

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA15/1424.01
Description of development:	Extension of Consent Period - Filling of Existing Dam
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 144 DP 32140
Property address:	144 - 150 Mt Vernon Road, MOUNT VERNON NSW 2178

DETAILS OF THE APPLICANT

Name & Address:	R Stancovici C/- Mladen Stancovici 4/10 College Street DRUMMOYNE NSW 2047
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DECISION OF CONSENT AUTHORITY

In accordance with Sections 81(1) (a) and 95A 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	10 March 2016
Date the consent expires	10 March 2019
Date of this decision	7 March 2018

POINT OF CONTACT

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

Assessing Officer:	Ryan Gill
Contact telephone number:	+612 4732 7582

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 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 Sydney West 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, 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 West Planning Panels

If the application was decided by the Sydney West 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 stamped approved plans numbered DA00 - DA05, drawn by Mladen Stancovici and dated Nov 2015, and 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.
- 2 A **Construction Certificate** shall be obtained prior to commencement of any earthworks.
- 3 The dam is to be filled to restore the area of the dam to the previous natural surface levels and appropriately treated to establish grass cover. The finished levels are to maintain the prevailing slope of the land in the vicinity of the dam and are not to result in the diversion or concentration of stormwater runoff onto adjoining properties.
- 4 A final inspection certifying that all works have been completed in accordance with the stamped approved plans and conditions of this consent shall be obtained at the completion of the works.

Environmental Matters

- 5 Erosion and sediment control measures shall be installed **prior to the commencement of works on site**. The erosion and sediment control measures are to be maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 and **remain in place until turf /vegetation is established onsite**.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).
- 6 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 7 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 8 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 submitted to, considered and approved by Council. 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.

- 9 Dust suppression techniques are to be employed during fill and compaction activities to reduce any potential nuisances to surrounding properties.
- 10 Works will 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 works are permitted to be carried out on Sundays and Public Holidays.

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

- 11 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 12 Prior to the commencement of all dam filling activities, a Water Management Plan is to be submitted to Council for approval. This Plan is to address all de-watering and disposal activities associated with the approved works, including proposed management and disposal methods and locations. This approved Plan is to be implemented and adhered to during the works.

Construction

- 13 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

Engineering

- 14 All roadwork, stormwater, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

- 15 Stormwater drainage from the site shall be discharged to the:

- a) Existing site drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 16 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Mladen Stancovici, reference number 1215- DA00 to DA 05, revision A, dated 26th November 2015.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

- 17 Prior to commencement of any works associated with the development sediment and erosion control

measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

- 18 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

- 19 Compaction of filled areas is to be 98% standard compaction and in accordance with relevant Australian Standards, including AS1289 Method of testing soils for engineering purposes and AS3798 Guidelines on earthworks for commercial and residential development, and Council's engineering standards. Compaction certificates are to be submitted to the Principal Certifying Authority and Council.
- 20 The filled area shall be drained to Council's satisfaction and not impact upon the drainage characteristics of other properties in the catchment area.
- 21 Earth moved from areas containing noxious weed material must be disposed of at an approved waste disposal facility and transported in compliance with the Noxious Weed Act 1993.
- 22 Water from the dam is to be released in a manner as to not cause flooding or any undue effects on the downstream properties or Council's infrastructure. No filling work to the dam is to commence until the dam has been full drained and allowed to dry sufficiently to allow access by earth moving equipment.
- 23 All organic matter and silt material from the dam is to be removed from the dam prior to the placement of any fill material. Details of compliance shall be submitted to and approved by the Principal Certifying Authority.

Certification

- 24 On completion of the earthworks, a Compliance Certificate/Final Inspection Notice is to be obtained from the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met. The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.

SIGNATURE

Name:	Ryan Gill
Signature:	

For the Development Services Manager