathla.

2.4 Services

2.4.1 The applicant is advised to consult with:

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

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

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

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

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

2.4.4 Telstra (and its authorised contractors) is the only company that is permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.

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

2.5 Tree Planting and Service Locations (After all other services)

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

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

2.6 Identification Survey

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

2.7 Road Damage

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

2.8 Engineering Notes

- 2.8.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

2.9 Payment of Engineering Fees

- 2.9.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

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

2.10 Other Matters

- 2.10.1 This plan of subdivision is not to be released until lawful access to a public road is provided to the Site. This may require the registration of an easement for access over Lot 2 DP795119 in favour of Council.

3 GENERAL

3.1 Scope of Consent

- 3.1.1 This consent relates to the following drawings/details submitted with the Development Application, as amended by the deferred commencement condition, subject to compliance with any other conditions of this consent. Development must be carried out with the following plans and documents, as well as those plans set out at condition 4.1.4, except where amended by conditions of consent:

Architectural Plans, prepared by Bathla			
Drawing No	Drawing Title	Revision	Date
DA 01	Site Analysis	7	22/08/2024
DA 03	Site Plan	8	22/08/2024
DA 04	Ground Floor Plan – Part 1	7	22/08/2024
DA 05	Ground Floor Plan – Part 2	7	22/08/2024
DA 06	Ground Floor Plan – Part 3	7	22/08/2024
DA 07	Ground Floor Plan – Part 4	7	22/08/2024
DA 08	First Floor Plan – Part 1	7	22/08/2024
DA 09	First Floor Plan – Part 2	7	22/08/2024
DA 10	First Floor Plan – Part 3	7	22/08/2024
DA 11	First Floor Plan – Part 4	7	22/08/2024
DA 12	Elevations	6	22/08/2024
DA 13	Elevations	5	13/06/2024
DA 14	Elevations	6	22/08/2024
DA 15	Elevations, Sections & Fence Details	5	13/06/2024
DA 16	Shadow Analysis 1	7	22/08/2024
DA 17	Shadow Analysis 2	7	22/08/2024
DA 18	Stage 1 Site Plan	5	22/08/2024
DA 19	Stage 2 Site Plan	5	22/08/2024
DA 20	Subdivision Plan With ILP	4	22/11/2023
DA 21	Site Coverage & Landscaped Area Calculation	5	22/08/2024
DA 22	Integral Signage Plan	2	22/08/2024
DA 23	Post Adaption Plans – U1, 17, 28, 29, 51 & 52	1	13/06/2024
DA 24	Post Adaption Plans – U89, 90, 122-125, 136, 148, 158 & 161	1	13/06/2024
Colour Schedule, Materials and Finishes, prepared by Bathla			
Title		Issue	Date
Internal Elevation 1A, Internal Elevation 1B		E	27/08/2024
South-West Elevation 1A, South-West Elevation 1B		E	27/08/2024
North-West Elevation 1A, North-West Elevation 1B		E	27/08/2024
Internal Elevation 2A, Internal Elevation 2B		E	27/08/2024
CS 1A, CS 1B, CS 2A, CS 2B, CS 3A		E	27/08/2024
CS 3B, CS 4A, CS 4B		E	27/08/2024
CS 5, CS 6		E	27/08/2024
Landscape & Street Tree Plans, prepared by Bathla			
Drawing No	Drawing Title	Revision	Date
LP-01	Landscape & Street Tree Plan (Stage 1)	4	14/10/2024
LP-02	Landscape & Street Tree Plan (Stage 2)	6	14/10/2024
LP-03	Landscape Plan 1	6	14/10/2024
LP-04	Landscape Plan 2	6	14/10/2024
LP-05	Landscape Plan 3	6	14/10/2024
LP-06	Landscape Plan 4	6	14/10/2024
LP-07	Street Tree Plan Details	5	14/10/2024
LP-08	Landscape Plan Details	7	14/10/2024

Document Title	Dated
Statement of Environmental Effects (Amended)	September 2024
DA Acoustic Assessment Revision 4 prepared by Acoustic Logic	16 October 2024
Bushfire Protection Assessment prepared by Travers Bushfire & Ecology	10 September 2024
Revised Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd	10 September 2024
Crime Risk Assessment Report prepared by Planning Ingenuity	17 October 2023
Vegetation Management Plan prepared by Keystone Ecological Pty Ltd	10 September 2024
Revised Arboricultural Impact Assessment & Tree Protection Plan Version 8	23 October 2024
Waste Management Plan prepared by Universal Property Group Pty Limited	22 November 2023
Remedial Action Plan - 2431-RAP-01-050624.v1f prepared by Sydney Environmental Group	5 June 2024
Contamination Site Investigation Report prepared by Geotesta	22 September 2023
Detailed Site Investigation Report prepared by Geotesta	20 December 2023
Access Report - REV D - prepared by Ergon Consulting	11 September 2024
Asbestos Characterisation Assessment Report - : 2431-ACA-01-300524.v1f prepared by Sydney Environmental Group	31 May 2024

** unless modified by any conditions of this consent*

3.3 **Services**

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

3.4 **Suburb Name**

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

Suburb: Vineyard

3.5 **Identification Survey**

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

3.6 Road Damage

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

3.7 Compliance with BASIX Certificate

- 3.7.1 The applicant is to provide updated BASIX Certificate based on the approved plans, as amended by the deferred commencement condition, as set out in condition 3.1.1 for approval by Council.
- 3.7.2 All commitments listed in the updated BASIX Certificate approved by Council in accordance with condition 3.7.1 shall be complied with.

3.8 Engineering Matters

3.8.1 Design and Works Specification

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

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

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

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

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

3.8.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure
- Construction of any drainage, kerb and gutter and road pavement after removal of any temporary works (i.e. turning heads)

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

3.8.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

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

3.8.2 Other Necessary Approvals

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

- Vehicular Crossings
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

3.8.3 Subdivision

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

3.8.4 Other Matters

3.8.4.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Subdivision Works or Construction Certificate being issued.

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

3.8.4.3 No works are to take place within the Existing Native Vegetation zone on adjacent lands. Prior to the commencement of works the area shall be fenced off with temporary 1.8m high chain mesh bushland protection fencing and an appropriately worded sign erected at regular intervals along the fence stating that the area is a

protected vegetation area and access is strictly forbidden.

3.8.5 Temporary Bioretention Works

- 3.8.5.1 The bio-retention construction works shall be staged as per page 13 of Council WSUD Standard Drawings Plan No. A(BS)175M. The temporary bio-retention basin shall be constructed in three stages: Stage 1, Stage 2 and Stage 3
- 3.8.5.2 An intermediate temporary bio-retention system (Stage 2) is to be provided at release of sub-division plan. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the final temporary bio-retention system (Stage 3) is to be completed within 6 months.
- 3.8.5.3 The developer is to maintain the temporary detention basin and temporary water quality treatment measures and these measures are not to be removed, nor the positive covenants lifted, until the downstream regional Council detention basin including water quality measures are completed.
- 3.8.5.4 Each year by the first business day on or after 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All materials removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 3.8.5.5 The Bio-retention Construction Bond is not to be released until:
- i. Practical completion of the bio-retention basin. Practical Completion is defined as removal of any temporary protection measures, installation of the filter media and planting out of the basin; and
 - ii. A Geotechnical Engineer has undertaken in-situ Saturated Hydraulic Conductivity Testing of the bio-retention 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 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for the bio-retention 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 bio-retention 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.

4 PRIOR SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

4.1 General

- 4.1.1 All relevant conditions within the 'Prior to Subdivision Works Certificate' section of this consent shall be satisfied before any Subdivision Works Certificate can be issued.
- 4.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issued.

- 4.1.3 Prior to the issue of a Subdivision Works Certificate, details of Basin B shall be submitted to Council for approval under Section 68 of the Local Government Act.
- 4.1.4 The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings, as amended by the deferred commencement condition, and conditions of consent. Any significant variation to the design shall require a section 4.55 application.

Subdivision Works Certificate plans shall be generally in accordance with the following drawings by Enspire Solutions and relevant Consent conditions:

Drawing	Title	Rev	Date
230056-00-DA-C01.01	Cover Sheet and drawing schedule	8	17/10/2024
230056-00-DA-C01.21	Specification Notes – Sheet 01	6	11/10/2024
230056-00-DA-C01.22	Specification Notes – Sheet 02	6	11/10/2024
230056-00-DA-C01.31	Subdivision Staging Plan	5	11/10/2024
230056-00-DA-C01.41	General Arrangement Plan	6	11/10/2024
230056-00-DA-C02.01	Establishment and Demolition Plan	6	11/10/2024
230056-00-DA-C03.01	Erosion and Sedimentation Control Plan	7	11/10/2024
230056-00-DA-C03.21	Erosion and Sedimentation Control Details	6	11/10/2024
230056-00-DA-C04.01	Bulk Earthworks Cut and Fill Plan	7	11/10/2024
230056-00-DA-C04.21	Bulk Earthworks Cut and Fill Sections – Sheet 01	7	11/10/2024
230056-00-DA-C04.22	Bulk Earthworks Cut and Fill Sections – Sheet 01	7	11/10/2024
230056-00-DA-C05.01	Siteworks and Stormwater Management Plan – Sheet 01	8	11/10/2024
230056-00-DA-C05.02	Siteworks and Stormwater Management Plan – Sheet 02	6	10/09/2024
230056-00-DA-C05.03	Siteworks and Stormwater Management Plan – Sheet 03	8	11/10/2024
230056-00-DA-C05.04	Siteworks and Stormwater Management Plan – Sheet 04	6	10/09/2024
230056-00-DA-C05.05	Siteworks and Stormwater Management Plan – Sheet 05	8	11/10/2024
230056-00-DA-C06.01	Road Typical Cross Sections	6	11/10/2024
230056-00-DA-C07.01	Road Longitudinal Sections – Sheet 01	6	11/10/2024

230056-00-DA-C07.02	Road Longitudinal Sections – Sheet 02	6	11/10/2024
230056-00-DA-C07.03	Road Longitudinal Sections – Sheet 03	6	10/09/2024
230056-00-DA-C11.01	Pavement, Signage and Line Marking Plan	9	11/10/2024
230056-00-DA-C16.01	Retaining Wall Details	6	11/10/2024
230056-00-DA-C17.01	Stormwater Long Sections – Sheet 01	6	11/10/2024
230056-00-DA-C17.02	Stormwater Long Sections – Sheet 02	6	11/10/2024
230056-00-DA-C17.03	Stormwater Long Sections – Sheet 03	6	11/10/2024
230056-00-DA-C17.04	Stormwater Long Sections – Sheet 04	6	11/10/2024
230056-00-DA-C17.05	Stormwater Long Sections – Sheet 05	6	11/10/2024
230056-00-DA-C17.06	Stormwater Long Sections – Sheet 06	6	11/10/2024
230056-00-DA-C17.07	Stormwater Long Sections – Sheet 07	6	11/10/2024
230056-00-DA-C17.08	Stormwater Long Sections – Sheet 08	6	11/10/2024
230056-00-DA-C17.09	Stormwater Long Sections – Sheet 09	6	11/10/2024
230056-00-DA-C17.10	Stormwater Long Sections – Sheet 10	1	17/10/2024
230056-00-DA-C18.51	Basin A Plan and Details	6	11/10/2024
230056-00-DA-C18.52	Basin B Plan and Details	5	11/10/2024
230056-00-DA-C18.53	Tank A Plan and Details	7	11/10/2024
230056-00-DA-C18.54	Tank B Plan and Details	7	11/10/2024
230056-00-DA-C20.01	Pre-Development Catchment Plan	6	11/10/2024
230056-00-DA-C20.11	Post-Development Catchment Plan	8	17/10/2024
230056-00-DA-C20.21	Water Quality Catchment Plan	7	17/10/2024
230056-00-DA-C20.31	Stormwater Catchment Plan	6	11/10/2024
230056-00-DA-C22.01	Turning Path Plan – Sheet 01	6	11/10/2024
230056-00-DA-C22.02	Turning Path Plan – Sheet 02	7	11/10/2024
230056-00-DA-C22.03	Turning Path Plan – Sheet 03	8	11/10/2024
230056-00-DA-C22.04	Turning Path Plan – Sheet 04	3	22/08/2024

The following items are required to be addressed in the Subdivision Works Certificate documentation:

- i. Show pavement details of connections from Roads 04, 06 and 07 to the temporary turning heads
- ii. Provide structural engineering details for all retaining structures over 0.6m in height.
- iii. Any retaining wall and associated fence/balustrade adjacent to the adjacent SP2 zoned land or within the public domain shall be of the type specified in the current version of Council's Landscape Design Manual.
- iv. Provide a continuous retaining wall along the full length of Road 01 adjacent to Basin A.
- v. The balustrade along the top of the wall on Road 01 adjacent to the bioretention cell in Basin A is to have removeable or openable portions to facilitate effective maintenance of the basin from the Road 01 verge as required.
- vi. An experienced drainage engineer with NER and supported by an amended DRAINS model is to certify that minor and major drainage systems within

Catchments A, B and D have been designed to capture the 1% AEP flow within their respective catchment boundaries to ensure no net increase in overland flows to other catchments.

- vii. Emergency egress to Windsor Road shall be controlled by frangible bollards.
- viii. Stormwater outlets shall be designed in accordance with Council's WSUD Standard Drawing A(BS)175M, Sheet 9 of 25.

4.2 Subdivision Works/Construction Certificate Requirements

4.2.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works/Construction Certificate is required. These works include but are not limited to the following:

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

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

4.3 Local Government Act Requirements

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

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries) including temporary basin on Lot 18 DP 1224519
- Inter-allotment drainage on adjoining land

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

4.4 Roads Act Requirements

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

- Any works within a public road reserve
- Half width road construction
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving
- Proposed emergency access to Windsor Road (TfNSW concurrence required)

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

4.5 Other Engineering Requirements

- 4.5.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.
- 4.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 4.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 4.5.4 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 4.5.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 4.5.6 Provide a Bio-retention Construction Estimate for the removal and disposal of the temporary protection measures for the bio-retention areas, replacement with filter media, the cost of undertaking hydraulic conductivity testing on the filter media in the basin, planting of appropriate species and horticulturalist certification.
- 4.5.7 Written confirmation from Council's Manager Asset Design must be obtained prior to issue of Construction Certificate to decommission and fill any part of the temporary detention basin located in the SP2 zoned land. The written consent must confirm that the temporary on-site detention basin is no longer required and that a direct stormwater connection to the S7.11 regional basin is available.
- 4.5.8 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

4.6 Roads

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

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

- 4.6.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Safework NSW Work Zone Traffic Management Plan accreditation and photo card.
- 4.6.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.
- 4.6.4 Any approved design drawings must show a 1m x 1m splay for laneway residential allotments at each street intersection.
- 4.6.5 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Formation (m)	Traffic Loading N(E.S.A)
Road 01	16	3.5-9.0-3.5	5×10^5
Road 02	16	3.5-9.0-3.5	5×10^5
Road 03	16	3.5-9.0-3.5	5×10^5

- 4.6.6 The pavement at the intersection of Road 01 with Bandon Rd must tie into the existing asphalt of Bandon Road. These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective, including transitions to existing road pavement.

Note: Upon inspection of the existing pavement Council may adjust the extent of works required to be constructed to satisfy this condition.

- 4.6.7 Private roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Min Concrete Strength MPA
Road 04	11.0	full	2.0-7.0-2.0	25
Road 05	8.0	full	0-6.0-2.0	25
Road 06	8.5	full	1.5-5.5-1.5	25
Road 07	8.5	full	1.5-5.5-1.5	25
Road 08	11	full	2.0-7.0-2.0	25

The pavement shall be designed as a rigid pavement. A suitably qualified engineer (NER registered) must certify that the pavement has been structurally designed in accordance with Austroads Guide to Pavement Technology Part 2: Pavement Structural Design with a Design Traffic loading determined in accordance with Austroads particularly Section 7.7 and that all Jointing and reinforcement requirements are consistent with RMS NSW practice (i.e. RMS NSW Publication - Plain concrete pavement MD.R83.CP, Jointed concrete pavement MD.R83.CJ and Continuously reinforced concrete pavement MD.R83.CC).

Note: the minimum equivalent N(ESA) traffic loading for design shall be 5×10^4

- 4.6.8 Staging of road construction may be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development.

4.7 **Drainage**

- 4.7.1 Drainage from the site shall be connected into Council's existing and /or future drainage system. In this regard it is required to connect the drainage pipe into the proposed temporary detention basin or existing stormwater infrastructure in Windsor Road.
- 4.7.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public or private road. The design shall include pipeline long-sections and identify location and levels of services.
- 4.7.3 Any overland or stormwater flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the property boundary, conveyed

through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

- 4.7.4 Provide a roof water outlet to kerb for each proposed lot that drains to the street.

4.8 **Signage and Line Marking**

- 4.8.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed for public roads as part of these works.

A determination will be required prior to the implementation of all signage and line marking works.

- 4.8.2 All signage and line marking proposed for private roads as part of these works are to be consistent with the approved signage and line marking over the public roads.

4.9 **Special inter-allotment drainage requirements under the Local Government Act**

- 4.9.1 The following items must be satisfied under the *Local Government Act 1993* prior to issuing of any Subdivision Works Certificate:

- a) Evidence of the creation and registration of an easement for stormwater drainage or licence (as Council so requires) over the proposed temporary stormwater detention/water quality system on Lot 18 DP1224519.
- b) Construction of the inter-allotment drainage line required to drain the development, and a satisfactory final inspection by Council.
- c) A Registered Surveyor must provide evidence that all pipes and associated structures lie wholly within any easement, and provide a Works-As-Executed plan.

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

4.10 **Erosion and Sediment Control**

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

4.11 **Earthworks**

- 4.11.1 Unless otherwise shown on the approved drawings, batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

- 4.11.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

- 4.11.3 Unless otherwise shown on the approved drawings retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided.

Terraces should not exceed 900 mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

- 4.11.4 Show on plan adjacent to road cross sections approximate quantities of road materials required for construction. (i.e. Densely Graded Subbase and Densely Graded Base)

4.12 On-Site Detention

- 4.12.1 On-site detention system(s), including temporary systems, in accordance with Council's Engineering Guide for Development must be provided. The design(s) shall limit the post-developed flows in accordance with the parameters set out in Council's WSUD Standard Drawings A(BS)175M OSD Requirements - Sheet 20.

- 4.12.2 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the on-site detention system(s) have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the on-site detention system(s) will perform to meet the on-site detention requirements.

- 4.12.3 The following documents shall be submitted to accompany the on-site detention design(s):

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- S3QM Certificate OSD detailed design submission and calculation summary sheet, or alternatively hydrologic and hydrological modelling using DRAINS.
- A maintenance schedule that is signed and dated by the designer

- 4.12.4 Further subdivision or development over any temporary basin will require Council approval. Decommissioning works shall be undertaken in accordance with the Council's Engineering Guide for Development (Current Version) and Temporary Basin Removal Procedure. Council will be the Principal Certifier (PC) for these works which will include inspections by Council's Development Inspectors.

4.13 Stormwater Quality Control

- 4.13.1 A Stormwater quality treatment system(s) shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

- 4.13.2 Bio-retention basins are to be designed in accordance with Council's Water Sensitive Urban Design standard drawings, Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

- 4.13.3 Provide a maintenance schedule for each stormwater quality device that is signed and dated by the designer.

4.14 Vehicular Crossings

- 4.14.1 Plans to demonstrate the construction of a residential vehicular crossing to Council's standard A(BS)102S.

4.15 Footpaths

- 4.15.1 Path paving s to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018 and as follows:

Street Name	Side	Paving Width	Length
All Streets	Both Sides	1.5m	Full length

- 4.15.2 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Senior Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services

4.16 Special Conditions

- 4.16.1 Submit a street lighting plan to Council for its approval before the issue of any Subdivision Works Certificate.
- 4.16.2 Before the issue of a Construction Certificate provide to Council an additional plan as part of Schedule 1 of the Travers Bushfire and Ecology Report dated 6 December 2023 that overlays the current plan in Schedule 1 onto the architecture plans at a legible scale.
- 4.16.3 No subdivision certificate to be issued until such time as all lots have lawful road access from the site to Bandon Road via Road 01

5 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**5.1 DA Plan Consistency**

- 5.1.1 A Construction Certificate or Subdivision Works Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans, as amended by the deferred commencement condition

5.2 Landscape

- 5.2.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the landscaping not in the public domain (not being dedicated to Council) shall be submitted and approved by Council. The Landscape Plan shall observe the native species palette identified in Appendix D of Blacktown City Council Growth Centre DCP 2010 and will include the following.

The landscaping adjacent to Windsor Road should be a mixture of 2 native trees and 1 native shrub to provide screening and be in a continuous garden bed and as wide from the back of the kerb to the boundary of the site. The Landscaping must not obstruct any Emergency services gates/access.

The maintenance of the garden bed along the wall must be included in a Total Maintenance Plan for the development with the responsibility of the maintenance to be with each lot owner.

The landscaping along the western boundary adjacent to Council owned land must include more locally native trees and groundcovers at suitable densities to be reviewed and approved by Council's Natural Areas section.

5.3 Street Tree Planting

5.3.1 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Greenspace Services Infrastructure Section. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines and will include the following:

- cross-sections showing dimensions of tree pits
- species (Contact Council's Greenspace Services Section)
- details of root protection barriers
- minimum container size of 45 litres
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities
- Street tree maintenance

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

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

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

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

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

5.4 NSW Rural Fire Service Requirements

5.4.1 The applicant must obtain a Bush Fire Safety Authority issued under s 100B of the *Rural Fires Act 1997* prior to the issue of any Construction Certificate.

- 5.4.2 The applicant must at all times comply with the conditions imposed by NSW Rural Fire Service in its letter dated 23 May 2023 and the recommendations in Bushfire Protection Assessment prepared by Travers Bushfire & Ecology dated 10 September 2024) but for the unit numbers as contained in recommendation 3 of the abovementioned Travers Bushfire & Ecology report applying instead of the unit numbers referred to in the dot points in paragraph 1 below :

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. The area denoted 'Temporary APZ' per Schedule 1 of the bush fire report prepared by Travers Bushfire & Ecology, ref. 18BATH96, dated 22 December 2022 must prohibit the construction of dwelling units within the affected area until such time the respective adjoining bushland has been removed (i.e. land clearing) as part of an approved urban development.

In this regard, the following construction certificate/s must NOT be issued for:

- Units 1, 2 and 61-64 (per site plan prepared by Bathla, rev. 1, dated 21.12.2022) until such time as the adjoining bushland on Lot 2 DP 795119 has been removed (i.e. land clearing) as part of an approved urban development.

- Units 92 and 111-114 (per site plan prepared by Bathla, rev. 1, dated 21.12.2022) until such time as the adjoining bushland over residential zoned land on Lot 12 DP 1214217 has been removed (i.e. land clearing) as part of an approved urban development.

2. From the commencement of building works and in perpetuity, the entire development site must be managed to the standards of an inner protection area (IPA) as outlined in Appendix 4 of *Planning for Bush Fire Protection 2019*:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2 m above the ground;
- Tree canopies should be separated by 2 to 5 m;
- Preference should be given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed regularly.

3. Landscaping for the entire development site must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter))
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. New construction of the proposed units must comply with the respective Bushfire Attack Level (BAL) as denoted under Schedule 1 of the bush fire report prepared by Travers Bushfire e& Ecology, ref. 18BATH96, dated 22 December 2022. The construction must comply with the respective sections of the Australian Standard AS3959-2018 Construction of buildings in bush fire prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*.

5. All new class 10b structures must comply with the same principles under section 7.6 of *Planning for Bush Fire Protection 2019*.

Access Requirements

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

6. Access roads must comply with the following requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*:

- The perimeter road (i.e. the road adjoining Lots 18-20 DP 1224519) must be a two-way sealed road with a minimum 8m carriageway width;
- All other (non-perimeter) two-way roads have a minimum 5.5m carriageway width;
- one way only roads have a minimum 3.5m carriageway width;
- vehicular parking is provided outside of the minimum carriageway width;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- the road crossfall does not exceed 3 degrees;

- a minimum vertical clearance of 4m to any overhanging obstructions including tree branches, is provided;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; and
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning.

Water and Utility Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*.

5.4.3 Where this consent prohibits the issuing of a Construction Certificate over lots identified as Units 1, 2 and 61-64 (per site plan prepared by Bathla, rev. 1, dated 21.12.2022) and Units 92 and 111-114 (per site plan prepared by Bathla, rev. 1, dated 21.12.2022), the applicant must ensure;

a) that the Restrictions on the issuing of a Construction Certificate apply to the corresponding lots as shown on DA 03, Site Plan, Revision 8, dated 22 August 2024, prepared by Batha; and

b) that the Restrictions applies until such time as the adjoining bushland over residential zoned land has been removed (i.e. land clearing) on Lot 2 DP 795119 and Lot 12 DP 1214217 as part of an approved urban development.

6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Footpath/Road Condition Assessment Fee

6.1.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

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

6.2 Building Code of Australia Compliance

6.2.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain

acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

6.3 Site Works and Drainage

6.3.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

6.3.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

6.3.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.1 Section 7.11 Contributions under Section 7.17 Directions

7.1.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 15 October 2024. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Contribution Item	Amount
Stormwater Quantity	\$3,129,243.00
Stormwater Quality	\$405,440.00
Traffic Management	\$848,457.00
Open Space	\$3,853,542.00
Community Facilities	\$52,053.00
E2 Conservation Zone	\$166,021.00
Total	\$8,454,756.00

The contribution(s) will be indexed according to index specified in the contributions plan.

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. 20 Riverstone and Alex Avenue Precincts.

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Additional population: 426.6 persons

Developable area: 4.2272 hectares

7.2 **Special Infrastructure Contributions**

- 7.2.1 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 and Infrastructure before a Construction 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 and Environment's website:
<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

7.3 **Services/Utilities**

- 7.3.1 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 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.

7.3.2 Separate documentary evidence from a recognised energy provider shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

7.4 **Aesthetics/Landscaping**

7.4.1 Any bathroom, w.c. or laundry window in the external wall of the dwellings shall be fitted with translucent glazing.

7.4.2 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.

7.5 **Fencing**

7.5.1 All fencing details and materials are to be as per the approved plans. All fencing is to be provided at full cost to the developer and is to be constructed on top of any masonry retaining walls.

7.5.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

7.6 **Access/ Parking**

7.6.1 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

7.6.2 A minimum of 280 car parking spaces are required to be provided on site and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Uncovered car spaces: 2.6 m x 5.4 m

Disabled car space: 2.4 m x 5.4 m (plus shared zone)

7.6.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.

7.6.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.

7.6.5 The applicant is to prepare and provide, to the satisfaction of Council, a Construction Traffic Management Plan, to be implemented during construction carried out on the site. The Construction Traffic Management Plan must address the following matters contained in the letter from the NSW Department of Education dated 14 July 2023:

- At least one week notification of the commencement of construction works;- and
- Avoid, where possible, construction vehicles blocking pedestrian and vehicular access to the School on Windsor Road and Bandon Road.

7.7 **Aesthetics/ Landscaping**

7.7.1 A Landscape Plan with landscape details shall be provided to Council's Open Space section for approval prior to construction certificate being issued.

7.7.2 All landscaping must be wholly contained within the property boundaries. Any proposal to locate landscaping on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

7.7.3 The reflectivity index of glass used in the external facade of the building is not to exceed 20%, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare effect. Details are to be provided as part of the Construction Certificate plans.

7.8 **Plant and Equipment**

7.8.1 The plans are to illustrate that all building plant, equipment and services including air conditioning systems, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the tenants and communal open spaces with regard to visual, acoustic and odour impacts.

7.9 **Appointment of Project Arborist**

7.9.1 Prior to issue of a Construction Certificate, a Project Arborist is to be appointed for the duration of the works on site. The Project Arborist must hold a minimum qualification of Australian Qualification Framework (AQF) Level 5 in arboriculture and have Public Liability Insurance (minimum \$20 million) for the duration of the project. The name and contact details of the Project Arborist are to be notified to Council prior to the commencement of any works on site, including demolition.

7.10 **Natural Areas and Biodiversity**

7.10.1 A Biodiversity Management Plan ("**BMP**"), comprising of a detailed site plan and an accompanying report in a legible format prepared by a person who has qualifications and experience in respect of ecology is to be submitted by the proponent for Council's approval.

The BMP is to relate to the land within Lots 21, 22 & 23 in DP1224519 and Lot 1 in DP224731 and must contain full details of the actions proposed to be taken with

respect to the management of fauna during the course of carrying out the development. The BMP is to be consistent with the NSW Department of Planning, Industry and Environment “Code of Practice for injured, sick and orphaned protected fauna” 2011 (the Code).

Where habitat trees are to be removed, use a slow-drop method and employ the following staged habitat removal process (RTA 2011): Non-habitat trees, shrubs and groundcover are removed first, followed by habitat trees at least 24 hours later, thereby allowing fauna within habitat trees to leave of their own accord due to the initial disturbance. Importantly, 24 hours prior to, and during clearing, animals present are to be captured and relocated (or sent to rehabilitator if injured) by a qualified Ecologist or Wildlife Spotter Catcher.

The BMP must include the following:

- a) biodiversity management strategies for pre-construction, construction and post construction activities including environmental control measures for the pre-clearing process.
- b) a fauna rescue and release procedure. Where tree removal is required and habitats have been pre-determined as likely to contain fauna at the time of tree removal, then a licensed wildlife carer or ecologist will be required on site as a fauna handler (‘Rescuer’ under the Code) during tree removal works.
- c) a release site within 100m of the site is to be nominated by the Project Ecologist prior to clearing.
- d) removal of trees with habitat hollows and / or nests shall be undertaken at a time that minimises impact to fauna, particularly threatened fauna that could breed and or hibernate within hollows /nests on site (i.e. preferably March, April, September or October).
- e) a procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring;
- f) Proposed strategies for re-use of top soil, tree hollows, logs, coarse woody debris and bush rock.
 - i. All identified tree hollows proposed to be removed, are to be salvaged and placed in onsite retained or nearby bushland areas under the direction of an ecologist to Council’s satisfaction.
 - ii. For all tree hollows not able to be salvaged, they are to be replaced with nest boxes or artificial hollows with three nest boxes / artificial hollows for every one hollow removed.
- g) A procedure for dealing with unexpected threatened species finds. The procedure must include, as a minimum, the following:
 - i. stop work arrangements in the immediate area of the threatened species;
 - ii. notification and communication protocol;
 - iii. consultation with the specialists to assess the significance of the find; and
 - iv. a list of approvals, licences or permits likely required prior to recommencing works.
- h) If trees or areas of vegetation are to be retained as part of the development, the procedures and methods for identifying and protecting the areas of vegetation to be retained showing them as exclusion zones in accordance with Australian Standard (AS) 4970 - 2009 Protection of trees on development sites.

- 7.10.2 The commencement of any works under this consent and the issuing of any construction certificate must not occur unless and until the Council has given notice in writing to the applicant that it has approved the BMP.

- 7.10.3 The development must be carried out at all times in accordance with the approved BMP.
- 7.10.4 The applicant must provide a report prepared by a suitability qualified ecologist of the tree clearing works within 14 days of tree clearance to Council's Natural Areas section.
- 7.10.5 The applicant must engage a suitability qualified ecologist to be the project ecologist for the approved development. The details of the project ecologist must be provided to Council. The project ecologist will be responsible for overseeing implementation of the Dam Dewatering Plan, and Vegetation Management Plan prepared by Keystone Ecological Pty Ltd, Ref: BCC 23-1220, dated 10 September 2024, and the BMP prepared and approved in accordance with Condition 5.9.1.
- 7.10.6 The development must be carried out at all times in accordance with the approved Vegetation Management Plan prepared by Keystone Ecological Pty Ltd, Ref: BCC 23-1220, dated 10 September 2024 and the BMP prepared and approved in accordance with Condition 5.9.1.

8 PRIOR TO CONSTRUCTION CERTIFICATE (TRANSPORT FOR NSW)

- 8.1.1 The applicant must at all times comply with the conditions imposed by Transport for NSW in its letter dated 30 October 2024 as follows:

Interim Emergency Access Arrangements

1. The proposed interim emergency access arrangements on Windsor Road shall be designed to the satisfaction of TfNSW and endorsed by a suitably qualified practitioner.

The design requirements shall be in accordance with Austroads. The certified copies of the civil design plans shall be submitted to TfNSW for review and approval prior to the release of the Construction Certificate and commencement of any road works.

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

3. Once the interim emergency access is no longer required for the development, the developer will carry out the works to remove the interim emergency access as instructed by TfNSW and at no cost to TfNSW.

4. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to TfNSW assessment of the detailed civil design plans.

A plan checking fee and lodgement of a performance bond (including the cost of the removal of the interim emergency access) will be required from the applicant prior to the release of the approved road design plans by TfNSW.

5. Any infrastructure (e.g., batter, retaining wall, drainage basins etc.) that is required to support the development shall not be located within land zoned as SP2.

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

Pedestrian and Traffic Management

1. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

9.1 All areas contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- The approved Remediation Action Plan (RAP)
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Sampling Design Guidelines – Part 1 (Application) Part 2 (Interpretation)* (2020).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)

9.2 A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

9.3 The recommendations made in the Remedial Action Plan (Report No: 2431-RAP-01-050624.v1f) prepared by Sydney Environmental Group, dated 5 June 2024, are to be implemented.

9.4 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

10 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)

10.1 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the transportation, the WasteLocate consignment number is to be submitted to Council. For more information, please refer to the following link: <https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

- 10.2 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, as amended by the deferred commencement condition, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 10.3 The applicant must ensure that the bin pads, are line marked and sign posted to Council's satisfaction for their use as a bin collection point. No stopping signage along the entire private road is also required to aid collection of waste and recycling bins, and discarded bulky waste items. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 10.4 The applicant must ensure no plantings or landscaping is located where the bin collection points are as this will hinder safe and efficient collection of bins and bulky waste from the development. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 10.5 The applicant must ensure bulky waste collection points are securely enclosed and roofed with a keypad lock, the entrance must be minimum 1.5 meters wide roller door. The information must be indicated on the approved architectural plans, as amended by the deferred commencement condition, prior to the release of the Construction Certificate.
- 10.6 An easement or public positive covenant is required to Council's satisfaction over lots 109 to 111 inclusive and 147 to 149 inclusive as they adjoin the required temporary turning heads which aim to provide safe truck access and turning around the site. These lots cannot be built upon until the surrounding road network is completed and the turning heads are removed. These easements or public positive covenants can only be released, varied or modified by Council and must not be released, varied or modified until the surrounding road network is completed and waste collection vehicles can move around the site in a forward direction. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

11 PRIOR TO DEVELOPMENT WORKS

11.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

- 11.1.2 A sign is to be erected and maintained in a prominent position on the site, being affixed to the site fencing, in accordance with Section 70 of the *Environmental Planning and Assessment Regulation 2021* indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a

- telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

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) 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.

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

11.1.5 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.

11.1.6 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.

11.2 Notification to Council

11.2.1 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 Section 57 of the Environmental Planning and Assessment Regulation 2021, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

11.3 Home Building Act

11.3.1 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:

in the case of work for which a principal contractor is required to be appointed:

the name and licence number of the principal contractor, and
the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of
that Act,

in the case of work to be done by an owner-builder:

- the name of the owner-builder, and
- 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.

11.4 Sydney Water Authorisation

- 11.4.1 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, as amended by the deferred commencement condition, 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.

11.5 Tree Management

- 11.5.1 No trees, located within the subject allotment or within any adjoining public space or adjoining allotments, may be removed or pruned unless specific approval is given in this consent.
- 11.5.2 All trees, including Community Assets (Public Trees), not approved for removal, or pruning by the Conditions of this Development Consent, are required to be retained and protected. Tree Protection Measures, compliant with the provisions of AS4970: Protection of trees on development sites, 2009 must be installed prior to the commencement of any works on site, including demolition.
- 11.5.3 A Compliance Certificate is to be provided by the Project Arborist to the Principal Certifying Authority once the required Tree Protection Measures have been installed.
- 11.5.4 There must be no excavation, mechanical or by hand, or alteration to existing soil levels within the Tree Protection Zone of any tree required to be retained and protected.

11.6 Tree Removal

- 11.6.1 Trees, identified for removal in Arboricultural Impact Assessment & Tree Protection Plan Version 8 prepared by Tree Survey, dated 23 October 2024 (AIA), are approved for removal.

11.6.2 Trees, not specifically identified in the AIA may NOT be removed under this development consent.

11.6.3 Trees approved for removal must be removed by a qualified Practicing Arborist, with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in Arboriculture and have Public Liability Insurance (minimum \$20 million).

11.6.4 All tree work must be carried out in accordance with the Safe Work Australia Guide to Managing Risks of Tree Trimming and Removal Work and Work Cover NSW Code of Practice – Amenity Tree Industry 1998.

11.7 **Hollow bearing trees-protection of wildlife**

11.7.1 Prior to the removal of any tree located on site the applicant shall:

- Have all trees inspected, by a Practicing Arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in Arboriculture, for the presence of hollows or potential hollows.
- During works being undertaken on tree/s approved for removal or pruning, a person, holding a wildlife handling licence, must be present on site. If, during tree works, an animal is located, the accredited handler is to direct removal/relocation of the animal as appropriate. Accredited handlers can be contacted through Wires (<<https://www.wires.org.au/>>) or Birdlife Australia (<<https://birdlife.org.au/>>).

11.8 **Tree Preservation and protection requirements**

11.8.1 Trees, recommended for retention in in Arboricultural Impact Assessment & Tree Protection Plan Version 8 by Tree Survey, dated 23 October 2024 (AIA) must be retained and protected as described in Section 7 of the AIA.

12 **DURING CONSTRUCTION (BUILDING)**

12.1 **Safety/Health/Amenity**

12.1.1 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.

12.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Section 70 of the Environmental Planning and Assessment Regulations 2021 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.

12.1.3 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.

12.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

12.1.5 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.

12.1.6 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.

12.1.7 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.

12.2 **Building Code of Australia Compliance**

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

12.3 **Surveys**

12.3.1 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.

12.4 **Nuisance Control**

12.4.1 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.

12.5 **Stormwater Drainage**

12.5.1 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

12.6 **Waste Control**

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

13 **DURING CONSTRUCTION (ENGINEERING)**

13.1 **Notification of Works**

- 13.1.1 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.
- 13.1.2 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.

13.2 **Insurances**

- 13.2.1 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.

13.3 **Service Authority Approvals**

- 13.3.1 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.

13.4 **Boundary Levels**

- 13.4.1 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.

13.5 **Tree Protection and Preservation**

- 13.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 13.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed.

Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

- 13.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 13.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.
- 13.5.5 All sub-surface services (e.g. gas, water, electricity, stormwater, sewerage etc) are to be located outside of the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties.
- 13.5.6 Under no circumstances are sub-surface services to be installed within the Structural Root Zone of a tree required to be retained and protected by this consent, including those located on adjoining properties.
- 13.5.7 Power poles, stormwater grate drains, service lines etc. are to be located to avoid any need to install services within a Tree Protection Zone or to excavate through a Tree Protection Zone. All such features are to be located so that they do not negatively impact on any tree required to be retained by this consent or which is located on an adjoining site. Only where there is no other viable option available are services to be installed within the Tree Protection Zone.
- 13.5.8 Where services are required to be installed within the Tree Protection Zone, the Project Arborist is to be consulted prior to the works being undertaken and appropriate, tree sensitive installation methods are to be used. Open excavation must only be used on the authorisation of the Project Arborist and must be completed by hand, use of mechanical digging tools is not permitted.
- 13.5.9 The Project Arborist is required to supervise and direct all work associated with the installation of sub-surface services within the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties.
- 13.5.10 At the completion of the works, the Project Arborist must provide a Compliance Certificate to the Principal Certifying Authority which details the method used for the installation of the sub-surface services, identifies all tree roots severed by diameter and depth, and all tree protection measures implemented.

13.6 **Soil Erosion and Sediment Control Measures**

- 13.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

- 13.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

13.7 Filling of Land and Compaction Requirements

- 13.7.1 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.

- 13.7.2 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 Councils 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.

- 13.7.3 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.
- 13.7.4 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.
- 13.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

- 13.7.6 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.
- 13.7.7 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.
- 13.7.8 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.

13.8 Filling in Contaminated Land

- 13.8.1 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.
- 13.8.2 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.
- 13.8.3 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.

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

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

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 Construction Certificate.

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

- 13.10.1 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. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of

work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

13.11 **Public Safety**

- 13.11.1 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.

13.12 **Site Security**

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

13.13 **Traffic Control**

- 13.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Safework NSW 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.
- 13.13.2 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 Safework NSW accreditation and photo card to implement Traffic Control Plans.
- 13.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Safework NSW) Traffic Controller accreditation and photo card and carry it with them.
- 13.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Safework NSW 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.
- 13.13.5 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 Safework NSW accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

13.14 **Powder Coated Furniture**

- 13.14.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street

furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

13.15 Road Line Marking and Traffic Signage

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

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

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

13.16 Drainage Matters

- 13.16.1 Provide certification prior to placement, that the bio-retention 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. An Orthophosphate content < 20 mg/kg;
 - iv. A Total Nitrogen content < 900 mg/kg;
 - v. Is not hydrophobic.
- 13.16.2 Provide certification prior to placement in the bio-retention 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%);
 - 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 $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 2$.
- 13.16.3 Provide certification prior to placement in the bio-retention basin, that the drainage layer material ex-bin:
- i. Is a clean washed 5 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 drainage layer material (i.e., 15% of the gravel is small than D_{15} mm), and $D_{85}(\text{transition layer})$ is the 85th percentile particle size in the transition layer material;
 - iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 2$.

- 13.16.4 No fertiliser or additional nutrient material or mulch is to be provided to the bio-retention basin filter area during planting of the tube stock, or at any time.
- 13.16.5 Where more than 90% of the dwellings within the development are constructed the bio-retention basins are to be fully constructed to final design levels.
- 13.6.6 The proposed Oceansave Gross Pollutant Traps supplied by Ocean Protect are not to be replaced with a smaller device, nor are they to be replaced with an alternate manufacturer's product, unless that product is listed as an approved proprietary treatment device in the current edition of Council WSUD Developer Handbook.

14 DURING CONSTRUCTION (WASTE)

- 14.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during development works.
- 14.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 14.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

15 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 15.1 The recommendations in the *DA Acoustic Assessment* prepared by Acoustic Logic Consultancy Pty Ltd, revised 16 October 2024, are to be implemented.
- 15.2 Potential dust sources on the land shall be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- 15.3 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
- 15.4 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 15.5 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.
- 15.6 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.

16 DURING CONSTRUCTION WORKS

- 16.1 During building work, including demolition and landscape construction, the Project Arborist is to complete site inspections and/or supervision of work, as indicated in Section 7.12 of the Arboricultural Impact Assessment & Tree Protection Plan Version 8 by Tree Survey, dated 23 October 2024 (AIA).
- 16.2 The Project Arborist must be appointed before demolition of any existing structures or earthworks. They are to register with the Developer before any works commence so that the builder can be inducted as to essential times when the Arborist will be required on-site. Hold points, inspections and certification are to be carried out by the Arborist.
- 16.3 During building work, including demolition and landscape construction, the Project Arborist is to carry out regular site monitoring, to ensure Tree Protection Measures are being maintained compliant with the requirements of this consent. Record of these site visits is to be sent to the Principal Certifying Authority.
- 16.4 Where a non-compliance with the conditions of this consent is identified, the Project Arborist is to notify the Principal Certifying Authority within three (3) working days from the date of the site visit. The notification must include the following details:
- Description of the non-compliance,
 - Remedial actions required,
 - Time frame for remedial actions to be completed in.
- 16.5 The Principal Certifying Authority must ensure that the recommendations of the Project Arborist are implemented within the stated timeframes.
- 16.6 The developer must comply with all the requirements of the approved Construction Traffic Management Plan.

17 PRIOR TO DEMOLITION WORKS

17.1 Environmental Health

- 17.1.1 The recommendations made in the Remedial Action Plan (ref: 2431-RAP-01-050624) prepared by Sydney Environmental Group, dated 5 June 2024, are to be implemented.
- 17.1.2 Prepare and submit a Construction Environmental Management Plan (to include at minimum: noise and vibration control, proposed schedule of works and hours of works, sediment and erosion control, dust control, salinity management plan, proposed means of controlling any activity that could potentially cause a pollution incident as defined by the POEO)
- 17.1.3 Council records show four (4) On-site Sewage Management Facilities are present on the proposed site.
- In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System', which includes demolition, shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing.
- 17.1.4 A Hazardous Materials Survey (HMS) should be prepared for the site prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures.

- following removal, a clearance inspection and issuing of a clearance certificate for the area should be completed by an independent licensed asbestos assessor or competent person.

17.2 **Tree Protection**

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

18 **DURING DEMOLITION (ENVIRONMENTAL HEALTH)**

- 18.1 The recommendations made in the Remedial Action Plan (ref: 2431-RAP-01-050624.v1f) prepared by Sydney Environmental Group, dated 5 June 2024, are to be implemented.
- 18.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 18.2 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.
- 18.3 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.
- 18.4 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.

19 **PRIOR TO OCCUPATION CERTIFICATE**

19.1 **Compliance with Conditions**

- 19.1.1 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.
- 19.1.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

19.2 **Services/Utilities**

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

- (a) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, 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 Occupation Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.
- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

19.3 Temporary Facilities Removal

- 19.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 19.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 19.3.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 19.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 19.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

19.4 Lighting

- 19.4.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining properties.

19.5 Road Damage

- 19.5.1 The cost of repairing any damage caused to Council's or Transport for NSW's assets in the vicinity of the site as a result of the development works shall be met in full by the applicant/developer.

19.6 Access/Parking

- 19.6.1 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 19.6.2 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.
- 19.6.3 Vandal proofing and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 19.6.4 Entrance/exit points are to be clearly signposted and visible from the carpark and the site at all times.
- 19.6.5 A reasonably qualified traffic engineer must certify that all car parking, ramps and driveways comply with the current versions of AS2890.1, AS2890.2, AS2890.3 and AS2890.6.

19.7 Waste Matters

- 19.7.1 Should Council provide a waste service to this site, each lot owner must sign our 'Onsite Waste Collection Agreement Form', before collections can occur onsite. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 19.7.2 No bulky waste items must be presented to a perimeter street frontage unless it belongs to an individual lot that has suitable truck access for a heavy rigid vehicle. The information must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.
- 19.7.3 The applicant must provide an individual 240L waste and 240L recycling service to each dwelling consistent with Council's mobile garbage bin service. Should Council provide this service, we require each lot owner to sign our 'Onsite Waste Collection Agreement Form' (attached) before collections can occur onsite. The information must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.
- 19.7.4 The applicant must provide to Council satisfaction, proof of installation of 'no parking' signage along both sides of the of the private laneway, private road or loop road, right of carriageway and/or in and around the collection points, before collections can occur onsite. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.
- 19.7.5 The applicant must provide to Council satisfaction, evidence of line marked bin pads in blocks of red for waste bins, yellow for recycling bins and green for food and garden organics with unit numbers listed for each lot. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.

19.8 Environmental Health Matters

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

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

- 19.8.2 A suitably qualified engineer in mechanical, building and acoustic engineering must certify that the buildings have been installed with a ventilation system that meets the relevant Australian Standards, National Construction Code and Building Compliance Australia standards. The applicant must provide a report demonstrating satisfaction to Council for approval prior to the release of the Occupation Certificate.

19.9 Road Damage

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

19.10 Compliance with Conditions

- 19.10.1 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.

- 19.10.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

- 19.10.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than “operational” conditions, have been satisfied.

19.11 Temporary Facilities Removal

- 19.11.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

- 19.11.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

- 19.11.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

- 19.11.4 Any temporary builder's sign or other site information sign shall be removed from the land.

19.11.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

19.12 **Fee Payment**

19.12.1 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 in full.

19.13 **Engineering Matters**

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

19.13.1.1 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 prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

19.13.1.2 The Work-as-Executed (WAE) plan must confirm that On Site Detention system identification plate(s) has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.

19.13.1.3 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

19.13.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that each On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

19.13.1.5 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with each On-Site Detention System) have been constructed to withstand all loads likely to be imposed on them during their lifetime.

19.13.2 **Bonds/Securities/Payments in Lieu of Works**

19.13.2.1 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.

19.13.2.2 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.

19.13.2.3 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.

19.13.2.4 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.

19.13.3 Inspections

19.13.3.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

19.13.4 CCTV Inspection of Stormwater Drainage Structures

19.13.4.1 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.

19.13.5 Drainage Matters

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

- a) the 1.5 year and 100 year orifice sizes match the approved construction certificate plans for the OSD basin;
- b) all the other requirements of the approved drainage plan have been undertaken

19.13.5.2 Ocean Protect is to certify that Stormfilters and OceanSave GPT's are installed in accordance with the Ocean Protect standard operational guidelines and production drawings

- 19.13.5.3 Prior to the issue of the Occupation Certificate, the applicant shall submit to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD systems installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans.
- 19.13.5.4 Prior to the issue of the Occupation Certificate, the Applicant shall provide a maintenance schedule for the each WSUD systems installed. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au for approval.
- 19.13.6 Tree preservation**
- 19.13.6.1 Prior to the issue of an Occupation Certificate, the Project Arborist is to provide certification, to the Principal Certifying Authority, that the Tree Protection Measures, as required by the conditions of this consent, have been implemented and maintained during the project. This will assist with assessing the Occupation Certificate requirements.
- 19.13.6.1 The trees retained for the development must be in good health and condition to receive the Occupation Certificate. The applicant must follow the recommendations in the Tree Protection Plan provided by the conditions of this consent.

20 PRIOR TO SUBDIVISION CERTIFICATE (ENGINEERING)

20.1 Site Access

- 20.1.1 There shall be no direct vehicular or pedestrian access to and/or from the following nominated road(s) for any lots having frontage to that road in Stage 2. Vehicular access to the nominated road(s) is permitted in Stage 1 for emergency vehicular access as shown on approved architectural plan DA 18 Revision 5 dated 22 August 2024. An appropriate restriction on the use of land shall be created under Section 88B of the *Conveyancing Act 1919* covering this requirement, The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council.

Nominated Road(s): Windsor Road.

- 20.1.2 All lots shall have access from a dedicated public road, excluding lots accessed from private roads. In this regard, all proposed roads (excluding private roads) shall be dedicated as public road free of cost to Council.
- 20.1.3 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

- 20.1.4 A Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over the temporary turning heads on the following nominated lot(s) and an appropriate restriction and positive covenant on the use of the land shall be created, under Section 88B of the *Conveyancing Act 1919*, covering this requirement.

Nominated Lot(s): residue lots

- 20.1.5 Unless otherwise dedicated to Council, a Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over the site of the proposed easement as shown on DA 20, Subdivision Plan with ILP, Revision 4, dated 22 November 2023, prepared by Bathla, under Section 88B of the *Conveyancing Act 1919*, covering this requirement.

Nominated Lot(s): Lot 2 DP 795119

20.2 Road Damage

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

20.3 Easements/Restrictions

- 20.3.1 A Restriction as to User, as required by NSW Rural Fire Service pursuant to condition 5.4, shall be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

No Construction Certificate is to be issued until such time as the adjoining bushland over residential zoned land has been removed (i.e. land clearing) on Lot 2 DP 795119 and Lot 12 DP 1214217 as part of an approved urban development.

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

20.4 Security

- 20.4.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.

20.5 Asset Management

- 20.5.1 The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

20.6 Consent Compliance

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

20.7 Additional Inspections

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

20.8 Fee Payment

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

20.9 Engineering Matters

20.9.1 Surveys/Certificates/Works As Executed plans

- 20.9.1.1 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).
- 20.9.1.2 The Work-as-Executed (WAE) must confirm that an On Site Detention system identification plate has been installed on each OSD system in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.
- 20.9.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that each On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 20.9.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with each On-Site Detention System) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 20.9.1.5 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.
- 20.9.1.6 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.
- 20.9.1.7 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 Councils 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.

20.9.1.8 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.

20.9.1.9 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 Certifying Authority, a final inspection can be arranged by completing the Final Inspection Request form and emailing to engineering@blacktown.nsw.gov.au.

20.9.1.10 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.

20.9.1.11 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:

- a) Retaining walls over 0.6 m in height
- b) Rigid pavements
- c) Non-standard stormwater pits, including OSD tanks
- d) Culverts and/or bridges

20.9.1.12 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.

20.9.1.13 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).

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

- a) all the requirements of the approved drainage plan have been undertaken;
- b) the bio-retention system has been installed with sufficient area to provide the minimum total filter media area specified on the approved engineering drawings for the bio-retention basin clear of pits and scour protection.

- c) The bio-retention basin is enclosed with a minimum 1mm HDPE or equivalent liner;
- d) There is no geotextile between the drainage and transition layers of the bio-retention basin;
- e) The final (Stage 3) bio-retention systems having a minimum of 500 mm filter media, a 150 mm transition layer and a minimum 200 mm gravel layer with liners;
- f) The minimum detention storage volume specified on the approved engineering drawings has been provided below the 1.5 Year ARI Overflow Weir and measured above the extended detention depth of the bio-retention area;
- g) A minimum detention storage specified on the approved engineering drawings has been provided below the Emergency Overflow Weir and measured above the extended detention depth of the bio-retention area;
- h) all the signage and warning notices have been installed;

a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

20.9.2 **Easements/Restrictions/Positive Covenants**

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

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

20.9.2.2 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

20.9.2.3 The creation of 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): all lots serviced by private roads 04, 05, 06, 07

Nominated Width: as shown on approved plans by Enspire 230056-00DA-C05.02 to C05.05

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).

20.9.2.4 Each of the proposed lots serviced by inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.

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

- 20.9.2.6 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.
- 20.9.2.7 Provide a Restriction to User and Positive Covenant over each permanent On-Site Detention System and Water Quality System located on private land in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 20.9.3 **Dedications**
- 20.9.3.1 Dedication at no cost to Council of 5 m x 5 m splay corners on allotments at each street intersection.
- 20.9.3.2 Dedication at no cost to Council of 1 m x 1 m splay corners on laneway allotments at each street intersection.
- 20.9.3.3 Dedication at no cost to Council of all internal public roads as shown on Subdivision Plan with ILP Drawing number DA20 Revision 4, dated 22.11.23.
- 20.9.3.4 Subject to condition 20.5.1, dedication at no cost to Council of that part of the road designated ILP Road on Subdivision Plan with ILP Drawing Number DA20 Revision 4 dated 22.11.23 within Lot 2 DP795119 upon the transfer of that part of the road to the Applicant.
- 20.9.4 **Bonds/Securities/Payments in Lieu of Works**
- 20.9.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 20.9.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.
- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.
- This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.
- 20.9.4.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Services Pricing Schedule. The Security will be released upon satisfactory completion of the works.
- 20.9.4.4 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

20.9.5 Inspections

20.9.5.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

20.9.6 Inspection of Work

20.9.6.1 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.

20.9.7 Drainage Matters

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

- c) the 1.5 year and 100 year orifice sizes match the approved construction certificate plans for the OSD basin;
- d) all the other requirements of the approved drainage plan have been undertaken

20.9.7.2 Ocean Protect is to certify that OceanSave GPT's are installed in accordance with the Ocean Protect standard operational guidelines and production drawings

20.9.7.3 Prior to the issue of the Subdivision certificate, the applicant shall submit to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD systems installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans.

20.9.7.4 Prior to the issue of the Subdivision certificate, the Applicant shall provide a maintenance schedule for the each WSUD systems installed. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au for approval.

20.9.7.5 The applicant must provide a report or monitoring statement prepared by a suitability qualified ecologist verifying compliance with the Vegetation Management Plan by Keystone ECOLOGICAL, Ref: BCC 23-1220, dated 10 September 2024 to Council's Natural Areas section.

- 20.9.7.6 The applicant must provide a report prepared by the ecologist overseeing implementation of the BMP prepared and approved in accordance with Condition 5.9.1. to Council's Natural Areas section.

21 PRIOR TO SUBDIVISION WORKS CERTIFICATE (WASTE)

- 21.1 The applicant must ensure that private roads and driveways etc are rated suitable for 24 tonne trucks. Confirmation must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 21.2 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans to Council's satisfaction with each bin indicated. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

22 PRIOR TO SUBDIVISION CERTIFICATE (WASTE)

- 22.1 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.
- 22.2 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;
 - 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.
- 22.3 The public positive covenant must:
- a) contain a plan, compliant with the requirements of Land and Property Information, indicating the designated communal area/s within the development for the collection of garbage, 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;
 - b) provide for the lot owners (on behalf of themselves and all occupants of the lots)

to release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf; and

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

22.4 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.

Terms of Positive Public Covenant

- 1) The Registered Proprietor from time to time of the Lot Burdened covenants personally and on behalf of all occupants of the Lot Burdened in favour of the Prescribed Authority under section 88E of the Conveyancing Act 1919 to do the following:
 - a) store all forms of garbage, 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 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 and organics bins weekly, and recycling bins fortnightly, on collection day. The number of bins will exceed the three belonging to the owner of the lot burdened and will include three 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.
- 2) This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.

The terms of the public positive covenant are to be approved by Council prior to the issue of any subdivision certificate or registration of the plan of subdivision. The

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

- Temporary truck turning heads must be provided to Council's satisfaction in the form of a cul de sac where the surrounding road network is not yet completed. Hammerheads are not accepted. Design must be in accordance with the Council's engineering guide for the development and cater for 11m long, heavy rigid vehicles with 25m turning circles. Evidence must be provided in the form of swept paths and AutoCAD files in DWG format and 1:1 scale for the trucks entire travel path. This must be submitted to Council's waste section and approved prior to the release of the Sub-division Certificate.
- An easement or public positive covenant is required to Council's satisfaction over lots 109 to 112 inclusive and 147 to 149 inclusive as they adjoin the required temporary turning heads which aim to provide safe truck access and turning around the site. These lots cannot be built upon until the surrounding road network is completed and the turning heads are removed. These easements or public positive covenants can only be released, varied or modified by Council and must not be released, varied or modified until the surrounding road network is completed and waste collection vehicles can move around the site in a forward direction. This must be submitted to Council's waste section and approved prior to the release of the Sub-division Certificate.
- A Restriction on the User of Land to the benefit of Council with the below terms is required for Lots 109 to 112 inclusive and 147 to 149 inclusive as they adjoin the required temporary turning heads needed to support forward movement of waste collection vehicles until the surrounding road network is completed:
 - The lot burdened cannot be built upon until the surrounding road network is completed, waste vehicles can move around the site in a forward direction and the temporary turning heads situated at the frontage of this/these lot(s) are removed.

This restriction can only be released, varied or modified by Blacktown City Council.

23 PRIOR TO SUBDIVISION CERTIFICATE (PLANNING)

23.1 Service Authority Approvals

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

driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.

- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

23.2 Final Plans

23.2.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.

23.2.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

23.3 Other Matters

23.3.1 Prior to the issue of the Subdivision Certificate, all on-site resident and visitor car parking spaces are to be provided having minimum internal clear dimensions in accordance with Australian Standard 2890.1

23.4 Site Contamination

23.4.1 Prior to the issue of the Subdivision Certificate, an EPA recognised accredited geoscientist is to validate the site 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.

23.5 Salinity

23.5.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings."

23.6 Street tree planting

23.6.1 Prior to the issue of the final Subdivision Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Councils Greenspace Services Infrastructure Section.

23.6.2 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

23.6.3 The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage.

- 23.6.4 Additional trees may be requested following assessment of the development's configuration.
- 23.6.5 Trees must be of a minimum container size of 45litres with root barriers.
- 23.6.6 The applicant must obtain clearances from relevant service authorities.
- 23.6.7 The applicant is responsible for notifying Council's Greenspace Services Infrastructure Section when the trees have been installed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection.
- 23.6.8 The applicant will also be required to pay two inspection fees and a landscaping assessment fee as indicated in the current goods and services pricing schedule. If additional inspections are required due to defects found at Practical completion (end of construction) or Final Completion (handover) Council will charge the applicant additional inspection fees at the current rate in the Goods and Services Pricing Schedule.
- 23.6.9 Council's Greenspace Services Infrastructure Section will inspect all street trees 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.

23.7 Section 7.11 Contributions under Section 7.17 Directions

- 23.7.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 15 October 2024. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Contribution Item	Amount
Stormwater Quantity	\$3,129,243.00
Stormwater Quality	\$405,440.00
Traffic Management	\$848,457.00
Open Space	\$3,853,542.00
Community Facilities	\$52,053.00

E2 Conservation Zone	\$166,021.00
Total	\$8,454,756.00

The contribution(s) will be indexed according to index specified in the contributions plan.

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. 20 Riverstone and Alex Avenue Precincts.

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Additional population: 426.6 persons

Developable area: 4.2272 hectares

23.8 **Special Infrastructure Contributions**

- 23.8.1 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 and Infrastructure before a Construction 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 and Environment's website:
<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

24 **OPERATIONAL**

24.1 **Access/Parking**

- 24.1.1 All required off-street car parking spaces (280) shall be maintained to a standard suitable for the intended purpose. Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 24.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land within the designated loading areas.

24.2 **Landscaping**

- 24.2.1 All landscaped areas provided in accordance with the approved landscaping design plan, as maybe amended by the deferred commencement condition, shall be maintained at all times in a suitable manner.

24.2.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

24.2.3 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be maintained in perpetuity and incorporated within the Plan of Management for the site and implemented once the development is occupied.

24.3 **General**

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

24.4 **Use of Premises**

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

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

24.5 **Graffiti Removal**

24.5.1 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.

24.6 **Crime Prevention Through Environmental Design**

24.6.1 Vandal proofing, security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.

24.7 **Waste**

24.7.1 An updated Waste Management Plan must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate. It must:

- clearly outline 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.
- clearly state that unwanted bulky waste such as lounges, mattresses and fridges must only be placed out for collection the night before the scheduled collection date provided by Council if we are servicing the site. Collection of these items must be in accordance with our Resource (waste) Management Services Charter. Please call Council to book in a collection date.
- clearly state that cars must not park in the carriageways of private property where trucks are travelling to service bins. Failure to adhere to this, could result in missed collections.

- clearly outline a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
 - clearly outline the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
 - clearly outline the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
 - state that clean ups will only occur from the approved waste collection point(s) if they comply with Council requirements for household clean ups. If discarded items fail to comply, or the communal collection point is poorly managed, it is the responsibility of each lot owner (and at their cost), to have these items removed from the site and disposed of appropriately.
 - state that no bulky waste items must be presented to a perimeter street frontage unless it belongs to an individual lot that has suitable truck access for a heavy rigid vehicle.
 - include the updated (and approved) waste management plan as lodged with the development application, printed on 22/11/2023.
 - clearly outline the travel path to take bins from the storage area to the designated collection points.
 - provide a clear bin placement plan that indicates bin collection points for each dwelling in the development.
- 24.7.2 Each lot owner will be responsible for ensuring that clear access is provided to waste collection trucks. Cars must not be parked in the carriageway on private property where trucks are travelling to service bins. Failure to adhere to this, may result in missed collections.
- 24.7.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan. This includes but is not limited to:
- provision and maintenance of suitable signage in all areas with waste facilities such as bin collection areas or any other relevant area.
- 24.7.4 The approved Waste Management Plan, must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.