

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA18/0038
Description of development:	Land Remediation Works
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 112677 Lot 1 DP 711683 Lot B DP 164794 Lot A DP 164794 Lot 1 DP 986707 Lot 1 DP 198625 Lot 1 DP 794510 Lot B DP 160112 Lot A DP 160112 Lot 1 DP 115384 Lot 92 DP 1133279 Lot 1 DP 794511
Property address:	3 North Street, PENRITH NSW 2750 4 North Street, PENRITH NSW 2750 5 North Street, PENRITH NSW 2750 6 North Street, PENRITH NSW 2750 7 North Street, PENRITH NSW 2750 8 North Street, PENRITH NSW 2750 9 North Street, PENRITH NSW 2750 10 North Street, PENRITH NSW 2750 12 North Street, PENRITH NSW 2750 13 North Street, PENRITH NSW 2750 14 North Street, PENRITH NSW 2750 15 North Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Penrith City Council 601 High Street PENRITH NSW 2750
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1)(a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in Attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	15 June 2018
Date the consent expires	15 June 2020
Date of this decision	13 June 2018

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Donna Clarke
Contact telephone number:	(02) 4732 7991

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

Conditions

Your attention is drawn to the attached conditions of consent in Attachment 1.

Certification and Advisory Notes

You should also check if this type of development requires a Construction Certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this Notice of Determination.

Review of Determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within six (6) months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant Development or if the application was decided by the Sydney Western City Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject Development Application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated Development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, the objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panel

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the Remediation Action Plan (RAP), Ref: JC17302A-r3(rev) prepared by GeoEnviro Consultancy Pty Ltd dated May 10 2018 stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Demolition

- 2 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any works commence on the site.**

Prior to commencement of works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

- 3 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 4 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

- 5 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The approved sediment and erosion control measures are to be **maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

6 Site remediation works shall be carried out generally in accordance with the Remediation Action Plan (RAP), Ref: JC17302A-r3(rev) prepared by GeoEnviro Consultancy Pty Ltd dated May 10 2018 as well as Penrith Contaminated Land Development Control Plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.
- A validation report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remediation Action Plan (RAP), Ref: JC17302A-r3(rev) prepared by GeoEnviro Consultancy Pty Ltd dated May 10 2018, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.

7 No fill material shall be imported to the site until such time as a Validation Certificate(with a copy of any report forming the basis for the validation) for the fill material has been obtained. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

8 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

9 An appropriately qualified person(s) shall:

1. Supervise the remediation works in consultation and cooperation with the NSW Environment Protection Authority.

2. Supply Council with a copy of any relevant documentation for further testing carried out during the remediation work, and with any amendments or addendum's to the Council approved Remediation Action Plan (RAP), Ref: JC17302A-r3(rev) prepared by GeoEnviro Consultancy Pty Ltd dated May 10 2018.

3. Address off site impacts and proposed management strategies where relevant.

4. (After completion of works) Certify by way of Compliance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the validation report). A copy of the Compliance Certificate or other written documentation is to be submitted to the Principle Certifying Authority (PCA) and Penrith Council if it is not the PCA.

The contact details of any appropriately qualified person(s) engaged for the works shall be **provided with the notice of commencement**.

{Note: An appropriately qualified person(s) is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

10 Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.

Construction

11 All works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

SIGNATURE

Name:	Donna Clarke
Signature:	

For the Development Services Manager