

RPS Group
Capital Centre Arcade L 13 255 Pitt St
SYDNEY NSW 2000

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO.
2019/928/1**

**Issued under Section 4.16(1)(a) and 4.18(1)(a) of the
*Environmental Planning and Assessment Act 1979***

LAND TO BE DEVELOPED:	C O'Keefe Drive ORAN PARK LOT: 1001 DP: 1234527
APPROVED DEVELOPMENT:	Early works for Catherine Field Primary School including bulk earthworks (cut and fill), site establishment works and stock piling

DETERMINATION: Development consent granted subject to conditions.

DATE OF DETERMINATION: 27 April 2020

DATE FROM WHICH THE CONSENT OPERATES: 27 April 2020

DATE THE CONSENT LAPSES: 27 April 2025
(unless works commenced)

INFORMATION ATTACHED TO THIS DECISION:

- General advice listed in Attachment A.

Approved Development:

This development consent approves the following development subject to conditions:

- Early works for Catherine Field Primary School including bulk earthworks (cut and fill), site establishment works and stock piling

Conditions

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
NHQC2-CF-CV-S-DDC202.01	Sediment And Soil Erosion Control Plan	Northrop	Rev: 3, Date: 07/02/20
NHQC2-CF-CV-S-DDC203.01	Bulk Earthworks Cut And Fill Plan	Northrop	Rev: 9, Date: 24/04/20
NHQC2-CF-CV-S-DDC203.11	Bulk Earthworks Cut And Fill Sections - Sheet 01	Northrop	Rev: 4, Date: 07/02/20
NHQC2-CF-CV-S-DDC203.12	Bulk Earthworks Cut And Fill Sections - Sheet 02	Northrop	Rev: 5, Date: 07/02/20

- (2) **Bulk Earthworks** – This consent does not include the approval of any roads, boundaries, services or buildings, nor does it approve the future location or level of any such features.
- (3) **Adjoining Sites** – This consent does not approve earthworks outside of the site boundaries.

In the event that the approved earthworks associated with development consents DA/2018/147/1 and DA/2017/491/1 have not yet increased the ground levels along the eastern and southern site boundaries to be consistent with the finished ground level shown on the plans approved by this consent, the extent of earthworks must be reduced so that required temporary batters do not extend outside of the boundaries of this site.

If the works associated with the adjoining sites are not completed, a Section 4.55 modification accompanied by owner's consent of relevant site(s) will be required

seeking consent for temporary batters or other appropriate arrangements to safely retain the fill in accordance with Council's Engineering Specifications.

- (4) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be obtained prior to the excavation commencing.

- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (6) **Demolition of Temporary Water Quality Facilities** - All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

Prior to the commencement of any such demolition all contributing stormwater flows to the facilities must be diverted to the permanent water quality facilities by way of a stormwater drainage system approved by Council.

- (7) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (8) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (9) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

2.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

A detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (2) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book')'.
- (3) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.

- (4) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

- (5) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council.
- (6) **Sign of Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and

The sign shall be maintained while the work is being carried out and removed upon the completion of works.

- (7) **Site is to be Secured** - The site shall be secured and fenced.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3.
- (11) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be prepared.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (12) **Construction Noise Management Plan** – A construction noise management plan shall be prepared and include the following:
- a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.
- (13) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
- The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- (14) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

3.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (3) **Site Management** - The following practices are to be implemented during construction:
 - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:

- i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (5) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (6) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (7) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (9) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (10) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (11) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (14) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
 - i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");

- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (15) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (16) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (17) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (18) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report "Report on Salinity Investigation and Management Plan: proposed Residential Subdivision Tranche 31-34 Oran Park South NSW, Prepared by Douglas Partners, Project 76618.37-2, Dated November 2015."
- (19) **Construction Waste Management Plan** - A construction waste management plan must be written and approved for the proposed works and be complied with at all times. The plan is to incorporate recycling and reuse of materials where approved opportunities are available.
- (20) **Acoustic Hoarding Barrier** - 2.4 metre high acoustic hoarding (barriers) are required to be constructed along the entire western property boundary. The hoarding must have no gaps between panels and remain in contact with the ground surface.
- Any entrance or exit to the site along the western boundary must be gated and meet the above acoustic attenuation requirements. The gates must be closed at all times unless a vehicle is actively entering or leaving the site. Whilst gates are in use, a person is required to manage the operation and entry and exit of vehicles to avoid queueing of vehicles entering the site.
- (21) **Construction Management Plan** - The generation of excessive noise and vibration and dust from construction works on the site must be managed in a way consistent with measures / strategies outlined in the 'Construction Management Plan, Prepared by Hansenyuncken, Dated November 2019.'

4.0 - Following Completion of the Approved Development

The following conditions of consent shall be complied with prior following completion of the approved development.

- (1) **Fill Plan** - A fill plan shall be provided to Council upon completion of works. The plan must show (where applicable):
- a) lot boundaries;
 - b) road/drainage/public reserves;
 - c) street names;
 - d) final fill contours and boundaries; and
 - e) depth in filling in maximum 0.5m Increments
- The plan is to be provided electronically in portable document format (.PDF).
- (2) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the lot, shall be prepared. A classification shall be provided for the lot. The soil classification report shall also be provided to Council.
- (3) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).

- (4) **Compaction Report** - A compaction report must be submitted that demonstrates that the lot has been compacted in accordance with Council's Engineering Specifications.

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the Building Code of Australia and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and 7.11 contributions plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Determination Review

The applicant may within 6 months from the date of determination, request Council, in writing, to review the determination.

Appeals

The applicant has the right to appeal to the NSW Land and Environment Court under Section 8.7 of the *Environmental Planning and Assessment Act 1979*. The right to appeal is only available within 6 months of the date on which the applicant receives this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

SIGNED on behalf of
Camden Council

A handwritten signature in black ink, appearing to read "J Soldo".

Mr J Soldo
Senior Town Planner
(Planning and Environmental Services)

ATTACHMENT A - General Advice

The following matters are included as advice as relevant to this determination.

- (1) **Review of Determination** - Part 8, Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request a review of this determination within 6 months of the date of the determination, following the payment of the prescribed fee.
- (2) **Offences** - Section 9.50 of the *Environmental Planning and Assessment Act 1979* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
- (3) **Penalties** - Section 9.50 of the *Environmental Planning and Assessment Act 1979* provides that any person guilty of an offence against this Act shall, for every such offence, be liable to penalties as stated in this section.
- (4) **Contributions** - The contributions (if required) under Section 7.11 of the *Environmental Planning and Assessment Act, 1979* are set out in the stated Contributions Plans which can be viewed at Camden Council's Customer Service counter during normal business hours.
- (5) **Tree Preservation** - This consent does not authorise any tree removal unless specifically shown on approved plans and referred to in this development consent. All trees are protected in all areas of Camden. Separate consent is required for any proposal affecting existing trees and native vegetation. Any person who contravenes or causes or permits the removal of a tree/s without consent shall be guilty of an offence and liable to penalty as stated in this advice.
- (6) **Utilities and Authorities** - Damage to major underground utilities can be avoided by calling the 'Dial Before You Dig Service' on 1100. Individuals and companies may be found to be financially liable for any damage caused to major utilities.

Applicants may also be required to liaise with appropriate authorities and utility providers. These authorities and utility providers may include:

 - a) Endeavour Energy
 - b) Sydney Water
 - c) A telecommunications provider
 - d) Other energy suppliers/authorities
 - e) Australia Post
 - f) WorkCover Authority
 - g) Other relevant State and Federal government departments
- (7) **Telecommunications Infrastructure** - 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. Any works or proposed works which may impact upon Telstra Assets in any way are required to be reported to Telstra's Network Integrity Team on Phone Number 1800 810 443.