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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 4.18)

J Etter
Level 20
1 Martin Place
SYDNEY NSW 2000

Determination Number:
DA-18-00938

Property Description: Lot 1102 DP 1206997 H/N Eastern Creek Drive EASTERN CREEK

Development: Bulk earthworks entailing cut and fill across the site to facilitate suitable site levels for future built form (subject to separate approval).

Determination: *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- Granting of consent subject to the conditions on the following pages

BY DELEGATED AUTHORITY - DIRECTOR DESIGN AND DEVELOPMENT

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

Date 06 December 2018

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 Section 109C 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.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works. This approval is for Bulk Earth Works only, any further development will require the separate approval of Council.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt 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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

1.4.2 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.

1.5 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 Engineering Notes

1.6.1 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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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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)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

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.

1.6.2 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.

1.7 Payment of Engineering Fees

1.7.1 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.

A quote will be provided verbally generally followed by confirmation in writing.


1.7.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering 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.

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A quote will be provided verbally generally followed by confirmation in writing.

2 General

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Bulk Earthworks Plan Drawing No. C013003.06-DA30 Issue B	9/5/2018	1F
Bulk Earthworks Shading Plan Drawing No. C013003.06-DA31 Issue B	9/5/2018	1G
Bulk Earthworks Sections Sheet 1 Drawing No. C013003.06-DA35 Issue B	9/5/2018	1H
Bulk Earthworks Sections Sheet 2 Drawing No. C013003.06-DA36	9/5/2018	1I
Retaining wall plan Drawing No. C013003.06-DA-60 Issue C	9/5/2018	1M
Retaining wall elevations Drawing No. C013003.06-DA61 Issue C	9/5/2018	1N
Retaining wall details Drawing No. C013003.06-DA65 Issue B	9/5/2018	1O

* unless modified by any condition of this consent.

2.2 Other Matters

2.2.1 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.

2.2.2 Any future substation or other utility installation, including easement impositions required to service the approved subdivision/development must 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 must be negotiated with and fully endorsed by the relevant Council Directorates.

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2.3 Heritage Matters

2.3.1 If during, the course of bulk earth works, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the Heritage Act 1977. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

2.3.2 If, during the course of bulk earth works, the application or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Officer of Environment and Heritage be informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the NSW Office of Environment and Heritage is issued. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.4 Engineering Matters

2.4.1 Design and Works Specification

2.4.1.1 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 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.


2.4.2 Other Necessary Approvals

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

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

2.5 Other Matters - Drainage

- 2.5.1 Any internal or boundary fencing or grates across the overland flowpath must not impede the free flow of flood waters.
- 2.5.2 No filling is permitted within the major flowpath or over Council’s proposed drainage easement, except where approved by this consent.

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 Retaining walls

- 3.2.1 All retaining walls approved under this consent shall be construction of masonry materials.

4 Prior to Construction Certificate (Engineering)

4.1 General

- 4.1.1 All relevant conditions within the ‘Prior to Construction Certificate’ section of this consent shall be satisfied before any Construction Certificate can be issued.
- 4.1.2 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.
- 4.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Costin Roe Consulting Pty Ltd	Lot 23 Eastern Creek Drive and Old	CO13003.06 – DA10	1	B	09-05-18
		CO13003.06	1	B	09-05-18

These conditions are imposed for the following reasons:

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	Wallgrove Road, Eastern Creek.	– DA20			
		CO13003.06 – DA25	1	B	09-05-18
		CO13003.06 – DA30-31	2	B	09-05-18
		CO13003.06 – DA35-36	2	B	09-05-18
		CO13003.06 – DA40-41	2	B	09-05-18
		CO13003.06 – DA45	1	B	09-05-18
		CO13003.06 – DA60-61	2	C	09-05-18
		CO13003.06 – DA65	1	B	09-05-18

4.2 Construction Certificate Requirements

4.2.1 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:

- Drainage
- Earthworks

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

4.3 Other Engineering Requirements

4.3.1 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.

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

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

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

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4.4 Drainage


4.4.1 The Civil Engineering Early Works Report, DRAINS model, and Engineering plans prepared by Costin Roe Consulting and received in Council on 12/06/2018 must be amended to address the following issues:

- a) Civil Engineering Report Section 4 Stormwater Drainage, Drawing Number CO13003.06-DA30(B): The stormwater pipe passing through the site and accepting stormwater from Old Wallgrove Road must be upgraded to a 1200 mm nominal diameter RCP.
- b) DRAINS model: The model must be reconfigured to demonstrate that the drainage system will function with the pipe 50% blocked. In this regard a 1200 mm nominal diameter pipe would be modelled as an 825 mm nominal diameter pipe.
- c) DRAINS model: The model must be amended to include flows from the following:
 - I. Stormwater/overland flow contributions from 3 Roberts Road Eastern Creek as determined by a field inspection.
 - II. Direct stormwater drainage from a trapped low point in Roberts Road near its intersection with Old Wallgrove Road and overland flow from adjacent lands.
 - III. Stormwater drainage and overland flow from a portion of the electricity facility between Old Wallgrove Road and Roberts Road.
- d) Drawing Number CO13003.06-DA30(B), Civil Engineering Report Section 4 Stormwater Drainage, DRAINS model: Provision of an overland flow path generally above the proposed pipeline through the site and draining Old Wallgrove Road and upstream areas. The overland flow path must be designed with a 100 mm freeboard and to operate together with the 1200 mm diameter pipe through the site to accommodate flows from a critical storm event with an annual exceedance probability of 0.01 and assuming that the 1200 mm diameter RCP that is 50% blocked. The overland flow path must be designed so that future buildings on the site will not be flood affected and will allow vehicular evacuation from the site.
- e) Drawing Numbers CO13003.06-DA30(B) and CO13003.06-DA25: Calculations or source information such as nomographs are to be provided to justify the dimensions and sizing of the scour protection at the outlet of the pipes to the open channel. In this regard the energy dissipater must be designed in accordance with Managing Urban Stormwater: Soils and Construction, Landcom, 2004 (the Blue Book). The details are to be provided on the amended drainage plans.
- f) Drawing Numbers CO13003.06-DA30(B), Civil Engineering Report Section 4 Stormwater Drainage, DRAINS model: Amend the stormwater concept design to show a junction pit connecting the two 750 mm pipes draining the upstream catchment with the proposed 1200 mm RCP through the site. The junction pit must be located in the road related area of Old Wallgrove Road and be covered by a raised grate on legs.
- g) Drawing Number CO13003.06-DA30(B): Provide an independent 900 mm

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diameter RCP from the northwest corner of the site discharging to the channel downstream of the GPT.

- h) CO13003.06-DA30(B): Provide a splitter pit immediately downstream of the site over the 1200 mm RCP with the 3 to six month flows directed to the gross pollutant trap (GPT) and the higher bypass flows directed to the channel downstream of the GPT.

4.4.2 Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4.6 of DCP 2015 Part J. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.

4.5 Erosion and Sediment Control

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

4.6 Earthworks

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

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

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

4.6.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

4.7 Vehicular Crossings

4.7.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

5 Prior to Development works


5.1 Site works and drainage

5.1.1 Any required retaining walls and / or other effective method to retain excavated or

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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.

5.2 Safety/Health/Amenity

5.2.1 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.

5.2.2 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.

5.2.3 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.

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- 5.2.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 5.2.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 5.2.6 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.
- 5.2.7 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.

6 DURING CONSTRUCTION (BUILDING)

6.1 Safety/Health/Amenity

6.1.1 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.

6.1.2 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.

6.1.3 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

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sunset and sunrise where it may be hazardous to persons in the public place.

- 6.1.4 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.
- 6.1.5 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.
- 6.1.6 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.

6.2 Nuisance Control

- 6.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 6.2.2 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.

6.3 Waste Control

- 6.3.1 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.

6.4 Maintenance of Soil Erosion Measures

- 6.4.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.

6.5 Notice of work commencement

- 6.5.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 6.5.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried

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out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

6.6 Other Matters

6.6.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

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

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.

6.7 Site Contamination

6.7.1 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.

7 During Construction (Engineering)


7.1 Notification of Works

7.1.1 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

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engineering works.

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

7.2 Insurances

- 7.2.1 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.

7.3 Service Authority Approvals

- 7.3.1 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.

7.4 Soil Erosion and Sediment Control Measures

- 7.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.4.2 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.
- 7.4.3 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.


7.5 Filling of Land and Compaction Requirements

- 7.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill

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including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

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

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


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

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in

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accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

7.7 Inspection of Engineering Works - Roads Act 1993

7.7.1 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 7am - 8am and 12.30pm - 1.30pm, 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).

7.8 Public Safety

7.8.1 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.

7.9 Site Security

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

7.10 Traffic Control

7.10.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

7.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

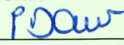
7.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.

7.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

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7.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

8 Prior to Occupation Certificate

8.1 Drainage

8.1.1 Provide at no charge, a minimum 3.0 m wide drainage easement with a Restriction to User over the centreline of the 1200 mm Council stormwater pipe in favour of Council as per the Engineering Guide for Development. The easement to drain water must be in accordance with Part 3 of Schedule 4A of the Conveyancing Act. The Restriction to User and drainage easement must be registered with NSW Land Registry Services.

8.1.2 A Registered Surveyor is to submit certification that the 1200 mm diameter RCP through the site and associated structures lie wholly within the created drainage easement.

8.1.3 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

8.1.4 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the full width of the overland flow extents in the peak 1 in 100 year ARI event in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

8.2 Road Damage

8.2.1 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.


8.3 Compliance with Conditions

8.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or

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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.

- 8.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

8.4 Service Authorities

- 8.4.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

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

8.5 Temporary Facilities Removal

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

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

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

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

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


8.6 Fee Payment

- 8.6.1 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.

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8.7 Engineering Matters

8.7.1 Surveys/Certificates/Works As Executed plans

8.7.1.1A 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 hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) 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.

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

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

8.7.2 Easements/Restrictions/Positive Covenants

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

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.

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

8.7.3 Inspections

8.7.3.1 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.

8.8 Salinity

8.8.1 Prior to the issue of any Occupation Certificate, a post Earthworks Salinity Investigation prepared by a suitably qualified consultant shall be submitted to Council for approval confirming that suitable salinity management measures have

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been implemented during construction and providing lot specific salinity characteristics and any required mitigation measures to form the basis of any restriction/covenants on title.

8.9 Site Contamination

- 8.9.1 A final site contamination Validation Report confirming the suitability of the site for the proposed industrial development is to be submitted to Council. The Validation Report is to be prepared by an EPA recognised geoscientist who is to validate the site as suitable for the future industrial development in accordance with the criteria set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

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