

Conditions of consent (draft)

Proposed development	Staged subdivision into 88 Torrens title residential lots and 1 residue lot, construction of 24 abutting dwellings, new public roads, associated landscaping and civil works
Property description	Lot 1 DP 1243995, 108 Burdekin Road SCHOFIELDS

1 ADVISORY NOTES

1.1 Terminology

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

1.2 Scope of Consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.2 The applicant is advised that Council will not release the Subdivision Certificate for the relevant stage until such time as the development has been completed in accordance with all of the relevant conditions of consent, other than "prior to Occupation certificate" and "Operational" conditions to Council's satisfaction.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
 - (d) the installation of vehicular footway crossings servicing the development.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services

- 1.4.1 The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited

- (b) 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.

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

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are 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 phone number: 1800 810 443.
- 1.4.5 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.
- 1.5 **Tree Planting and Service Locations (After all other services)**
 - 1.5.1 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.

1.6 Identification Survey

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

1.7 Engineering Notes

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

1.8 Payment of Engineering Fees

- 1.8.1 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.

1.9 Other Matters

- 1.9.1 Any stage of subdivision is not to be released until Public Road access is provided.

1.10 Road Damage

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

2 GENERAL

2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated
Subdivision Plan Rev C, Sheet No. 2518023_40	11.03.2020
Building Envelope Plan 01, Rev C, Sheet No. 2518023_50	18.03.2020
Building Envelope Plan 01A, Rev C, Sheet No. 2518023_51	18.03.2020
Building Envelope Plan 02, Rev C, Sheet No. 2518023_52	18.03.2020
Building Envelope Plan 03, Rev C, Sheet No. 2518023_53	18.03.2020
Building Envelope Plan 04, Rev C, Sheet No. 2518023_54	18.03.2020
Building Envelope Plan 05, Rev C, Sheet No. 2518023_55	18.03.2020
Building Envelope Plan 06, Rev C, Sheet No. 2518023_56	18.03.2020

Landscape Concept Lots 201 – 204 Drawing No. L – 01, Issue B	07.08.2019
Typical Streetscape, Plants + Materials Drawing No. L – 02, Issue B	07.08.2019
Landscape Concept Lots 205 – 208 Drawing No. L - 03	07.08.2019
Landscape Concept Lots 209 – 212 Drawing No. L – 04	07.08.2019
Coversheet, DWG No. A0.01	05.08.2019
House Type 1 Plans A1.01	05.08.2019
House Type 1 Elevation A1.02	05.08.2019
House Type 1 Section, External Colour Schedules A1.03	05.08.2019
House Type 2 Plans A2.01	05.08.2019
House Type 2 Elevation A2.02	05.08.2019
House Type 2 Section, External Colour Schedules A2.03	05.08.2019
House Type 3 Plans A3.01	05.08.2019
House Type 3 Elevation A3.02	05.08.2019
House Type 4 Section, External Colour Schedules A3.03	05.08.2019
House Type 4 Plans A4.01	05.08.2019
House Type 4 Elevation A4.02	05.08.2019
House Type 4 Section, External Colour Schedules A4.03	05.08.2019
Block Plan (Ground Floor) and Streetviews A5.01	05.08.2019

*Unless modified by conditions of consent

2.2 **Services**

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

2.3 **Suburb Name**

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

Suburb: SCHOFIELDS

2.4 **Compliance with BASIX Certificate**

- 2.4.1 All commitments listed in the BASIX Certificate number: 1033174M dated 08 August 2019 shall be complied with.

2.5 **Engineering Matters**

2.5.1 **Design and Works Specification**

- 2.5.1.1 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 Subdivision Works 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.

- 2.5.1.2 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
- Securities in lieu of outstanding works where agreed by Council
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

2.5.2 Other Necessary Approvals

2.5.2.1 A separate application will be required for the following approvals, under the *Roads Act 1993*.

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

2.5.3 Subdivision

2.5.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue the Subdivision Certificate.

2.5.4 Water Quality

2.5.4.1 The developer is to maintain the 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.

2.5.4.2 The temporary protection measures for the bioretention area are not to be removed, nor the filter area of the basin planted out, until a minimum of 90% of the upstream catchment draining to the basin is fully developed including landscaping as agreed with Council. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the bioretention basins must be completed within six (6) months.

2.5.4.3 The Bio-retention Construction security 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 transition layer, 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.

2.6 Other Matters

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

2.6.2 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 **PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

3.1 **DA Plan Consistency**

- 3.1.1 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.

3.2 **Road Deposit/Bond**

- 3.2.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$225.00;

Council will undertake initial and final 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 in accordance with Council's current Goods & Services Pricing Schedule.

3.3 **Development Control Plan**

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2018.

3.4 **Services/Utilities**

- 3.4.1 The following documentary evidence shall accompany any Building Construction Certificate:

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

3.5 **Street Tree Planting**

- 3.5.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

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

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

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

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

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

- 3.5.2 The landscape plan and agreed maintenance standards, for the extended width vegetated nature strips and Burdekin Road Landscape interface, must be approved by an authorised officer from the Open Space Maintenance Section prior to issue of a construction certificate.
- 3.5.3 The extended width vegetated nature strip verges and Burdekin Road landscape interface of this development is to be maintained to an agreed standard as approved by the Open Space maintenance section for a period of 5 years from the date of practical completion of all dwelling houses with access via 'Road No. 2 (East)- Liveable Street' and 'Road No .1-Gundry Street as indicated by an authorised officer from the Open Space Maintenance section. The maintenance agreement terms and period is to be confirmed with a letter of undertaking to be provided by the Landcom that must be executed prior to issuing of a construction certificate for this development.

3.6 **Salinity**

- 3.6.1 The recommendations of the Salinity Assessment prepared by PSM (RefNo. PSM3882-003L dated 23 July 2019) are to be identified on the construction certificate plans and implemented during construction.

3.7 **Acoustic impact**

- 3.7.1 The recommendations of the acoustic impact assessment prepared by Renzo Tonin & Associates, dated 26 July 2019 is to be implemented. Note: Acoustic validation that the recommendations have been implemented is required prior to the release of an Occupation Certificate for the relevant dwellings.

3.8 **Waste**

- 3.8.1 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>
- 3.8.2 The applicant must ensure that roads and driveways etc are rated suitable for 24 tonne trucks.
- 3.8.3 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.
- 3.8.4 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction.
- 3.8.5 The applicant must ensure that the communal bin pads are line marked and sign posted to Council's satisfaction for their use as communal bin collection points.
- 3.8.6 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.
- 3.8.7 Temporary truck turning heads must be provided in the form of a cul de sac to Council's satisfaction 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.

- 3.8.8 An easement or public positive covenant is required to Council's satisfaction over any lots adjoining the required temporary turning heads which aim to provide safe truck access and turning around the site. 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.

4 PRIOR TO BUILDING CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions under Section 7.17 Directions

- 4.1.1 Contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

Under the Section 7.17 Direction issued by the Minister for Planning on 17 July 2017, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$45,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$45,000 for each residential lot/dwelling authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended lots/dwellings: 88

Contribution: \$3,960,000.00

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first for the relevant stage.

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

Notes In complying with the Minister's Section 7.17 Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$45,000 per dwelling/lot limit.

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

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Eastern Creek	\$2,764,892.00	20
Stormwater Quality		20
Eastern Creek	\$471,942.00	20
Traffic Management	\$801,325.00	20
Open Space	\$1,945,633.00	20
Community Facilities	\$26,281.00	20
E2 Conservation Zone	\$83,823.00	20
Total	\$6,093,896.00	

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

Developable Area: 4.0930 hectares

Additional Population: 255.2 persons

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

The Section 7.11 contribution(s) have been based on the total developable area, and the potential additional population nominated below. Should the final plan 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.

S7.11 CP No. 20 Riverstone & Alex Avenue Precincts

4.2 Special Infrastructure Contribution

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

More information

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

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

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

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

Note: This condition is for information purposes only.

4.3 Aesthetics/Landscaping

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

4.4 Access/Parking

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

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

- 4.4.4 On-site resident car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Single Garage: 3 m x 5.5 m

Uncovered Car Space: 2.5 m x 5.4 m

4.5 Other matters

- 4.5.1 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development. The location of the substation must be endorsed by Council prior to the release of a Construction Certificate.

4.6 Building Code of Australia Compliance

- 4.6.1 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).

4.7 Site Works and Drainage

- 4.7.1 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.
- 4.7.2 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.
- 4.7.3 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.

4.8 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 1033174M dated 08 August 2019

5 PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

5.1 General

- 5.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.
- 5.1.2 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.

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

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

Prepared By	Project No.	Drawing No.	Revision	Dated
Calibre Group	19-000420	000	4	16/03/20
Calibre Group	19-000420	001	4	16/03/20
Calibre Group	19-000420	002	4	16/03/20
Calibre Group	19-000420	101	4	16/03/20
Calibre Group	19-000420	102	4	16/03/20
Calibre Group	19-000420	201	4	16/03/20
Calibre Group	19-000420	202	4	16/03/20
Calibre Group	19-000420	203	4	16/03/20
Calibre Group	19-000420	204	4	16/03/20
Calibre Group	19-000420	301	4	16/03/20
Calibre Group	19-000420-SP	001	4	08/05/20
Calibre Group	19-000420	401	4	16/03/20
Calibre Group	19-000420	402	4	16/03/20
Calibre Group	19-000420	403	4	16/03/20
Calibre Group	19-000420	801	4	16/03/20
Calibre Group	19-000420	802	4	16/03/20
Calibre Group	19-000420	803	4	16/03/20
Calibre Group	19-000420	804	4	16/03/20
Calibre Group	19-000420	805	4	16/03/20
Calibre Group	19-000420	806	4	16/03/20
Calibre Group	19-000420	807	4	16/03/20
Calibre Group	19-000420	810	4	16/03/20
Calibre Group	19-000420	811	4	16/03/20
Calibre Group	19-000420	812	4	16/03/20
Calibre Group	19-000420	813	4	16/03/20
Calibre Group	19-000420	814	4	16/03/20
Calibre Group	19-000420	815	4	16/03/20
Calibre Group	19-000420	816	4	16/03/20

Calibre Group	19-000420	850	4	16/03/20
Calibre Group	19-000420	851	4	16/03/20
Calibre Group	19-000420	901	4	16/03/20
Calibre Group	19-000420	910	4	16/03/20
Calibre Group	19-000420	911	4	16/03/20
Calibre Group	19-000420	912	4	16/03/20
Calibre Group	19-000420	913	4	16/03/20
Calibre Group	19-000420	914	4	16/03/20

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

- i. The carriageway width on Rugby Street (across the intersection of Rugby St and Road No.1) is to be increased to a minimum of 9m by reducing the width of the offset kerb return to ensure vehicle movements at the intersection are safe, as required by Council's Director City Assets.
- ii. With respect to the drop-off hazard at the end of Road No.1 (approximate chainage 165.00) onto adjoining property. An appropriate safety barrier and fence is to be erected to managed the safety of vehicular and pedestrian activity.
- iii. A road safety audit is to be submitted to Council with respect to the proposed development. The road safety audit is to consider but not be limited to treatment of level differences adjoining proposed roads and the application of safety barriers, transitions of half width road to full width road i.e. where the half width Lerida St extension transitions into the full width road on adjoining lot and where the full width Grima St transitions into the half width road toward the north.
- iv. Engineering plans are to be amended to ensure all proposed lots can drain stormwater in an adequate manner. I.e. IAD to be extended from lot 126 to 127, lot 124 to 125.
- v. The proposed retaining wall along the northern boundary of lot 701 associated with the onsite detention basin shall be a minimum distance of 1m from the lot boundary.
- vi. The proposed temporary turning head at approximate chainage 150.00 Road No.1 is to incorporate a safety barrier along the entire boundary of the turning head within lot 605. This is to ensure adequate and safe separation between the proposed temporary on site detention basin No.1 and vehicular movements.

5.2 Subdivision Works Requirements

5.2.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works 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)
- Shared driveway construction

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

5.3 Roads Act Requirements

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

- Any works within Council's road reserve
- Road, drainage and associated works at the interface of new roads and existing public roads.

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

5.4 Other Engineering Requirements

5.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

5.4.2 Any ancillary works undertaken shall be at no cost to Council.

5.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

5.4.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.

5.4.5 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.

5.4.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

5.5 Roads

5.5.1 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.

5.5.2 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 Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.

5.5.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.

5.5.4 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.

5.5.5 Proposed new roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Grima Street	10	220	5.5 - 4.5 (half width)	5 x 10 ⁵
Road No. 1 (Gundry Street)	18	174	5 - 9.5 - 3.5	5 x 10 ⁵
Road No.2 (East)	18	195	6 - 8.5 - 3.5	5 x 10 ⁵

Road No. 2 (South)	12.5	90	1 - 8.3 - 3.2	5 x 10 ⁵
Road No.2 (West)	8.83	165	3.03 - 5.8 (half width)	5 x 10 ⁵
Lerida Street Extension	8.83	55	3.5 - 5.33	5 x 10 ⁵
Rugby Street Extension	18	30	3.5 - 11 - 3.5 and varies	5 x 10 ⁵

Note: The pavement design and construction for the nominated carriageway shall be flexible pavement and generally in accordance with Councils Engineering Guide for Development and Civil Works Specification. Where the design seeks to delineate designated parking bay(s) as a rigid pavement, the applicant is to provide the written concurrence of Councils Manager Asset Design for the proposed pavement treatment.

Note: For rigid pavement treatment, 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.

5.5.6 Proposed temporary roads shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Temp Road	7.5	80	1.5 - 5.5 - 0.5	5 x 10 ⁴

Note: 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.

Note: A suitable safety barrier and fence shall be provided along the northern boundary of the temporary road.

Note: The entry and exit points to the temporary road shall be designed and constructed to ensure safe movement for vehicles and Council garbage trucks off the connecting local roads without vehicular encroachment onto adjoining lots. This may require widening of the entry and exit aprons of the temporary road.

5.5.7 Where half width road construction is required, these construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

5.5.8 Battle-axe handle driveways shall be designed and constructed generally in accordance with the nominated engineering plans as part of this consent.

Note: The proposed design and construction of the battle-axe handles shall be in accordance with AS2890.1 and Councils Engineering Guide for Development. The design is to ensure vehicles can enter and exit in a forward direction.

Note: 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.

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

5.6 Drainage

5.6.1 Drainage from the site must be connected into Council's existing drainage system.

- 5.6.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 5.6.3 Footings adjacent to easements shall not place a load on the pipe within the easement. Footings shall be:
- (a) at the depth of the invert of the existing pipeline,
 - (b) at the depth of the invert of any proposed pipeline
 - (c) designed and certified by a practising NER structural engineer to ensure the above is satisfied
- All development shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.
- 5.6.4 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 5.6.5 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 5.6.6 Provide a roof water outlet to kerb for each proposed lot that drains to the street.
- 5.6.7 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.
- 5.6.8 Engineering drawings by Calibre, Job No. 19-000420 are to be amended as follows to the satisfaction of Council:
- a. Drainage plans are to be generally in accordance with the letter dated 11.05.2020 to satisfy the drainage, temporary On-Site Detention (OSD) and Water Sensitive Urban Design (WSUD) requirements for the development.
 - b. The orifices within the Discharge Control Pits are to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
 - c. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
 - d. Provide Floodway Warning Signs for the above ground detention areas in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
 - e. Amend Dwg. 201 (4)
 - i. Show the existing contours as part of the site regrading plan.
- 5.6.9 Revised Landscape plans are required in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 12 that include appropriate species for the bio-retention system for the 400 mm deep filter media. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. To ensure diversity and disease resistance a minimum of six (10) different species is required planted as a matrix. All plants within the filter area are to be planted with tube stock, or viro tube and not pots. No mulch is permitted over the bio-retention however jute mat is accepted.
- 5.6.10 Provide a Bio-retention Construction Estimate for the removal and disposal of the temporary protection measures for the bio-retention areas, replacement with transition

layer, filter media, the cost of undertaking hydraulic conductivity testing on the filter media in the basin, planting of appropriate species and horticulturalist certification.

5.6.11 A Chartered Civil Engineer registered with NER, is to certify that the maximum depth of flow in the gutter is less than 200 mm for all 1 in 100 year ARI storm events.

5.6.12 An experienced Drainage Engineer registered with NER and supported by hydraulic drainage modelling is to certify that the internal drainage system is capable of carrying the 100 year ARI flows to the detention basin through either piped or surface flows.

5.7 Signage and Line Marking

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

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

5.8 Erosion and Sediment Control

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

5.9 Earthworks

5.9.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500 mm above the designed 100-year average recurrence interval flood level.

5.9.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

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

5.9.4 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)

5.10 Temporary Stormwater Quality Control (Roads)

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

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

5.10.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

5.10.4 Permanent Stormwater Quality Control (Lots)

5.10.4.1 Council acknowledges the applicants request to enter into a Voluntary Planning Agreement (VPA) to pay a contribution toward the downstream regional infrastructure in order to address the requirement for permanent stormwater quality control for the lots created from this development. Prior to the issue of any subdivision works certificate, the applicant is to submit to Council evidence to verify that the VPA has been executed and all associated fees have been paid.

5.11 Temporary On-Site Detention

5.11.1 A temporary on-site detention system in accordance with Council's Engineering Guide for Development. This design 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.

- 5.11.2 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the temporary on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the temporary on-site detention system will perform to meet the temporary on-site detention requirements.
- 5.11.3 The following documents shall be submitted to accompany the temporary on-site detention design:
- 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
 - A maintenance schedule that is signed and dated by the designer

5.12 **Vehicular Crossings**

- 5.12.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

5.13 **Footpaths**

- 5.13.1 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 Manager Asset Design.

5.13.2 **Other Matters**

- 5.13.2.1 The footing system of the proposed dwelling on lot 201 adjacent to the temporary On Site Detention Basin is to consider the basin structure and ensure no load is imposed on the basin, and be designed by an appropriately qualified person to ensure the structural adequacy of the building and the integrity of any pipe within the easement.

6 **PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

6.1 **Environmental Management**

- 6.1.2 The recommendations in the Noise Assessment for Residential Subdivision, prepared by Renzo Tonin & Associates, dated 26 July 2019 must be implemented where relevant, for the associated stage and of development.

6.1.3 **Remediation**

- 6.1.3.1 All areas potentially/contaminated shall be remediated by an appropriately qualified environmental consultant in accordance with:
- The implemented Remediation Action Plan;
 - State Environmental Planning Policy No. 55 – Remediation of Land;
 - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites" (2011)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995)
 - National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2011)

- NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" (2006)
- An appropriately qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation.

6.1.4 Site Validation Report

6.1.4.1 A Site Validation Report must be prepared by a suitably qualified environmental consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The Site Validation Report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including:

- o NSW Environment Protection Authority's "Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites" (2011)
- o NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995)
- o National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2011).
- o NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" (2006)

6.1.5 Site Audit Statement

6.1.5.1 A Site Audit Statement is to be obtained from a NSW Environment Protection Authority accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and that the site is suitable for the proposed use to NEPM 2013 Guidelines.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

7.1.1 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.

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

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

This condition does not apply to:

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

7.1.3 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.

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

7.1.5 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.

7.1.6 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.

7.2 Notification to Council

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

7.3 Home Building Act

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

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

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

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

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

7.4 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains,

stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

7.5 Removal of Dams

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

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 8.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 8.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 8.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 8.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 8.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

8.2 Building Code of Australia Compliance

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

8.3 **Surveys**

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

8.4 **Nuisance Control**

8.4.1 The hours of any offensive noise-generating development works shall be limited to between 7 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.

8.5 **Stormwater Drainage**

8.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 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

8.6 **Waste Control**

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

8.7 **Construction Inspections**

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

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

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

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

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

8.8 Other matters

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

8.9 Uncovering archaeological evidence

- 8.9.1 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, is to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

8.10 Site contamination

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

8.11 Other Matters

- 8.11.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy and to NEPM 2013 Guidelines.
 - b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
 - d) Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site. All VENM is also to be validated to NEPM 2013 Guidelines.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notification of Works

- 9.1.1 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.

9.2 Insurances

- 9.2.1 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.

9.3 Boundary Levels

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

9.4 Tree Protection and Preservation

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

9.5 Soil Erosion and Sediment Control Measures

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

9.6 Filling of Land and Compaction Requirements

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

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

The above documentation shall be submitted prior to Subdivision and/or Occupation certificate as required by this consent.

- 9.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 9.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 9.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 9.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 9.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 9.6.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

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

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

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

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

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

Inspections must be pre-booked with a minimum 24 hours' notice. 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).

9.9 **Public Safety**

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

9.10 **Site Security**

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

9.11 **Traffic Control**

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

9.12 **Powder Coated Furniture**

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

9.13 **Road Line Marking and Traffic Signage**

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

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

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

9.14 **Water Quality**

- 9.14.1 Provide certification prior to placement, that the bioretention filter media ex-bin has:
- i. A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
 - ii. A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
 - iii. An Orthophosphate content < 40 mg/kg
 - iv. A Total Nitrogen content < 900 mg/kg
 - v. A pH between 5.5 to 7
 - vi. Is not hydrophobic.
- 9.14.2 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%), and
 - ii. Satisfies the bridging criteria $D_{15}(\text{transition layer}) \leq 4 \times D_{85}(\text{filter media})$ where: D_{15} is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than D_{15} mm), and D_{85} is the 85th percentile particle size in the filter media.
 - iii. Satisfies the hydraulic conductivity criteria $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 3$.
- 9.14.3 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 $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 3$.
- 9.14.4 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.
- 9.14.5 Where more than 90% of the dwellings within the development are constructed the bioretention basins are to be fully constructed to final design levels prior to release of the construction certificate. If the development is staged, then where more than 90% of the dwellings upstream of a bioretention basin are constructed then that basin is to be fully constructed to final design levels prior to release of the construction certificate and the remaining bioretention basins constructed to the intermediate construction standard.

10 **DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

10.1 **Premises Construction**

- 10.1.1 The recommendations in the Noise Assessment for Residential Subdivision, prepared by Renzo Tonin & Associates, dated 26 July 2019 must be implemented.
- 10.1.3 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Road Damage

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

11.2 Site Access

- 11.2.1 An Occupation Certificate shall not be issued until such time that the road networks are fully constructed to meet the relevant stage of the approved plan (i.e. the occupants to have road access to a public road).

11.3 Compliance with Conditions

- 11.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

- 11.3.2 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.

11.4 Service Authorities

- 11.4.1 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.
- 11.4.2 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of 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 Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

11.5 Temporary Facilities Removal

- 11.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.5.3 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.
- 11.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.

- 11.5.5 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.
- 11.6 **Environmental Management**
- 11.6.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 11.7 **Landscaping/Car Parking**
- 11.7.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.7.1.1 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.7.1.2 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls.
- 11.7.2 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.
- 11.8 **Other Matters**
- 11.8.1 All commitments listed in the BASIX Certificates No : 1033174M dated 08 August 2019 shall be complied with .
- 11.8.2 Mailboxes are to be provided on site in accordance with the requirements of Australia Post.
- 11.8.3 All dwellings, fencing, driveways, retaining walls (if any), clotheslines, hot water systems, mailboxes, TV antennas and landscaping are to be completed in accordance with the approved plans.
- 11.9 **Fee Payment**
- 11.9.1 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.
- 11.10 **Waste**
- 11.10.1 The applicant must provide to Council's satisfaction, an updated waste management plan to:
- allow for 2 x 240L bins per dwelling and the same for any secondary dwellings or granny flats (not as per Form 4)
 - amend collection frequencies to weekly for waste and fortnightly for recycling
- 11.11 **Engineering Matters**
- 11.11.1 **Surveys/Certificates/Works As Executed plans**
- 11.11.1.1 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 Subdivision Works Certificate plans for engineering works.

- 11.11.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 11.11.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 11.11.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 11.11.1.5 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 11.11.1.6 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.
- 11.11.1.7 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.
- 11.11.1.8 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 11.11.1.9 Applicant is to compile and submit the following in accordance with Council's Works Specification - Civil (Current Version):
 - a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Councils Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Councils website.
- 11.11.1.10 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 11.11.1.11 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

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

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

11.11.2 **Easements/Restrictions/Positive Covenants**

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

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

11.11.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works.

11.11.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works.

11.11.2.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path.

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

11.11.2.6 The creation of reciprocal rights of way over the access to shared driveways respectively detailed within the nominated engineering plans within this consent with a minimum in accordance with Councils Engineering Guide for Development width under Section 88B of the Conveyancing Act 1919.

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).

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

11.11.3 **Dedications**

11.11.3.1 The land required for road widening in connection with the required bus bay is to be dedicated at no cost to Council.

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

11.11.4.1 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.

11.11.4.2 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.

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

11.11.4.4 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.

Note in this regard securities will be required to cover the cost of outstanding works for part of Road No.2 (west) as shown on the nominated engineering plans within this consent.

11.11.5 Inspections

11.11.5.1 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.

11.11.6 CCTV Inspection of Stormwater Drainage Structures

11.11.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of 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 a DVD of the inspection, a hard copy printout 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.

11.12 Fencing

11.12.1 All side and rear property boundaries (behind the building line) are to be provided with a 1.8 m high colorbond fence or 1.8 m high lapped and capped timber fencing.

11.12.2 All fencing is to be erected on top of any retaining walls at full cost to the developer. All retaining walls are to be of masonry construction.

11.12.3 All boundary retaining walls (including current and proposed boundaries) are to be of masonry construction. Retaining walls are to have a maximum single height of 1.2 m. Any retaining walls over 1.2 m are to be stepped with minimum 900 mm distance between steps and sufficient landscaping within the 900 mm gap.

12 PRIOR TO SUBDIVISION CERTIFICATE

12.1 Necessary Plan Amendments

12.1.1 The following plan amendments shall be included on or addressed on the Building Envelope Plans (BEPs) of the respective lots by any Construction Certificate relating to the approved development:

- (a) increase the side setback at the upper floor of Lots 602, 603, 303 and 304 from 900 mm to 1.2 m
- (b) increase the setback to the garage off the shared driveway on Lots 114, 121 and 107 to minimum 900 mm
- (c) reduce the length of zero lot lines on boundary of Lots 604-606 and 501-504 to maximum 11 m and Lots 302, 303, 304 and 602 to maximum 15 m.

12.2 Site Access

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

Nominated Road(s): Burdekin Road

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

- 12.2.2.1 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.

12.3 Road Damage

- 12.3.1 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.

12.4 Asset Management

- 12.4.1 A fee is to be paid to Council for the ongoing maintenance of the black powder coated light poles, street name poles and bus shelters proposed in this subdivision. This amount is based on Council's Goods and Services Schedule (Current) and is to be paid prior to the release of the Subdivision Certificate. Any enquiries regarding this fee are to be directed to the Maintenance Section of the City Assets Directorate.
- 12.4.2 The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

12.5 Consent Compliance

- 12.5.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied relevant to the proposed stage to be released.

12.6 Salinity

- 12.6.1 Prior to the issue of the Subdivision Certificate, certification from a suitably qualified consultant is to be provided to Council confirming the relevant salinity management measures were implemented during the subdivision works.
- 12.6.2 Prior to the issue of the Subdivision Certificate, a post earthworks salinity investigation report is to be prepared in accordance with the Department of Land and Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice.

The report must nominate measures to mitigate the impact of salinity and soil aggressivity on the site.

In particular, the report is to provide lot specific construction measures for earthworks and building construction to form the basis of Section 88B restrictions as to user for any lots

affected by saline or aggressive soils.

12.7 Contamination

- 12.7.1 Prior to release the subdivision certificate, a final site validation report prepared by an Environmental Protection Authority Accredited Site Auditor is to be submitted to Council and must confirm that the site is suitable for the proposed use to NEPM 2013 Guidelines.

12.8 Section 7.11 Contributions under Section 7.17 Directions

- 12.8.1 Contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

Under the Section 7.17 Direction issued by the Minister for Planning on 17 July 2017, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$45,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$45,000 for each residential lot/dwelling authorised to be created by the development consent. The Section 7.11 contributions payable below have been assessed in accordance with this Direction:

No. of intended lots/dwellings: 88

Contribution: \$3,960,000.00

Payment of this amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first for the relevant stage.

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

Notes In complying with the Minister's Section 7.17 Direction, the applicant is advised that Council may not be in a position to provide all of the facilities listed in the applicable contributions plan due to the potential shortfall of contributions to be received as a result of the \$45,000 per dwelling/lot limit.

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

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity		
Eastern Creek	\$2,764,892.00	20
Stormwater Quality		20
Eastern Creek	\$471,942.00	20
Traffic Management	\$801,325.00	20
Open Space	\$1,945,633.00	20
Community Facilities	\$26,281.00	20
E2 Conservation Zone	\$83,823.00	20
Total	\$6,093,896.00	

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

Developable Area: 4.0930 hectares

Additional Population: 255.2 persons

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

The Section 7.11 contribution(s) have been based on the total developable area, and the potential additional population nominated below. Should the final plan 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.

S7.11 CP No. 20 Riverstone & Alex Avenue Precincts

12.9 Voluntary Planning Agreement

- 12.9.1 Prior to the issue of any subdivision certificate, any relevant obligation required by the applicant in the planning agreements for respective stage of the precinct, must be completed.

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

12.10 Special Infrastructure Contribution

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

More information

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

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

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

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

Note: This condition is for information purposes only.

12.11 Additional Inspections

- 12.11.1 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.

12.12 Fee Payment

- 12.12.1 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.

12.13 Engineering Matters

12.13.1 Surveys/Certificates/Works As Executed plans

- 12.13.1.1 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, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Subdivision Works Certificate plans for engineering works (including works under

- the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 12.13.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.
- 12.13.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 12.13.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.13.1.5 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 12.13.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 12.13.1.7 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.
- 12.13.1.8 Written evidence is to be obtained from the Roads and Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 12.13.1.9 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
 - b) Compaction certificates for road sub-grade.
 - c) Compaction certificates for road pavement materials (sub-base and base courses).
 - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
 - Compliance Certificate and Test Results
 - Delivery Dockets
 - Summary of Material deliveries as per template available on Council's website.
- 12.13.1.10 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.
- 12.13.1.11 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

- 12.13.1.12 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.
- 12.13.1.13 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:
- d) Retaining walls over 0.6 m in height
 - e) Rigid pavements
 - f) Non-standard stormwater pits
- 12.13.1.14 A Chartered Civil Engineer registered with NER, is to certify that:
- a. all the requirements of the approved drainage plan have been undertaken;
 - b. Basin 1: the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socked slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media/coarse sand and turf to enable construction of a future minimum filter media area of 490m² for the bioretention basin clear of pits, access tracks, flow spreaders and scour protection.
 - c. Basin 2: the temporary bioretention protection system has been installed comprising a minimum 1.0 mm HDPE liner, un-socked slotted PVC subsoil lines laid at 0.5% with minimum 50 mm cover, a gravel layer (minimum 250mm), geotextile layer, 150 mm filter media and turf to enable construction of a future minimum filter media area of 325m² for the bioretention basin clear of pits, flow spreaders and scour protection.
 - d. The subsoil collection pits are provided with a sealed lid and discharge to the outlet independent of the discharge control pit;
 - e. The sediment traps have been provided as part of the scour protection to each of the headwalls discharging to the bioretention basins.
 - f. the minimum detention storage has been provided as per the approved construction certificate plans;
 - g. the orifice size matches the approved construction certificate plans;
 - h. all the signage and warning notices have been installed;
 - i. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 12.13.2 **Easements/Restrictions/Positive Covenants**
- 12.13.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).
- 12.13.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas

and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.

- 12.13.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.
- 12.13.2.4 Restrictions and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path. Documentary evidence of this LRS lodgement shall be submitted to Council.
- 12.13.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 12.13.2.6 The creation of reciprocal rights of way over the access to shared driveways respectively detailed within the nominated engineering plans within this consent with a minimum in accordance with Councils Engineering Guide for Development width under Section 88B of the *Conveyancing Act 1919*.
- 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).
- 12.13.2.7 A temporary Right of Carriageway as an easement in gross (under schedule 4A Part 1) benefitting Blacktown City Council shall be provided over 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): 601 to 606 inclusive, i.e. over the entire extent of the temporary road.
- 12.13.2.8 Lots 301,401,406, 507& 601 are to be burdened by a positive covenant under Section 88B of the *Conveyancing Act 1919* that they are to be developed for a manor house in accordance with the Residential Density Targeted stipulated within *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.
- 12.13.2.9 Lots 401-405 and 501-507 inclusive are to be burdened by a positive covenant under Section 88B of the *Conveyancing Act 1919* that future built forms must include a 3 storey element to ensure appropriate height transitions between new development and the approved neighbouring buildings to the north.
- 12.13.2.10 An appropriate restriction on the use of the land/covenant shall be created under Section 88B of the *Conveyancing Act 1919* that the recommendation of the acoustic impact assessment report prepared by Renzo Tonin & Associates, dated 26 July 2019 is to be implemented must be implemented for future dwellings on the respective lots as shown on Appendix B of the acoustic impact assessment report.
- 12.13.2.11 A restriction as to User with Council's standard wording must be placed on all filled lots.
- 12.13.2.12 An appropriate restriction on the use of the land/covenant shall be created under Section 88B of the *Conveyancing Act 1919* as follows:
- “The wall of any dwelling erected on the lot hereby burdened, is not to be located within 900mm of the side boundary unless there is a registered maintenance easement on the adjoining property, extending the length of the wall.”
- 12.13.2.13 An appropriate easement/covenant/restriction for access, maintenance and repair under to Section 88B of the *Conveyancing Act 1919* shall be created for

any zero lot line walls benefiting and burdening the subject lots accordingly. The nominated easements for overhang and repairs are to be amended to include easements for access. Stormwater easements are also to be created where roof water from one property is conveyed into a stormwater system on an adjoining property. NOTE: A restriction as to use for 'Access, Maintenance and Repair' is to be in accordance with Blacktown City Council recitals for Terms of Easements and Restrictions (Current Version).

- 12.13.2.14 Any zero lot shall not be located on the side of the lot which is lower than the adjacent lot, namely the lower side of the boundary line. The zero lot line must be higher than the opposing maintenance easement.
- 12.13.2.15 An appropriate covenant pursuant to Section 88E of the Conveyancing Act 1919 shall be created requiring any future dwelling over all lots less than 300m² and equal to or greater than 225m² in area to be constructed within the approved Building Envelope Plans referenced in condition 2.1.1 of this consent and as amended under condition 4.1.1 of this consent.
- 12.13.2.16 An appropriate covenant pursuant to Section 88E of the Conveyancing Act 1919 shall be created requiring any future dwelling over all Lot 128-139 (inclusive) and Lots 201-212 (inclusive) to be constructed within the approved Dwellings Design Plans referenced in condition 2.1.1 of this consent.
- 12.13.2.17 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.
- 12.13.2.18 Provide a Restriction to User and Positive Covenant over the On-Site Detention 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.
- 12.13.2.19 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices (bioretention basins) 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.

12.13.3 **Dedications**

- 12.13.3.1 Dedication at no cost to Council of 5 m x 5 m splay corners on allotments at each street intersection.

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

- 12.13.4.1 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.

- 12.13.4.2 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.

- 12.13.4.3 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.
- 12.13.4.4 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.
- Note in this regard securities will be required to cover the cost of outstanding works for part of Road No.2 (west) as shown on the nominated engineering plans within this consent.
- 12.13.4.5 Pay to Council a Bio-retention Construction Security equal to 150% of the Bio-retention Construction Estimate.
- 12.13.5 **Inspections**
- 12.13.5.1 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.
- 12.13.6 **Inspection of Work**
- 12.13.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of 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.
- 12.13.7 **Easements/Restrictions/Positive Covenants - Waste management**
- 12.13.7.1 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.
- 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.
- 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.

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 bins weekly and recycling bins fortnightly, on collection day. The number of bins will exceed the two belonging to the owner of the lot burdened and will include two bins for every lot entitled to place bins in the bin storage area in accordance with Restriction on the Use of Land; and
 - f) release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf.

- 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.

- 12.13.7.2 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 Councils 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. Truck swept paths have yet to be provided to demonstrate suitable truck access around the site.

- 12.13.7.3 An easement or public positive covenant is required to Council's satisfaction over any lots adjoining the required temporary turning heads which aim to provide safe truck access and turning around the site. 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.

12.13.8 **OTHER MATTERS**

- 12.13.8.1 Provide maintenance requirements for the bioretention and detention basin in accordance with the *WSUD Inspection and Maintenance Guidelines* available on Council's website. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

12.14 **Service Authority Approvals**

- 12.14.1 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 Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available 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.

13 **Operational (Planning)**

13.1 **Use of Premises**

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

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

13.2 **Access/Parking**

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

13.3 General

- 13.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.3.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 13.3.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

13.4 Landscaping

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

13.5 Notice to prospective purchasers

- 13.5.1 The Applicant must disclose a copy of the following report for the sale of any lot created pursuant to this consent:
 - a. "Reverse Amenity Odour Assessment – 108 Burdekin Road, Schofields NSW" dated 2 August 2019;

The purpose of this disclosure is to bring to the attention of prospective purchasers the existence of nearby odour omitting land uses.

14 OPERATIONAL (ENVIRONMENTAL HEALTH)

14.1 Environmental Management

- 14.1.3 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 14.1.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.5 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.
- 14.1.6 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.