

Resolution of Local Planning Panel

22 November 2023

Item 3

Development Application: 11-15 Collins Street, Beaconsfield - D/2022/1021

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted a deferred commencement consent to Development Application Number D/2022/1021 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(18) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation ***and any construction certificate associated with demolition or site preparation***), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit 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 until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(19) REVISED REMEDIATION ACTION PLAN

Prior to the issue of any Construction Certificate associated with the built form of the development (***excluding building work directly related to remediation and any construction certificate associated with demolition or site preparation***) any variations to the approved Remediation Action Plan (RAP) must be submitted to Council and approved by the NSW EPA Site Auditor and Councils Area Planning Manager.

Reason

To ensure that the site is appropriately remediated.

(42) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan (RAP) prepared by EIA Australia dated 21st July 2023, referenced: E25501.E06, Council Ref: 2023/108600, and any subsequent RAP following the additional investigations required in the RAP, and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Julie Evans dated 4th August 2023, referenced: E070, Council Ref: 2023/10860021. 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 Certifier.

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

Reason

To ensure that the site is appropriately remediated.

(43) ~~NOTIFICATION – NEW CONTAMINATION EVIDENCE~~

~~Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.~~

~~Reason~~

~~To ensure that the site is appropriately remediated.~~

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal complies with the relevant controls of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) The proposal represents appropriate development for the site.
- (C) Subject to conditions, the proposal satisfies design excellence provisions.
- (D) A public benefit offer has been made and satisfies 6.14 of the Sydney LEP relating to the provision of community infrastructure within Green Square. This is subject to deferred commencement to execute the associated Voluntary Planning Agreement.
- (E) Conditions 18 and 19 were amended to allow greater flexibility and clarity during the early phases of construction.
- (F) Condition 42 was amended to specify the Council Area Planning Manager.
- (G) Condition 43 was deleted to remove duplication.

Carried unanimously.

D/2022/1021