

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0121
Description of development:	Bulk Earthworks, Cut and Fill.
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 22 DP 1194338
Property address:	14 - 28 Cullen Avenue, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Urbis Pty Ltd Tower 2, Level 23, Darling Park, 201 Sussex Street SYDNEY NSW 2000
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(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	22 May 2019
Date the consent expires	22 May 2024
Date of this decision	22 May 2019

POINT OF CONTACT

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

Assessing Officer:	Kathryn Sprang
Contact telephone number:	+612 4732 7834

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 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 Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

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.

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 Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 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 in accordance with the following stamped approved plans issued by Penrith City Council:

Plan Reference	Drawing Number	Revision	Prepared by	Dated
Sediment and Soil Erosion Control Plan	DAC02.01	3	Northrop	13/02/19
Sediment and Soil Erosion Control Details	DAC02.11	3	Northrop	13/02/19
Bulk Earthworks Cut and Fill Plan	DAC03.01	3	Northrop	13/02/19

and other plans, the application form, Waste Management Plan or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions.

Heritage/Archaeological relics

- 2 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 3 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

- 4 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.
- 5 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 6 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 7 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.
- 8 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 9 Prior to works commencing, a temporary noise barrier is to be erected along the child care centre boundary shared with the school site. The barrier is to be a minimum of 1.8m high and constructed from a solid material such as plywood or sheet metal having a surface density exceeding 3 kg/m² with no gaps.
- 10 **Prior to works commencing**, a detailed Noise Management Plan, relating to the approved earthworks, is to be prepared and submitted to Penrith City Council for approval. Penrith City Council has fourteen (14) days to provide comment on the submitted Noise Management Plan. Approval is considered granted if no comment is received from Penrith City Council within 14 days.
This Plan is to incorporate the recommendations made to manage noise impacts associated with the approved earthworks as included in Section 10.8 of the 'Western Sydney Schools - Jordan Springs Public School Environmental Noise and Vibration Assessment' prepared by Acoustic Logic Consultancy Pty Ltd dated 23 January 2019 (Ref. 20190060.1/2301A/R1/VF). It is also to describe in detail the construction phases, programme, processes and equipment used for the earthworks component.

The approved Noise Management Plan is to be implemented and adhered to during all site works.

- 11 The 'Environmental Management Plan' prepared by Richard Crookes Constructions dated January 2019 (Project No. 1157) is to be implemented and adhered to during all site works.
- 12 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

Health Matters and OSSM installations

- 13 Prior to the commencement of any works, a further assessment of contamination is to be undertaken in accordance with the Additional Site Investigations Plan, Revision: 01, dated 21/05/2019. This assessment is to supplement the 'Jordan Springs Public School Environmental Site Assessment: 14-28 Cullen Avenue, Jordan Springs, NSW 2747', prepared by WSP, dated 30 January 2019 (Ref. REF. PS110032) and is to be undertaken in accordance with the NSW Environment Protection Authority's 'Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites'.

The assessment is to include (but is not limited to):

1. Further sampling to address those areas on site impacted by the historical importation of fill material as identified in the Additional Site Investigations Plan, Revision: 01, dated 21/05/2019.
2. Confirmation that the entire site is suitable for the proposed future use as an educational establishment.

The assessment is to be provided to Penrith City Council for approval. No works are to commence until the assessment has been submitted and approved by Penrith City Council.

Should it be identified in the assessment that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works.

Construction

- 14 Construction 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.

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

Engineering

- 15 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 16 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 17 Prior to the commencement of any works on site, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
 - a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - b) Concrete footpaths and or cycleways
 - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - d) Road occupancy or road closures
 - e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
 - f) Temporary construction access
 - g) Temporary works zone

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 18 Prior to the commencement of any works, it shall be ensured that 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.
- 19 Prior to the commencement of any works on-site, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council for approval. Penrith City Council has fourteen (14) days to provide comment or advise if the proposal requires Local Traffic Committee review and approval on the submitted Construction Traffic Management Plan. Approval is considered granted if no comment is received from Penrith City Council within 14 days.

The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

- 20 Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to works commencing.

- 21 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.

- 22 Prior to the completion of works/construction of the school, it shall be ensured that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 23 Prior to the commencement of any works on site, it shall be ensured that the construction traffic management plan supplied by Bitzios, version 004, Issued 23 January 2019 is modified to show that all construction traffic and haulage routes enter and leave the site from the north via Greenwood Parkway and Lakeside Parade. Access through the shopping centre precinct of Lakeside Parade shall be prohibited.

SIGNATURE

Name:	Kathryn Sprang
Signature:	

For the Development Services Manager