

RELEVANT INFORMATION FOR THE THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2015/570 **DATE:** 23 June 2016
TO: Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 4 - 13-17 Lachlan Street and 2-4 Bruce Street Waterloo - At the Central Sydney Planning Committee - 23 June 2016

Alternative Recommendation

That the recommendation contained in the subject report to the Central Sydney Planning Committee (CSPC) on 23 June 2016 be adopted, subject to the following amendments:

- (A) Add the following new conditions under **PART A - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**:

(2) LAND CONTAMINATION - REMEDIATION ACTION PLAN

Amendments to the Remedial Action Plan (RAP) prepared by JBS&G dated 10 November 2015 and referenced 50615-61149 (Rev1) are required. The amendments to the RAP must satisfy all recommendations as specified within the Letter of Interim Advice No.11 dated 11 November 2015, referenced 15017_Internal IA11 prepared by NSW EPA Accredited Site Auditor Kylie Lloyd.

Should the Site Auditor require any additional site investigations or amendments to the RAP then these must be undertaken and a revised RAP prepared and submitted to the Auditor for further review.

(3) LAND CONTAMINATION - SECTION B SITE AUDIT STATEMENT

A Section B Site Audit Statement or Letter of Interim Advice must be obtained from a NSW EPA Accredited Site Auditor and forwarded to the City's Area Planning Manager certifying that the amended and approved Remedial Action Plan (RAP) is practical and the site will be suitable for the proposed use after being remediated in accordance with the requirements of the approved RAP.

A copy of the revised RAP and Section B Site Audit Statement or Letter of Interim Advice must be forwarded to the City's Area Planning Manager for written approval.

On no account must any works associated with the development be undertaken until this condition has been fully satisfied and the condition discharged.

- (B) The amendment of Condition Nos. (64) and (66) under **PART B - CONDITIONS OF CONSENT (ONCE THE CONSENT IS IN OPERATION)**, as shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

(64) LAND REMEDIATION

The site is to be remediated and validated in accordance with Remedial Action Plan prepared by ~~JBS&G dated 10 November 2015 and referenced 50615-61149 (Rev1) and the Letter of Interim Advice No.11 prepared by Kylie Lloyd dated 11 November 2015 and referenced 15017-Internal IA11~~ ***approved by the Council and the NSW EPA accredited Site Auditor as approved under the Deferred Commencement Conditions (2) and (3)***. All remediation work carried out shall be conducted in accordance with the guidelines in force ***from time to time*** under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's ***Area Planning Manager, the Site Auditor*** and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the ~~Accredited~~ Site Auditor and ***the Council's Area Planning Manager*** prior to the commencement of such work.

(66) SITE AUDIT STATEMENT

Prior to the commencement of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor ***and*** is to be submitted to the Area Planning Manager. ***Issue of the staged Construction Certificate (Stage 3: Above ground structure, facade, finishes and services), and a Section A Site Audit Statement must be obtained from a NSW Environmental Protection Authority accredited Site Auditor and be submitted to and be approved in writing by the Council's Area Planning Manager via the following email address: hbapplications@cityofsydney.nsw.gov.au.*** The ***Site Audit Statement*** must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the ***Site Audit Statement*** is subject to conditions that require ongoing review by the Auditor or Council, these ~~should~~ ***must*** be reviewed and ***must be*** approved by ***the Council's Health and Building department in writing through the Area Planning Manager*** before the ***Site Audit Statement*** is issued.
- (b) In circumstances where the ***Site Audit Statement*** conditions (if applicable) are not consistent with the consent, ***the development must not proceed unless and until the inconsistency has been resolved to the satisfaction of Council, such as via an approved s96 development*** application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

- (c) ~~An Occupation Certificate~~ **A Construction Certificate (Stage No. 3)** must not be issued by the PCA unless a **section A** Site Audit Statement has been submitted **for written approval** to the **City Council's Area Planning Manager** in accordance with this condition.

Background

In response to the draft conditions of deferred commencement consent, Mirvac, the Applicant, has requested to alter the Site Audit Statement (SAS) conditions prior to determination.

The Applicant determined that the Site Auditor was unable to issue a Section A SAS for the proposal until the basement slab has been completed, which would be finalised at the end of the Stage 2 works. The Site Auditor would not be able to issue a Section A SAS for the external public domain works until the bitumen roads had been completed, which was likely to be one of the final stages of development works on the entire site.

It was agreed that the Section A SAS condition could be changed to require the SAS prior to the issue of a CC for the Staged 3 works, and that although a Section B SAS could be issued for the External Public Domain Works, a Section A SAS could only be issued prior to an Occupation Certificate. It was agreed that deferred commencement conditions would be included to require the necessary amendments to the RAP and the Section B SASs.

The Auditor also advised that both Remedial Action Plans (RAPs) would require amendment to reflect the deep soil landscaped area, as well as include all recommendations within the Letter of Interim Advice which was still outstanding.

The Auditor agreed that the discrepancy between the delineations of the RAPs 'internal' and 'external' boundaries must be altered within the RAP, and that the boundary for External Public Domain Works DA (D/2015/782) required clear delineation through a site survey.

Prepared by: Andrew Rees, Area Planning Manager

TRIM Document Number: 2016/331594

Approved



**Graham Jahn, Director City Planning,
Development and Transport**