Item 3
At Local Planning Panel
17 March 2021

Relevant Information for Local Planning Panel

FILE:	**D/2020/766**	**DATE:**	17 March 2021
TO:	Local Planning Panel Members		
FROM:	Andrew Thomas, Executive Manager Planning and Development		
SUBJECT:	Information Relevant To Item 3 – Development Application: 33-37 Sophia Street, Surry Hills – D/2020/766		

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2020/766, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 17 March 2021, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

~~***PART A – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)***~~

~~***The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination:***~~

~~***(1) LAND REMEDIATION – SITE AUDITOR REVIEW REQUIRED***~~

~~***The Remediation Action Plan (RAP) prepared for this site is to be peer reviewed by a NSW Environment Protection Authority Accredited Site Auditor and include a Section B Site Audit Statement or a letter of Interim Advice from the Site Auditor, certifying that the RAP is practical and confirming that the site will be suitable after remediation for the proposed use.***~~

~~***The above is to be submitted to the satisfaction of Council's Area Planning Manager prior to this consent becoming operational.***~~

~~***Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.***~~

~~***The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.***~~

~~***Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.***~~

PART ~~*B*~~*A* - CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(85) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by "JK Environments", Ref: E32153PLrpt3-RAP, dated 11 February 2021 and the ~~***Site Audit Statement required under Deferred Commencement Condition 1 of this consent***~~ ***Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor, Louise Walkden (EPA Accredited Site Auditor 1903), dated 15 March 2021, Ref no 318001143.***

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 variations to any approved Remediation Action Plan shall 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.

Background

At the time of writing the Local Planning Panel report and Attachment A - Recommended Conditions of Consent, the Remediation Action Plan submitted by the applicant had not been peer-reviewed, as had been requested by Council's Environmental Health unit.

A deferred commencement condition was therefore recommended, requiring the Remediation Action Plan to be reviewed by a NSW Environment Protection Authority Accredited Site Auditor and include a Section B Site Audit Statement or a letter of Interim Advice from the Site Auditor before the consent becomes operational.

The applicant has since obtained an Interim Audit Advice Letter and review of the Remediation Action Plan, prepared by a NSW Environment Protection Authority Accredited Site Auditor, which was submitted to Council on 15 March 2021. This was reviewed by Council's Environmental Health unit on 16 March 2021, who advised that the submitted information satisfies the requirements of Condition 1 of Part A – Deferred Commencement Conditions.

It is also recommended that Condition 85 be amended to remove reference to the Deferred Commencement Condition 1 and make reference to the submitted Letter of Interim Advice/ Section B Site Audit Statement.

The development application is therefore recommended for approval as an operational consent.

Prepared by: Samantha Kruize, Planner

Attachments

Attachment A. Interim Audit Advice Letter – Review of Remediation Action Plan for 33-37 Sophia Street, Surry Hills

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Approved

AJT

ANDREW THOMAS

Executive Manager Planning and Development