

Conditions of consent (draft)

Proposed development	Integrated Housing consisting of 41 attached dwellings, 26 semi-detached dwellings, 2 dwelling houses, 2 studio dwellings with associated community title and strata subdivisions within Stockland Precinct 6B (known as MD8) on proposed Lot 5190 approved under SPP-17-00044
Property description	Lot 2 DP 1225885 Richmond Road, Marsden Park

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 – Subdivision 6.3 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 approved development until such time as the development has been completed in accordance with all of the conditions of consent, 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 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.3 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, 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.

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) 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 and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. 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 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.

1.4.3 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.

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

1.5 Identification Survey

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

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

- 1.6.1 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.

1.7 Engineering Notes

- 1.7.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

- 1.7.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

1.8 Payment of Engineering Fees

- 1.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

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

- 1.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering subdivision works, the applicant must:

- Complete application form

- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

1.9 Other Matters

- 1.9.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the preceding subdivision that creates the superlot development site.

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.	Drawing Name	Prepared by	Date/Revision
Community Title Plan of Subdivision			
108-12GL45 (00)-MD8-Community Overall - Sheet 1	MD8-Community Overall - Sheet 1	Craig & Rhodes	9/09/2019
108-12GL45 (00)-MD8-Community- Stage 1 - Sheet 2	MD8-Community Title Stage 1	Craig & Rhodes	9/09/2019
108-12GL45 (00)-MD8-Community- Stage 2 - Sheet 3	MD8-Community Title Stage 2 – Subdivision of Lot 9 in Stage 1	Craig & Rhodes	9/09/2019
108-12GL45 (00)-MD8-Community- Stage 3 - Sheet 4	MD8-Community Title Stage 3 – Subdivision of Lot 10 in Stage 1	Craig & Rhodes	9/09/2019
108-12GL45 (00)-MD8-Community- Stage 4 - Sheet 5	MD8-Community Title Stage 4 – Subdivision of Lot 11 in Stage 1	Craig & Rhodes	9/09/2019
Strata Plan of Subdivision			
08-12-MD8-SP8	Subdivision of Lot 8 in Stage 1- Strata Subdivision	Craig & Rhodes	11/9/2019
08-12-MD8-SP12	Subdivision of Lot 12 in Stage 1- Strata Subdivision	Craig & Rhodes	11/9/2019
Architectural Plans			
DA2-100/1	Cover Page	DKO	04/09/2019 Rev. I
DA2-200/1	Site Analysis & Site Plan	DKO	04/09/2019 Rev. I
DA2-300/1	Ground A Lots 02 - 47	DKO	04/09/2019 Rev. I
DA2-300/2	Ground B Lots 02 - 47	DKO	04/09/2019 Rev. I
DA2-300/3	First A Lots 02 - 47	DKO	04/09/2019 Rev. I
DA2-300/4	First B Lots 02 - 47	DKO	04/09/2019 Rev. I
DA2-300/5	Roof A Lots 02 - 47	DKO	04/09/2019 Rev. I
DA2-300/6	Roof B Lots 02 - 47	DKO	04/09/2019 Rev. I

Drawing No.	Drawing Name	Prepared by	Date/Revision
DA2-400/1	Streetscapes	DKO	04/09/2019 Rev. I
DA2-400/2	Streetscapes	DKO	04/09/2019 Rev. I
DA2-500/1	Shadow Diagrams	DKO	04/09/2019 Rev. I
DA2-500/2	Shadow Diagrams	DKO	04/09/2019 Rev. I
DA2-500/2	Shadow Diagrams	DKO	04/09/2019 Rev. I
DA2-500/4	Shadow Diagrams	DKO	04/09/2019 Rev. I
P6 DA2 (SPP-18-00002) - GROUP PLAN SERIES			
DA2-601/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-601/2	Ground Floor Plan	DKO	04/09/2019 Rev. G
DA2-601/3	First Floor Plan	DKO	04/09/2019 Rev. G
DA2-601/4	Roof Plan	DKO	04/09/2019 Rev. G
DA2-601/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-601/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-602/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-602/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-602/3	First Floor Plans	DKO	04/09/2018 Rev. G
DA2-602/4	Roof Plans	DKO	04/09/2018 Rev. G
DA2-602/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-602/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-603/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-603/2	Ground Floor Plans	DKO	04/09/2018 Rev. G
DA2-603/3	First Floor Plans	DKO	04/09/2018 Rev. B
DA2-603/4	Roof Plans	DKO	04/09/2018 Rev. B
DA2-603/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-603/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-604/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-604/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-604/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-604/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-604/5	Elevations 01	DKO	04/09/2019 Rev. G

Drawing No.	Drawing Name	Prepared by	Date/Revision
DA2-604/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-605/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-605/2	Ground Floor Plan	DKO	04/09/2019 Rev. G
DA2-605/3	First Floor Plan	DKO	04/09/2019 Rev. G
DA2-605/4	Roof Plan	DKO	04/09/2019 Rev. G
DA2-605/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-605/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-606/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-606/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-606/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-606/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-606/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-606/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-607/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-607/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-607/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-607/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-607/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-607/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-608/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-608/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-608/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-608/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-608/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-608/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-609/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-609/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-609/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-609/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-609/5	Elevations 01	DKO	04/09/2019 Rev. G

Drawing No.	Drawing Name	Prepared by	Date/Revision
DA2-609/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-610/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-610/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-610/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-610/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-610/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-610/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-611/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-611/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-611/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-611/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-611/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-611/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-612/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-612/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-612/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-612/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-612/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-612/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-613/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-613/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-613/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-613/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-613/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-613/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-614/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-614/2	Ground Floor Plan	DKO	04/09/2019 Rev. G
DA2-614/3	First Floor Plan	DKO	04/09/2019 Rev. G
DA2-614/4	Roof Plan	DKO	04/09/2019 Rev. G
DA2-614/5	Elevations 01	DKO	04/09/2019 Rev. G

Drawing No.	Drawing Name	Prepared by	Date/Revision
DA2-614/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-615/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-615/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-615/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-615/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-615/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-615/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-616/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-616/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-616/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-616/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-616/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-616/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-617/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-617/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-617/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-617/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-617/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-617/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-618/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-618/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-618/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-618/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-618/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-618/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-619/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-619/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-619/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-619/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-619/5	Elevations 01	DKO	04/09/2019 Rev. G

Drawing No.	Drawing Name	Prepared by	Date/Revision
DA2-619/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-620/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-620/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-620/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-620/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-620/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-620/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-621/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-621/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-621/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-621/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-621/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-621/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-622/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-622/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-622/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-622/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-622/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-622/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-623/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-623/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-623/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-623/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-623/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-623/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-624/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-624/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-624/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-624/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-624/5	Elevations 01	DKO	04/09/2019 Rev. G

Drawing No.	Drawing Name	Prepared by	Date/Revision
DA2-624/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G
DA2-625/1	Cover Page	DKO	04/09/2019 Rev. G
DA2-625/2	Ground Floor Plans	DKO	04/09/2019 Rev. G
DA2-625/3	First Floor Plans	DKO	04/09/2019 Rev. G
DA2-625/4	Roof Plans	DKO	04/09/2019 Rev. G
DA2-625/5	Elevations 01	DKO	04/09/2019 Rev. G
DA2-625/6	Elevations 02 & Section	DKO	04/09/2019 Rev. G

Reference No	Document	Prepared By	Date
Nil	Elara Medium Density P6 DA3 - Landscape Report Precinct 6 DA2 – Pages 8 to 16**	GroupGSA	December 2017 Rev 4 dated 22/12/2017
DL3492_S0029172917	Soil Salinity and Agressivity Assessment	DLA Enviromental Consultants Pty Ltd	May 2015

*Unless modified by any conditions of this consent.

** To be amended in accordance to the approved site plan

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: MARSDEN PARK

2.4 Compliance with BASIX Certificate

- 2.4.1 All commitments listed in BASIX Certificates 891001S_03, 891003S_03, 891004S_02, 891005S_02, 891006S_02, 891007S_02, 891662M_02, 891663M_05, 891266S_03, 891268S_03, 891616S_04, 891618S_05, 891565S_03, 891566S_03, 891619S_04, 891620S_04, 891579S_03, 891575S_03, 891622S_03, 891280S_03, 891282S_03, 891623S_03, 891624S_03, 891283_03S, 891284S_03, 891625S_03, 891627S_03, 891288S_03, 891289S_03, 891628S_03, 891630S_03, 891292S_03, 891301S_03, 891631S_04, 891634S_03, 891303S_04, 891306S_04, 891635S_03, 891636S_03, 891307S_04, 891309S_04, 891637S_03, 891638S_03, 891312S_04, 891315S_03, 891639S_03, 891641S_03, 891317S_04, 891642S_03, 891008S_03, 891009S_03, 891011S_03, 891190S_03, 891195S_03, 891198S_03, 891201S_03, 891206S_03, 891224S_03, 891225S_03, 891229S_03, 891233S_03, 891237S_03, 891243S_03, 891244S_03, 891246S_03, 891253S_03, 891257S_03, 891259S_03, 891262S_03 dated 05 September 2019 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 Soil Erosion and Sediment Control Policy (Current Version)

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

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

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

2.5.1.2 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.

2.5.1.3 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 *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- 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 shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

2.6 Other Matters

2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

- 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 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 and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee

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 Services/Utilities

- 3.3.1 The following documentary evidence shall accompany any 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.

3.4 Street tree planting

- 3.4.1 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:

- (a) cross-sections showing dimensions of tree pits
- (b) species
- (c) details of root protection barriers
- (d) soil specifications
- (e) 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.

4 Prior to construction certificate (Planning)

4.1 Necessary plan amendments

- 4.1.1 All roof cladding shall be in light to mid colours and not be in dark tones.
- 4.1.2 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:
 - (a) The proposed attached dwellings on Lots 23-53 along the northern boundary (Abell Road) are to have a minim front setback of 4.5m to the building faced line (the dwellings are to be shifted towards the south for 0.5m).
 - (b) The landscape plan is to be amended to be consistent with the approved site plan.

4.2 Aesthetics

- 4.2.1 All bathroom, w.c and laundry windows in the external walls of the dwellings shall be fitted with translucent glazing.
- 4.2.2 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.

4.3 Access/Parking

- 4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1 unless specified elsewhere under this Consent.
- 4.3.2 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.3 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.

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

Covered Double Garage: 5.5m x 5.5m

Single Garage: 3m x 5.5m

Uncovered Car Space: 2.5m x 5.4m

4.4 Site Contamination

- 4.4.1 Prior to issue of the construction certificate, a final site contamination validation report is to be submitted to Council confirming the suitability of Lot 5190 approved under SPP-17-00044 for the residential development. The Validation Report shall be prepared by a suitably qualified geoscientist engaged under the terms of Council's Contaminated Lands Policy and in accordance with National Environmental Protection (Assessment of Site Contamination Measure) and shall be carried out in accordance with the strict residential use criteria as set out in the National Environmental Protection (Assessment of Contamination Measures) (NEPM) 1999 as amended 2013.

4.5 Salinity

- 4.5.1 The recommendations of the post earthworks salinity investigation report required for Lot 5190 under SPP-17-00044 for construction materials of floor slab, footings and internal beams in accordance with AS2870-2011 'Residential Slabs and Footings' are to be identified on the construction certificate plans and adhered to in foundation of the dwellings.

4.6 Aboriginal Archaeology

- 4.6.1 The applicant shall comply with the mitigation measures and recommendations of the Aboriginal Heritage Impact Permit (AHIP) issued over this site.

4.7 Fencing

- 4.7.1 All front side and rear fencing is to be in accordance with the submitted details 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.
- 4.7.2 All internal and external boundary retaining walls are to be constructed of masonry.
- 4.7.3 All fencing is to be erected on top of any retaining work at full cost to the developer.

4.8 Waste Management

- 4.8.1 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>
- 4.8.2 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans with each bin indicated.
- 4.8.3 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.
- 4.8.4 The applicant must ensure that the communal bin pads (if on private property), are line marked and sign posted for their use as a bin collection point to prevent parking in this area.

4.9 Voluntary Planning Agreement

- 4.9.1 Prior to the issue of any construction certificate, any relevant obligation required by the applicant in the planning agreements for MD8- **Precinct 6**, 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.

4.10 Special Infrastructure Contribution

- 4.10.1 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/guage/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.

4.11 Local Infrastructure Growth Scheme

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

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

Contribution Item	Amount	Relevant C.P
i. Stormwater Quantity	\$574,888.00	CP 21
ii. Stormwater Quality	\$ 77,495.00	CP 21
iii. Traffic management	\$261,892.00	CP 21
iv. Open Space	\$1,670,385.00	CP 21
v. Community Facilities	\$21,455.00	CP 21
vi. Conservation Zone	\$53,119.00	CP 21
vii. Aquatic Facility	\$34,951.00	CP 21
Total contributions	\$2,694,185.00	

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

Developable Area: 1.51ha

Additional Population: 161.5 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:

S.94 CP No. 21 – Marsden Park

The Section 7.11 Contribution(s) have been based on the total developable area, and/or the potential additional population nominated above. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly.

5 Prior to Construction Certificate (Building)

5.1 Building Code of Australia compliance

5.1.1 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).

5.2 Site works and drainage

5.2.1 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.

5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm 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.

5.2.3 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.

5.3 External wall cladding

5.3.1 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the external material and finishes schedule

submitted with the application. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans. Materials and finishes including the external wall cladding of the development are to comply with the requirements of the Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018 and State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018 which commenced on 22 October 2018.

5.4 BASIX Certificate Compliance

- 5.4.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 891001S_03, 891003S_03, 891004S_02, 891005S_02, 891006S_02, 891007S_02, 891662M_02, 891663M_05, 891266S_03, 891268S_03, 891616S_04, 891618S_05, 891565S_03, 891566S_03, 891619S_04, 891620S_04, 891579S_03, 891575S_03, 891622S_03, 891280S_03, 891282S_03, 891623S_03, 891624S_03, 891283_03S, 891284S_03, 891625S_03, 891627S_03, 891288S_03, 891289S_03, 891628S_03, 891630S_03, 891292S_03, 891301S_03, 891631S_04, 891634S_03, 891303S_04, 891306S_04, 891635S_03, 891636S_03, 891307S_04, 891309S_04, 891637S_03, 891638S_03, 891312S_04, 891315S_03, 891639S_03, 891641S_03, 891317S_04, 891642S_03, 891008S_03, 891009S_03, 891011S_03, 891190S_03, 891195S_03, 891198S_03, 891201S_03, 891206S_03, 891224S_03, 891225S_03, 891229S_03, 891233S_03, 891237S_03, 891243S_03, 891244S_03, 891246S_03, 891253S_03, 891257S_03, 891259S_03, 891262S_03 dated 05 September 2019.

6 Prior to Construction Certificate (Engineering)

6.1 General

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Issue	Dated
Arcadis	10009694	04	12/09/2019

6.2 Construction Certificate Requirements

- 6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:
- Shared driveway rigid pavement
 - Inter-allotment drainage (created within the subject lot)

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

6.3 Other Engineering Requirements

- 6.3.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 6.3.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.3.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 6.3.4 In regard to the proposed 'No Stopping' signage external to the site boundaries, the applicant is to provide evidence of a formal submission to the Local Traffic Committee (LTC) through Council's Traffic Engineering department. A determination will be required prior to the implementation of all signage works, and confirmation of approval from the LTC with all works complete will be necessary prior to the issue of a subdivision certificate.

6.4 Private Roads

- 6.4.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory.
- 6.4.2 Any approved design drawings must show a 1m x 1m splay for the community title road at each street intersection.
- 6.4.3 All community title roads 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" and "Austroads Guide to Pavement Technology Part 4C: Materials for Concrete Road Pavements".
- 6.4.4 All community title roads shall be designed and constructed as follows:

Road Name / Lots Benefited	Rigid Pavement Width (m)	Road Formation (m)	Concrete Strength
ML04	6.0	1.0 – 6.0 – 1.0	32 MPa (min.)
ML05			
ML06			

6.5 Drainage

- 6.5.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.5.2 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.
- 6.5.3 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
- (a) the depth of the invert of the existing pipeline, and/or
 - (b) the depth of the invert of the proposed pipeline.

All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

- 6.5.4 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.

6.6 Erosion and Sediment Control

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

6.7 Boundary Levels

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

6.8 Vehicular Crossings

- 6.8.1 Construct a residential vehicular crossing to Council's standard A(BS)103S for each driveway.

7 Prior to Development Works (Building)

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 40mm or larger aggregate placed 150mm 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 Customer Centre or Quick Check Agent, 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 Quick Check Agent details, 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.

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 roof water 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 40mm or larger aggregate placed 150mm 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 Certifying Authority 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 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, 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 225mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.

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 Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA 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 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.
 - (b) 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.

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.

- 8.11.2 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.
- 8.11.3 The applicant shall comply with the mitigation measures and recommendations of the any Aboriginal Heritage Impact Permit (AHIP) issued on the site.

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 five (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 \$20,000,000.00 Indemnity and Workers Compensation.

9.3 Service Authority Approvals

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

9.4 Soil Erosion and Sediment Control Measures

- 9.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.4.2 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.
- 9.4.3 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.

9.5 Works - Environmental Planning and Assessment Act 1979.

- 9.5.1 Comprehensive inspection report(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection report(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, only compliance certificates issued by accredited certifiers will be accepted. All inspection report(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

9.6 Inspection of Engineering Works - Roads Act 1993

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

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6am – 7.15am, 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).

9.7 Public Safety

- 9.7.1 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.

9.8 Site Security

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

10 Prior to Occupation Certificate

10.1 Road damage

- 10.1.1 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.
Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

10.2 Site Access

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

10.3 Lot Registration

- 10.3.1 The land to which this approval relates being Lot 5190 is to be identifiable with a Lot and Deposited Plan number and registered with NSW Land Registry Services.

10.4 Services/Utilities Authorities

- 10.4.1 The following documentary evidence shall accompany any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. . The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
 - (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
 - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

10.5 Compliance with Conditions

- 10.5.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than conditions agreed to by Council and “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.

10.6 Landscaping/Car Parking

- 10.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 10.6.2 All required internal driveways shall be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

10.7 Other Matters

- 10.7.1 All commitments listed in the BASIX Certificates Nos 891001S_03, 891003S_03, 891004S_02, 891005S_02, 891006S_02, 891007S_02, 891662M_02, 891663M_05, 891266S_03, 891268S_03, 891616S_04, 891618S_05, 891565S_03, 891566S_03, 891619S_04, 891620S_04, 891579S_03, 891575S_03, 891622S_03, 891280S_03, 891282S_03, 891623S_03, 891624S_03, 891283_03S, 891284S_03, 891625S_03, 891627S_03, 891288S_03, 891289S_03, 891628S_03, 891630S_03, 891292S_03, 891301S_03, 891631S_04, 891634S_03, 891303S_04, 891306S_04, 891635S_03, 891636S_03, 891307S_04, 891309S_04, 891637S_03, 891638S_03, 891312S_04, 891315S_03, 891639S_03, 891641S_03, 891317S_04, 891642S_03, 891008S_03, 891009S_03, 891011S_03, 891190S_03, 891195S_03, 891198S_03, 891201S_03, 891206S_03, 891224S_03, 891225S_03, 891229S_03, 891233S_03, 891237S_03, 891243S_03, 891244S_03, 891246S_03, 891253S_03, 891257S_03, 891259S_03, 891262S_03 dated 05 September 2019 shall be complied with .
- 10.7.2 Mailboxes are to be provided on site in accordance with the requirements of Australia Post.
- 10.7.3 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.
- 10.7.4 The applicant must provide an individual 240L waste and 240L recycling service to each dwelling consistent with Council’s mobile garbage bin service. Should Council provide this service, we require the elected the Owners Corporation/Community Management Association to sign our ‘Onsite Waste Collection Agreement Form’ before collections can occur onsite.
- 10.7.5 A Community Management Agreement/Strata Management Agreement must exist which:
- (a) clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area. Bins must be placed out for collection no earlier than 12 hours before the collection day for that area. The bins must be withdrawn from the kerbside to its corresponding lot on the day of collection.
 - (b) clearly states that unwanted bulky waste such as lounges, mattresses and fridges must only be placed out for collection the night before the scheduled collection date provided by Council if we are servicing the site. Collection of these

- items must be in accordance with our Resource (waste) Management Services Charter. Please call Council to book in a collection date.
- (c) clearly outlines a responsibility of residents to manage their bins and bulky waste onsite in accordance with the approved waste management plan.
 - (d) clearly outlines the responsibility for maintenance of the waste collection points and ensure they are clear and unobstructed prior to collection times.
 - (e) clearly outlines the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
 - (f) includes the updated (and approved) waste management plan as lodged with the development application.
 - (g) clearly outlines the travel path to take bins from the storage area to the designated collection points.

10.8 Fee Payment

- 10.6.1 Fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

10.9 Relationship to Other Approvals

- 10.9.1 Compliance with the requirements of the following nominated approvals:

- (a) Development Consent No. SPP-17-00044 dated 27/06/2017 issued by Blacktown City Council
- (b) Construction Certificate No. 15247 (MOD-19-00078) dated 26/02/2019 issued by Land Development Certificates
- (c) Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993.

The conditions contained within the above approvals must be fully complied with in order to obtain release of the final plan of subdivision.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the development is/are required to be issued in relation to any element, component or system incorporated in the development. A copy of each required Compliance Certificate shall be lodged with Council.

10.10 Engineering Matters

10.10.1 Surveys/Certificates/Works As Executed Plans

- 10.10.1.1 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 softcopy (PDF format) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 10.10.1.2 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 10.10.1.3 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

- 10.10.1.4 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 (LTC) and adaptation by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 10.10.1.5 A structural certificate shall be submitted by a qualified Engineer (NER or CPEng) for the construction of rigid pavements approved by the scope of this consent.
- 10.10.1.6 The submission to Council of 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, the final inspections can be arranged through Council's Coordinator of Engineering Approvals, contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

10.10.2 **Easements/Restrictions/Positive Covenants**

- 10.10.2.1 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 Lands Title Office.
- 10.10.2.2 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Council's Engineering Guide for Development (current issue).
- 10.10.2.3 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.

10.10.3 **Inspections**

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

11 **Prior to Issue of the Subdivision 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 **Relationship to Other Approvals**

- 11.2.1 Compliance with the requirements of the following nominated approvals:
 - (a) Development Consent No. SPP-17-00044 dated 27/06/2017 issued by Blacktown City Council
 - (b) Construction Certificate No. 15247 (MOD-19-00078) dated 26/02/2019 issued by Land Development Certificates

- (c) Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993.

The conditions contained within the above approvals must be fully complied with in order to obtain release of the final plan of subdivision.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the development is/are required to be issued in relation to any element, component or system incorporated in the development. A copy of each required Compliance Certificate shall be lodged with Council.

11.3 Consent Compliance

- 11.3.1 A Subdivision Certificate shall not be issued until all conditions unless agreed to by Council or allowed by other conditions of this consent , have been satisfied.

11.4 Voluntary Planning Agreement

- 11.4.1 Prior to the issue of any subdivision certificate, any relevant obligation required by the applicant in the planning agreements for MD8- **Precinct 6**, 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.

11.5 Special Infrastructure Contribution

- 11.5.1 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/guage/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.

11.6 Local Infrastructure Growth Scheme

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

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

Contribution Item	Amount	Relevant C.P
viii. Stormwater Quantity	\$574,888.00	CP 21
ix. Stormwater Quality	\$ 77,495.00	CP 21
x. Traffic management	\$261,892.00	CP 21
xi. Open Space	\$1,670,385.00	CP 21
xii. Community Facilities	\$21,455.00	CP 21
xiii. Conservation Zone	\$53,119.00	CP 21
xiv. Aquatic Facility	\$34,951.00	CP 21
Total contributions	\$2,694,185.00	

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

Developable Area: 1.51ha

Additional Population: 161.5 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.

S.94 CP No. 21 – Marsden Park

The Section 7.11 Contribution(s) have been based on the total developable area, and/or the potential additional population nominated above. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly.

11.7 Easements/Restrictions/Positive Covenants

11.7.1 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 Lands Title Office.

11.7.2 An appropriate easement/covenant/restriction for access, maintenance and repair pursuant to Section 88B of the Conveyancing Act 1919 shall be created for any zero lot line walls benefiting and burdening the subject lots accordingly.

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).

11.7.3 The Creation of a Community Title Access Way over Lot 1

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

11.7.3.2 The owner of the lot burdened acknowledge that it is not the responsibility of Blacktown City Council to maintain, repair or dispute any matter in regards the open access way as it is a community lot and any dispute is a matter to be resolved with the relevant parties.

11.8 Site access

11.8.1 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.

NOTE: Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land shall must be negotiated with and fully endorsed by the relevant Council Directorates.

11.9 Consent compliance

11.9.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied unless stated elsewhere or agreed to by Council under this consent.

11.10 Fee payment

11.10.1 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.

11.11 Final plans

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

11.12 Community Plan of Management

11.12.1 Prior to the release of the Linen Plan, the applicant is to submit a copy of the Community Management Statement to Council to review. This Statement is to include relevant details of the ongoing shared maintenance and repair of the Community Lot, establishment and regulation of the Community Body Corporate and access to the Community Lot to maintain residential dwellings.

NOTE: The final wording of the Management Statement shall be to Council's satisfaction.

11.12.2 The Community Title Road is to be appropriately named and signposted in accordance with Council's Policy. In this regard, the Community Title Road name is to be confirmed with Council's Land Information Unit and use the suffix "Glade".

11.13 Engineering Matters

11.13.1 Surveys/Certificates/Works As Executed Plans

- 11.13.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A softcopy (PDF format) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 11.13.1.2 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 11.13.1.3 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 11.13.1.4 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 (LTC) and adaptation by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 11.13.1.5 A structural certificate shall be submitted by a qualified Engineer (NER or CPEng) for the construction of rigid pavements approved by the scope of this consent.
- 11.13.1.6 The submission to Council of 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, the 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.

11.14 Easements/Restrictions/Positive Covenants

- 11.14.1 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 Lands Registry Services.
- 11.14.1.1 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 11.14.2 A Restriction to User with Council's standard wording must be placed on all lots identified as Filled Lots in the lot fill diagram.
- 11.14.3 A Restriction as to User over Proposed Lots 2-72 is to be created under Section 88B of the Conveyancing Act 1919 in the following terms:
 - (a) All pipes and services are located wholly within each property or within appropriate easements;
 - (b) No services are to encroach boundaries;

- (c) A Surveyor's Certificate is to be provided to the PCA certifying that all pipes and services for each dwelling are located wholly within each property and that no services encroach boundaries;
- (d) The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policies. Part 2 of the 88B instrument shall contain a provision that any easements, rights of way or covenants shall not be extinguished or altered without the written consent of Council.

The Restriction as to User may not be extinguished or altered except with the consent of Blacktown City Council.

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

- 11.14.4 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."

- 10.14.5 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).
- 11.14.6 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.
- 11.14.7 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.

11.15 Dedications

- 11.15.1 Dedication at no cost to Council of 5m x 5m (residential) splay corners on allotments at each street intersection.

11.16 Inspections

- 11.16.1 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.

11.17 Easements/Restrictions/Positive Covenants - Waste management

- 11.17.1 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, green waste and recycling from each of those lots.
- 11.17.2 The public positive covenant must require the lot owners to covenant on behalf of themselves and all occupants of the lots to:
- (a) store all forms of garbage, green waste and recycling within the appropriate garbage bins on their respective lots;
 - (b) place all garbage, green waste and recycling bins in the designated communal garbage, green waste and recycling collection area within 12 hours of the collection time;
 - (c) collect and return the empty garbage, green waste and recycling bins to their respective lots within 12 hours after collection has taken place; and
 - (d) place whitegoods and large household items in the designated communal bulky waste collection area not more than 12 hours before each date allocated by the Prescribed Authority for the collection of such items.
- 11.17.3 The public positive covenant must:
- (a) contain a plan, compliant with the requirements of NSW Land Registry Services, indicating the designated communal area/s within the development for the collection of garbage, green 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.

11.17.4 Terms of Positive Public Covenant

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, green waste and recycling within the appropriate garbage bin areas designated on the plan for the Lot Burdened;
- (b) place all garbage, green waste and recycling bins in the communal garbage, green waste and recycling collection area, designated on the plan for the Lot Burdened, within 12 hours of the collection time;
- (c) collect and return the empty garbage, green waste and recycling bins to the Lot Burdened within 12 hours after 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, not more than 12 hours before each date allocated by the Prescribed Authority for the collection of such items; and
- (e) 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.

11.17.5 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.

11.18 Service Authority Approvals

11.18.1 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 Energy provider, 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.

12 Operational (Planning)

12.1 Use of Premises

12.1.1 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.

12.2 Access/Parking

- 12.2.1 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.

12.3 General

- 12.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.3.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 12.3.3 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.

12.4 Landscaping

- 12.4.1 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.

12.5 Fee Payment

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

12.6 Waste Management

- 12.6.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 12.6.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.