



**PENRITH  
CITY COUNCIL**  
*Serving Our Community*

## **DETERMINATION OF DEVELOPMENT APPLICATION**

P E N R I T H C I T Y C O U N C I L

### **DESCRIPTION OF DEVELOPMENT**

DA No.	DA07/1527
Description of development	Bulk Earthworks
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>▪ NA</li></ul>

### **DETAILS OF THE APPLICANT**

Name & Address	Paclib Management Pty Limited Suite 2, Level 4, 65 Epping Road NORTH RYDE NSW 2113
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### **NOTES**

1. Your attention is drawn to the attached conditions of consent attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## **DETAILS OF THE LAND TO BE DEVELOPED**

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Legal Description: Lot 62 DP 1090695  
Property Address: 119-145 Lenore Lane ERSKINE PARK NSW 2759

## **DECISION OF CONSENT AUTHORITY**

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

Date from which consent operates 25 March 2008  
Date the consent expires 25 March 2010  
Date of Decision 20 March 2008

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

## **REVIEW OF DETERMINATION & RIGHTS OF APPEAL**

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1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 12 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within 12 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.

3. Right of Appeal if the application was for Designated Development  
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's 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 Council's 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.

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT

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

Assessing officer	Steven Chong
Contact telephone number	(02) 4732 8078

## SIGNATURE

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Name

Steven Chong

Signature

  
For the Development Services Manager

# ATTACHMENT 1: CONDITIONS OF CONSENT

## GENERAL

- 1 The development must be implemented substantially in accordance with the following plans: -
  1. Pad Plan, prepared by PacLib Industrial, numbered LL-BE-002, dated 22/10/2007;
  2. Sections Plan, prepared by PacLib Industrial, numbered LL-BE-003, dated 12/10/2007;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 All civil engineering construction works shall be carried out in accordance with Penrith City Council's Engineering Works Development Control Plan and accompanying Guidelines for Engineering Works for Subdivisions and Developments Part 2-Construction.

## DEMOLITION

- 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.

## HERITAGE/ARCHAEOLOGICAL RELICS

- 5 The recommendations listed in the 'Cultural Heritage Assessment' prepared by Navin Officer Heritage Consultants dated November 2007 shall be considered with the development of the site.

## ENVIRONMENTAL MATTERS

- 6 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).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **the land, that was subject to the works, have been stabilised and spraygrass 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.

- 7 All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.

- 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 **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 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.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

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.

{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."}

## CONSTRUCTION

- 10 Construction works or subdivision 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 construction 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.

- 11 Stamped plans, specifications, a copy of the development consent 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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent.

## ENGINEERING

- 12 All filling must be compacted to 98% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1996.

At completion of the works, Certification of the satisfactory compaction of the fill shall be prepared by the applicant's Geotechnical Engineer and submitted to the Principal Certifying Authority. If Penrith City Council is not the Principal Certifying Authority a copy of the certification is to be submitted to Council **prior to the issue of the Compliance Certificate**. The Compliance Certificate shall accompany the "Works as Executed" drawings.

## PAYMENT OF FEES

- 13 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

## CERTIFICATION

- 14 **Prior to the commencement of any earthworks or construction works on site**, the proponent is to:
- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
  - b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

- 15 On completion of the earthworks, certification or other written documentation is to be obtained from the Principal Certifying Authority certifying 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 Certification 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 Certification.

Steven Chong

Signature

A handwritten signature in black ink, appearing to be 'S. Chong', is written over a horizontal line. Below the signature, the text 'For the Development Services Manager' is printed.

For the Development Services Manager