

Modification of Development Consent

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I determine the modification of the State Significant Development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Ben Lusher
Director
Key Sites Assessments

Sydney 28 APRIL 2016

SCHEDULE 1

Application No.:	SSD 5175 MOD 1
Applicant:	Western Sydney Parklands Trust
Consent Authority	Minister for Planning
Land:	Eastern Park Business Hub, Rooty Hill (Western Sydney Parklands)
Project:	Eastern Creek Business Hub Staged Development Application, including: • A concept proposal for a new retail centre comprising 52,800 sqm gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses and a development structure including land uses; site layout; building envelopes; and design parameters. • Stage 1 subdivision and early works including super lot subdivision to create three developable allotments and one residual allotment; construction of an access road; bulk and detailed earthworks; stormwater management; civil engineering works; landscaping; and rehabilitation of the existing woodland areas identified for open space/conservation.
Modification:	Modifications to: • transfer the Beggs Road easement into Phase 1B and Phase 2 of the business hub land; • maintain and incorporate the proposed pedestrian link to Church Street into Phase 2 of the development; • reconfigure the stormwater drainage system including provision of a second on-site detention basin; • undertake additional bulk earthworks to include remediation, establishing pad sites 1, 2, 3 and 4 and accommodate the amended stormwater drainage system; • allow any residual large format retail gross floor area (GFA) up to the approved maximum to be used as bulky goods GFA, and a maximum of 500m² of residual supermarket GFA to be used as specialty shops/small business GFA; and • amend the timing of the Deed of Agreement with RMS.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- (a) The following conditions are included or amended by the insertion of the **bold and underlined** words /numbers and deletion of the ~~struck-out~~ words / numbers as follows:

SCHEDULE 2 – TERMS OF APPROVAL FOR CONCEPT PROPOSAL

Development Description

- A1 Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions, **associated documents submitted with Modification 1**, and the conditions contained in this development consent.

Development in Accordance with Plans and Documents

- A4 The applicant shall carry out the development generally in accordance with the:
- Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement prepared by Architectus dated September 2012, as amended by the
 - Eastern Creek Business Hub State Significant Development SSD 5175 Response to Submissions prepared by Architectus dated April 2014; and
 - Eastern Creek Business Hub Design Guidelines prepared by Architectus dated 12 February 2014; and
 - S.96(2) SSD Modification 5175 Eastern Creek Business Hub prepared by JBA Urban Planning Consultants Pty Ltd dated August 2015; and**
 - State Significant Development (SSD 5175) MOD 1 Rooty Hill Road South, Eastern Creek Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016; and**
 - following drawings, except for:
 - any modifications which are 'Exempt' or 'Complying Development'; and
 - otherwise provided by the conditions of this consent.

Concept Proposal			
Concept Plans prepared by Architectus			
Drawing No.	Revision	Name of Plan	Date
EIS-01 (G)	<u>A</u>	Structure Plan	24 July 2013 <u>19 August 2015</u>
	<u>D</u>	<u>Stage 1 Early Works – Phasing Plan</u>	<u>19 August 2015</u>
EIS-05 (H)	<u>C</u>	Preferred Indicative Plan	24 July 2013 <u>19 August 2015</u>
EIS-03 (G)	<u>B</u>	Enabling Infrastructure Works	24 July 2013 <u>19 August 2015</u>
Landscape Plans prepared by Urbis			
LA01	06	Illustrative Landscape Masterplan	27 August 2012

Maximum Gross Floor Area (GFA)

- A7 The maximum GFA for the total development shall not exceed 52,800 sqm and the individual land use components shall have a maximum GFA as follows:

Land Use	Maximum GFA (sqm)	
bulky goods	29,300	<u>Any residual large format retail GFA may be transferable to bulky goods GFA provided the combined maximum GFA for bulky goods and large format retail does not exceed 43,300m².</u>
large format retail	14,000	

convenience retail - supermarket - specialty shops/small business	9,500 (4,000) (5,500)	<u>A maximum of 500m² of residual supermarket GFA may be transferable to specialty shops/small business GFA provided the maximum GFA for convenience retail does not exceed 9,500m².</u>
TOTAL	52,800	

Ownership

A9 Western Sydney Parklands Trust (WSPT) is to retain ownership of the basins and the internal roads.

Stormwater

B12 Future development applications for the construction of buildings shall include a stormwater management plan in accordance with the *Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques* prepared by J. Wyndham Prince dated March 2013 and as amended by Civil Engineering Report: Amendment to State Significant Development 5175-2012 prepared by Costin Roe dated 4 August 2015 and Response Letter dated 23 December 2015 and council's *Engineering Guide for Development 2005*.

SCHEDULE 3 - CONDITIONS OF CONSENT FOR STAGE 1 SUBDIVISION AND EARLY WORKS

Development in Accordance with Plans and Documents

- A2** The applicant shall carry out the 'Stage 1 subdivision and early works' generally in accordance with the:
- Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement* prepared by Architectus dated September 2012, as amended by the
 - Eastern Creek Business Hub State Significant Development SSD 5175 Response to Submissions* prepared by Architectus dated April 2014; and
 - Eastern Creek Business Hub Design Guidelines* prepared by Architectus dated 12 February 2014; and
 - S.96(2) SSD Modification 5175 Eastern Creek Business Hub** prepared by JBA Urban Planning Consultants Pty Ltd dated August 2015; and
 - State Significant Development (SSD 5175) MOD 1 Rooty Hill Road South, Eastern Creek Response to Submissions** prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016; and
 - following drawings, except for:
 - any modifications which are 'Exempt' or 'Complying Development'; and
 - otherwise provided by the conditions of this consent.

Stage 1 Subdivision			
Subdivision drawing prepared by Land partners			
Drawing No.	Revision	Name of Plan	Date
S073106	AMD 7b	Proposed Subdivision of Eastern Creek Business Hub Rooty Hill Road South, Eastern Creek	24 May 2013
Early works drawings prepared by Architectus			
EIS-04(H)	<u>D</u>	Stage 1 Early Works Phasing Plan	24 July 2013 <u>19 August 2015</u>
	<u>B</u>	<u>Enabling Infrastructure Works</u>	<u>19 August 2015</u>
Civil Works Plan prepared by Costin Roe Consulting			
<u>C012693.00-DA10</u>	<u>B</u>	<u>Drawing List & General Notes</u>	<u>21 July 2015</u>
<u>C012693.00-DA15</u>	<u>B</u>	<u>Overall Site Plan</u>	<u>21 July 2015</u>
<u>C012693.00-DA20</u>	<u>B</u>	<u>Erosion & Sediment Control Plan</u>	<u>21 July 2015</u>

<u>C012693.00-DA25</u>	<u>B</u>	<u>Erosion & Sediment Control Details</u>	<u>21 July 2015</u>
<u>C012693.00-DA30</u>	<u>B</u>	<u>Bulk Earthworks Plan</u>	<u>21 July 2015</u>
<u>C012693.00-DA31</u>	<u>A</u>	<u>Retaining Wall Plan</u>	<u>4 August 2015</u>
<u>C012693.00-DA32</u>	<u>A</u>	<u>Retaining Wall Details</u>	<u>4 August 2015</u>
<u>C012693.00-DA35</u>	<u>C</u>	<u>Bulk Earthworks Sections Sheet 1</u>	<u>4 August 2015</u>
<u>C012693.00-DA40</u>	<u>C</u>	<u>Stormwater Drainage Plan</u>	<u>4 August 2015</u>
<u>C012693.00-DA41</u>	<u>B</u>	<u>Stormwater Catchment Plan</u>	<u>21 July 2015</u>
<u>C012693.00-DA42</u>	<u>B</u>	<u>Stormwater Drainage Longsections – Sheet 1</u>	<u>21 July 2015</u>
<u>C012693.00-DA45</u>	<u>B</u>	<u>Stormwater Drainage Details – Sheet 1</u>	<u>21 July 2015</u>
<u>C012693.00-DA46</u>	<u>B</u>	<u>Stormwater Drainage Details – Sheet 2</u>	<u>21 July 2015</u>
<u>C012693.00-DA50</u>	<u>B</u>	<u>Road 1 Finished Levels Plan</u>	<u>21 July 2015</u>
<u>C012693.00-DA51</u>	<u>B</u>	<u>Toad 1 Longitudinal Section</u>	<u>21 July 2015</u>
<u>C012693.00-DA55</u>	<u>B</u>	<u>Road Typical Cross Sections</u>	<u>21 July 2015</u>
Road Improvement Works Sketch prepared by J. Wyndham Prince			
8801/SK04	H	Proposed Works Sketch	22 May 2013
Landscape Plans prepared by Urbis			
LA06	00	Phase 1 – Recommended Plant Species	27 August 2012
LA07	00	Phase 1 – Landscape furniture Palette	24 August 2012
LA08	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA09	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA10	00	Phase 1 – Street Tree Planting Works	30 August 2012

European Archaeological Heritage

A9 The key recommendations of the Archaeological Assessment Management Plan prepared by Biosis shall be implemented during all stages of the development

Biodiversity Offset Strategy

B2 The applicant shall retire 46.3 ecosystem credits of Grey Box-Forest Red Gum woodland at the Chandos Street West Biobank Site (Biobank Site 70) in accordance with the offset strategy in the ecological assessment prepared by Ecological Australia dated August 2012 to offset the loss of 1.93 hectares of Cumberland Plain Woodland (sub community) on the subject site **prior to any clearing**.

Road Infrastructure Works

~~B9 The applicant shall provide written evidence to the Certifying Authority that it has entered into a Deed agreement with Roads and Maritime Services in accordance with the details outlined in the correspondence from Roads and Maritime Services dated 6 June 2014, and the Proposed Works Sketch prepared by J Wyndham Prince No. 8801/SK04 issue H dated 22 May 2013.~~

Vegetation Management Plan (VMP)

B10 Prior to the commencement of works, a Vegetation Management Plan (VMP) shall be provided to the Certifying Authority addressing the restoration and rehabilitation of the conservation area ~~in the~~ **including:**

- **the** eastern part of the site;
- **the existing creek channel from channel 01 to basin 1 including endemic riparian native plants;**

- outside the development area including endemic native plants and additional Cumberland Plains Woodland; and
- ~~and the retained woodland in the developable areas of the site.~~

The VMP shall be in accordance with the criteria identified in the *Vegetation Management Plan Guidelines*, prepared by the *Department of Water and Energy*, (February 2008). The VMP is to be prepared by a suitably qualified person and should address but not be limited to, the following:

- a) provide details of vegetation to be retained and measures to protect vegetation during the construction and operation phases of the development;
- b) identify areas to be rehabilitated and details of the vegetation species, composition, planting,
- c) layout and densities of plants to re-vegetate these areas;
- d) outline ongoing management arrangements, including but not limited to responsibilities, funding and long term maintenance; and
- e) provide details monitoring and timing of revegetation works within the retained vegetation and the areas to be revegetated.

The plan is to span the entire project duration from pre-construction to through to construction and post construction.

Historical Archaeological Management Plan

~~B23 Prior to the commencement of any works a Historical Archaeological Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority. The plan shall address the monitoring and management of potential remains of the school and the Begg family homes including Bee Hive Wells in the vicinity of The Great Western Highway.~~

Historical Interpretation Strategy

B24 The applicant shall consult with the Mount Druitt Historical Society and Council and prepare an interpretation strategy for the former Eastern Creek School and other relevant areas of the site based upon the outcome of the historical monitoring program. Should an interpretation strategy be deemed not necessary by both the Mount Druitt Historical Society and Council, documentary evidence shall be submitted to the Council's satisfaction.

Engineering

B25 Once a minimum of 90% of all the upstream building works, retaining walls and driveways have been completed as agreed with Council for each bioretention basin, the filter media and plants are to be installed within 6 months. Once these are installed:

- a) **A Geotechnical Engineer is to undertake in-situ Saturated Hydraulic Conductivity Testing of each of the bio-retention systems in accordance with Practice Note 1 of the FAWB guidelines. For bio-retention systems with a filter area less than 50 m², in situ hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 m², an extra test point should be added for every additional 100 m² or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of by 100 mm/hr (tolerance -0% to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bio-retention systems; and**
- b) **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 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 and that any areas of scour or disrepair have been restored.**

Water Quality

B26 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity including the approved bioretention plant species:

<i>Required percentage reductions in post development average annual load of pollutants</i>	
Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85

<u>Total Phosphorous</u>	<u>65</u>
<u>Total Nitrogen</u>	<u>45</u>
<u>Total Hydrocarbons</u>	<u>90</u>

Stormwater Drainage

B27 Amended drainage plans by a suitably qualified Civil Engineer, are to be provided to meet the requirements under Councils DCP Part R 2006 and Councils Engineering Guide for Development 2005. The amended plans must address the following:

- a) Provide additional detailed sections through each of the channels clearly identifying batter slopes and finishes.
- b) Redesign the culvert crossing of channel 01 to Pad 1 to assume a 50% blockage in the culvert. Where no blockage was previously assumed it is acceptable to double the culvert size to compensate. Details are to be provided.
- c) The channelization of the 100 year flows through Channel 01 to the existing creek will lead to increased scour and deterioration of the existing creek as previous high flows would have spread over a much wider area. A review of the geomorphology of the existing creek to cope with the increased flow is to be undertaken with recommended improvements detailed such as ponds and riffles, bank armouring of bends, scour protection, etc. as required.
- d) The rainwater tanks are required to all the developments and are to be designed to achieve a minimum 80% of non-potable demand to be met through rainwater. When sizing the rainwater tank increase the calculated volume by 20 % to account for anaerobic zones, mains water top up levels and overflow levels.
- e) To protect the bioretention systems from harmful sediments and pollutants a Gross Pollutant Trap (GPT) is required for any discharge from future developments in Pads 2, 3, or 4 to the external drainage system, including discharges direct to basin 2. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow.
- f) To provide a water source to ensure ongoing viability of the bioretention plants a saturated zone is required comprising a 300 mm transition layer and a gravel layer sized as the larger of 200 mm, or 50 mm above the largest subsoil pipe. The saturated zone is set to the underside of the filter media and standard pit details are available from Council. On Costin Roe Plan CD12693.00-DA45(C) under "TYPICAL BIO-RETENTION DETAIL" amend the detail to match this requirement.
- g) The un-socked subsoil drains within the saturated bioretention filter bed can be laid flat, however any non-slotted collection pipes discharging the subsoil flows away from the basin are to have a minimum grade of 0.5 %. Where subsoil lines connect with a larger subsoil collection pipe, the subsoil pipes are to connect via two 45 degree bends with a minimum 300 mm straight section between to allow for rodding. The collection pipe is to have its own rodding point. Provide details of sizing to ensure a minimum of twice the capacity based on both pipe capacity and flow through the slots.
- h) On Costin Roe Plan CD12693.00-DA45(C) under "TEMPORARY BIO-RETENTION PROTECTION DETAIL" set the geotextile immediately above the transition layer (i.e. no filter media at all) with "COARSE SAND & TURF, NOM 100 - 150" above plus previous amendments as above. The bioretention notes are to be adjusted to match;
- i) Provide a detail of a subsoil riser for flushing and maintenance of the subsoil collection pipe. The riser is to include two 45° bends with a short section of un-slotted straight (minimum 300 mm) in between. The vertical riser is to stop 50 mm above the filter media and sealed with a removable screw cap.
- j) Provide an intermediate riser detail for long subsoil lines, or subsoil collection pipes at maximum 20 m intervals.
- k) Provide a separate pit for the collection of flows from the bioretention subsoil drainage from Basin 2 that is independent of the overflow pit or discharge control pit for on-site detention. The top of the pit is to be either sealed or set a minimum of 100 mm above the top of the 1 in 100 year detention storage. The subsoil drainage is to discharge downstream of the discharge control pit. Provide a separate subsoil collection pit for bio basin 1.
- l) Provide minimum 3.5 m maintenance access tracks into bio basin 1, basin 1 and Basin 2. Tracks greater than 5% must be concreted, but must not exceed 10%. A minimum 3 m wide access track must be provided at the base of the embankment for the basin 2 bioretention system to allow for future bioretention maintenance set to 100 mm above the extended detention depth. Provide a general vehicular maintenance access plan.

- m) The existing outlet control for basin 2 is incorrect. Electronic hydrologic models are to be provided for the detention basin design to ensure that the predevelopment flows do not exceed the post development flows for all storm durations and for all ARIs from 1 year to 100 year. Allow for an initial pervious loss of 15 mm for the pre development case and the post development losses (5 mm) as per the Engineering Guide for Development. RAFTS itself or the RAFTS hydrological model in DRAINS is preferred to allow for the 15 mm initial loss. There are currently no modelled pre development nodes for this catchment to compare to. Review storages which is not to be less than 5600 m³ that excludes the bioretention extended storage.
- n) Both detention basins are to install a concrete cutoff wall under the full extent of the spillways to minimise risk of seepage flows and failure.
- o) Provide a stilling basin at the base of the downstream spillway of both detention basins.

B28 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. For bioretention systems these are to include the temporary bio-retention system and ultimate bioretention system replacement. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

B29 A certificate from a Professional Geotechnical Engineer registered with NPER must be obtained and submitted to Council verifying that the detention basin and it's embankments can withstand a 1 in 100 year ARI event and a PMF event. The modelling is to consider both independent events and local interaction with floods in the creek. Any requirements of the Geotechnical Engineer as to lining the crest and spillway or other necessary protection is to be incorporated into the design.

Landscaping

B30 Amended landscape plans are to be provided to meet the requirements under Councils DCP Part R 2006 and Handbook. The amended plans must address the following:

- a) For the bioretention system include appropriate species in accordance with the BCC Handbook Part 5 - Vegetation Selection Guide (October 2012 or as revised) for the 500 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. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 10 different species (including one or more shrubs) is required planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots.
- b) Provide a turf specie for channel 01 capable of sustaining a 1V: 3H batter. Detail any geogrids or other enhanced support to sustain such a steep batter slope.
- c) Replace the proposed turf channel 04 with a riparian landscaped channel with Cumberland Plain Woodland surrounds to support and enhance the local environment.

Cut and Fill

B31 All cut and fill details are to be provided to the Certifying Authority.

Retaining Walls

B32 Details of any retaining walls, including height and material, to be constructed on site as part of the development are to be submitted to the Certifying Authority. Masonry retaining walls (i.e. no timber walls) are to be provided. All retaining walls shall be in maximum 3 metres high sections and stepped with 1 metre wide minimum planting bays which are to be landscaped. Where retaining walls 1.5m or greater are provided, these should not be provided in long expanses.

Hours of Work

C1 The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:

- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- b) between 8:00 am and 1:00 pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities;
- ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- iii) **it is for non offensive noise-generating works;** and
- iv) variation is approved in advance in writing by the Secretary or his/her nominee.

Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

C1A Scheduled intra-day 'respite periods' are required for construction activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers, including surrounding residents and schools. These activities generating noise with particularly annoying and/or intrusive characteristics should be subject to regime of intra-day respite periods where:

- a) **they are only undertaken after 8:00am;**
- b) **they are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every 3 hours; and**
- c) **'continuous' means any period during which there is less than an uninterrupted 60 minutes respite between temporarily halting and recommencing any of the work referred in Interim Construction Noise Guideline (2009).**

Respite periods may be waived subject to approval by the Department. Any waiver request to the Department shall be supported by an acoustic assessment and an acoustic construction management plan demonstrating how construction acoustic impacts may be managed to minimise annoying and/or intrusive noise to nearby residents and schools.

Site Remediation

C3 The site the subject of the early works is to be remediated in accordance with the Remediation Action Plan Phase 1 Early Works for Eastern Creek Business Hub prepared by Coffey Consara dated 25 June 2013 28 July 2015 and as amended from time to time with consent from an NSW Accredited Auditor.

C5A Concrete waste and rise water are not to be disposed of on the development site.

C14 As part of the on-site demolition works and initial bulk excavation of the site, areas of high and medium archaeological potential within the project area (as identified in the Archaeological Assessment Plan prepared by BIOSIS) are to be subject to a program of monitoring. Should intact archaeological remains be identified, the excavation and recording techniques as detailed in the Archaeological Assessment Management Plan are being undertaken. It is intended to excavate the areas to a maximum depth of 1.2 metres. However, this may need to be revised in the event that deep archaeological structures or deposits are encountered. Should substantial archaeological remains be located the excavations must cease once the nature of the structural and depositional archaeological remains have been established.

Asbestos

C15 All works shall comply with the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'. This shall include consultation with WorkCover NSW concerning the handling of asbestos.

Construction Vehicles

C16 Construction vehicles (including concrete agitator trucks) involved in construction and construction-related activities are not to arrive at the site or in surrounding residential precincts outside approved construction hours.

Dust Control

C17 During all stages of construction, measures and practices shall be in place to:

- a) **minimise dust emissions on site; and**
- b) **prevent dust emissions from the site.**

Drainage

- C18** Prior to placement of the filter media layer, certification for the following is to be provided:
- A minimum hydraulic conductivity as defined by ASTM F1815-06 of 200 mm/hr (actual, not predicted)
 - A maximum hydraulic conductivity as defined by ASTM F1815-06 of 700 mm/hr (actual, not predicted)
 - An Orthophosphate content < 20 mg/kg
 - A Total Nitrogen content < 1000 mg/kg
 - Is not hydrophobic.
- C19** The 200 micron Enviropods supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

Drainage

- D11** A positive covenant is to be provided over each lot for future development to achieve a minimum of 80% of the non-potable water uses on-site using rainwater or stormwater.
- D12** A positive covenant is to be provided over each lot for future development to provide a Gross Pollutant Trap (GPT) prior to any discharge from future developments in Pads 2, 3, or 4. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow.
- D13** A restriction to user and positive covenant is to be provided over the conservation areas for restoration works to be in accordance with the Vegetation Management Plan (VMP).
- D14** A restriction to user and positive covenant is to be provided over the On-Site Detention System in Basins 1 and 2 in accordance with the requirements of Council's Engineering Guide for Development 2005. The restriction to user and positive covenant must be registered with Land & Property Information.
- D15** A restriction to user and positive covenant is to be provided over the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
- D16** 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 basins including bank areas (excluding the bio-retention area), the creek restoration and restoration is of the same quality in type and quantity as per the construction certificate approved landscape plans and Vegetation Management Plan, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.

Road Infrastructure Works

- D17** Prior to the issue of the first subdivision certificate, the applicant shall provide written evidence to the Certifying Authority that it has entered into a Deed of Agreement with Roads and Maritime Services in accordance with the details outlined in the correspondence from Roads and Maritime Services dated 6 June 2014, and the Proposed Works Sketch prepared by J Wyndham Prince No. 8801/SK04 issue H dated 22 May 2013.