



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA25/0186 PAN-520066
Applicant	Mecone Group Pty Ltd Level 15 6 Hassall Street PARRAMATTA NSW 2150
Description of development	Remediation works at Sutherland Public School
Property	38-54 Eton Street, Sutherland Lot 5 Sec 45 DP 802 Lot 5 DP 6600 Lot 6 DP 6600 Lot 7 DP 6600 Lot 8 DP 6600 Lot 9 DP 6600 Lot 10 DP 6600 Lot 1 DP 6600 Lot 2 DP 6600 Lot 3 DP 6600 Lot 4 DP 6600 Lot 6 Sec 45 DP 802 Lot 7 Sec 45 DP 802 Lot 8 Sec 45 DP 802 Lot 9 Sec 45 DP 802 Lot 10 Sec 45 DP 802
Determination	Approved Consent Authority – Council Staff Under Delegated Authority
Date of determination	18 July 2025
Date from which the consent operates	18 July 2025
Date on which the consent lapses	18 July 2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Sutherland Shire Local Environmental Plan 2015* (SSLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Sutherland Shire Development Control Plan 2015 (DCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

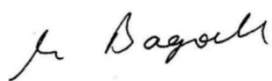
Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 month after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Meredith Bagnall

Person on behalf of the consent authority

For further information, please contact Daniel Lukic

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition

1. Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be-
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to-
 - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

2. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plans
A-005	B	Site Plan	BKA Architecture	17.1.2025

Approved Documents

Document title	Version number	Prepared by	Date of plans
Statement of Environmental Effects Sutherland Public School - Remediation Works	V3	Mecone	2.4.25
Detailed Site Investigation Contamination Proposed Multi-Purpose School Hall, 38-54 and 66 Eton Street, Sutherland Prepared for School Infrastructure NSW	1	Douglas Partners	13 January 2025
Remediation Action Plan Proposed Multi-Purpose School Hall Sutherland Public School 38-54 and 66 Eton Street, Sutherland NSW Prepared for School	2	Douglas Partners	28.2.25

Infrastructure NSW			
Report on Supplementary Contamination Investigation Proposed Multi-Purpose School Hall Sutherland Public School 38-54 and 66 Eton Street, Sutherland NSW Prepared for School Infrastructure NSW	1	Douglas Partners	13 January 2025

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: Ensure the site is suitable for its use.

3. Works excluded from this consent

This application only relates to the remediation of land. This consent does not authorise and/or imply approval is granted for the construction of the proposed hall, tree removal, the extension of the covered walkway and the like as shown on the approved plan of development.

Condition reason: To remove any ambiguity between the consent and the approved plans.

4. Contaminated Land Remediation

The identified contamination at the site must be remediated in accordance with remedial option no. 1 provided in the Remediation Action Plan:

- Douglas Partners, *Remediation Action Plan, 38-54 and 66 Eton Street, Sutherland*, report ref: 224456.00.R.004.Rev2, dated 28 February 2025

and in accordance with:

- National Environmental Protection (Assessment of Site Contamination) Measure (2011);
- State Environmental Planning Policy (Resilience and Hazards) (2021);
- Sutherland Shire Development Control Plan (2015); and
- SafeWork NSW Code of Practice: How to safely remove asbestos (2022);

The removal and remediation must be undertaken under the supervision of the appropriately qualified, experienced and certified environmental consultant.

Note: Any variations to the Remediation Action Plan must be notified to and endorsed by Sutherland Shire Council, Environmental Science Assessment Officer, prior to being implemented.

Condition reason: To ensure the protection of the environment.

REMEDATION WORK BEFORE REMEDIATION WORK COMMENCES

Condition

5. Construction site management plan

Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the Crown Certifier. The plan must include the following matters:

1. The location and materials for protective fencing and hoardings on the perimeter of the site;
2. Provisions for public safety;
3. Pedestrian and vehicular site access points and construction activity zones;

4. Details of construction traffic management including:
 - a. Proposed truck movements to and from the site;
 - b. Estimated frequency of truck movements; and
 - c. Measures to ensure pedestrian safety near the site;
5. Details of bulk earthworks to be carried out;
6. The location of site storage areas and sheds;
7. The equipment used to carry out works;
8. The location of a garbage container with a tight-fitting lid;
9. Dust, noise and vibration control measures;
10. The location of temporary toilets;
11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - a. AS 4970 - Protection of trees on development sites;
 - b. An arborist's report prepared for this development.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

6. Approvals required under Roads Act or Local Government Act

While site works are being carried out, there must be no occupation or works on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council.

Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

Note: All plans and permits are required to be on site, at all times and may be requested by council officers at any time.

Condition reason: To protect public infrastructure.

7. Erosion and sediment control plan

- a. Before the commencement of works, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Crown Certifier.
 - a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
 - b) the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure)(dated 2024, as amended from time to time).
- b. Before any site work commences, the Crown Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place.

These controls must remain in place until any bare earth has been re-stabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

8. Waste management plan requirements

Before the commencement of works, a waste management plan for the development must be prepared and provided to the Crown Certifier. The plan must be prepared:

1. in accordance with

- a. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
- b. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
2. include the following information-
 - a. the contact details of the person removing waste,
 - b. an estimate of the type and quantity of waste,
 - c. whether waste is expected to be reused, recycled or sent to landfill,
 - d. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.

9. Utilities and services

Before the commencement of works, written evidence of the following service provider requirements must be provided to the Crown Certifier:

1. a letter from the relevant electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
2. a response from Sydney Water as to whether the works would affect any water and/or sewer infrastructure, and whether further requirements need to be met
3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.

10. Plan required showing finished ground levels and perimeter of works

Prior to the commencement of works, the following must be provided to the Crown Certifier for approval showing the following:

- A plan showing the perimeter of the works (as denoted in blue dashed line on the approved site plan) relating to the area required to be remediated, being the footprint of the new school hall (as shown on the Ground Floor Plan prepared by BKA Architecture, Drawing A-110(R) Revision A, dated 27.2.25).
- A plan showing the finished ground level of the slab/capping layer must not exceed RL112.800 (being the finished ground level of the new school hall as shown on the Ground Floor Plan prepared by BKA Architecture, Drawing A-110(R) Revision A, dated 27.2.25 and the Elevation Plans prepared by BKA Architecture, Drawings A-200(A) and A-201(A), both dated 13.12.24).

Condition reason: To ensure certainty in the approval

11. Appointment of supervising environmental consultant

The applicant must engage an appropriately qualified, experienced and certified environmental consultant to supervise all aspects of contaminated land management and related environmental management issues.

The appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes:

- Environmental Institute of Australia and New Zealand Inc., 'Certified Environmental Practitioner
- Site Contamination' (EIANZ CEnvP - SC); or
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' (SSA CPSS CSAM).

A copy of the acceptance letter must be provided to the Crown Certifier and a copy provided to Sutherland Shire Council, Environmental Science Assessment Officer.

Condition reason: To ensure the protection of the environment.

12. Long-Term Environmental Management Plan

A long-term environmental management plan must be prepared by the supervising environmental consultant to facilitate the long-term management of contaminated land measures in accordance with the approved plans and relevant NSW EPA guidelines, including but not limited to:

- NSW Contaminated Land Management Act (1997);
- NSW Contaminated Land Management Regulation (2022);
- NSW State Environmental Planning Policy (Resilience and Hazards) 2021 - *Ch. 4 - Remediation of Land*;
- NSW Planning Guidelines *SEPP 55 - Remediation of Land* (1998);
- National Environment Protection Council (NEPC) National Environment Protection (Assessment of Site Contamination) Measure Schedule B1 - *Guideline on Investigation Levels for Soil and Groundwater* (2011);
- National Environment Protection Council (NEPC) National Environment Protection (Assessment of Site Contamination) Measure Schedule B2 - *Guideline on Site Characterisation* (2011);
- ANZECC and ARMCANZ *Guidelines for Fresh and Marine Water Quality* (2000);
- NSW EPA Contaminated Land Guidelines: *Consultants Reporting on Contaminated Land* (2020).

Condition reason: Ensure the protection of the environment.

13. Soil management

While site work is being carried out, the Crown Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Crown Certifier.
2. All fill material imported to the site must be:
 - a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - b. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

14. Before You Dig Australia

Before excavating or erecting structures, Before You Dig Australia must be contacted at www.byda.com.au <<http://www.byda.com.au>> <<<http://www.byda.com.au>>>.

Note: It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Before You Dig Australia service in advance of any construction or planning activities.

Condition reason: To protect damage to third party assets in the interest of health and safety.

15. Containment of fill

Details of finished levels around the perimeter of the building must be provided to the Crown Certifier for approval prior to the commencement of works.

Condition reason: Ensure the development has been constructed in accordance with the approval.

16. Tree retention and protection

Before any site work commences, the Crown Certifier must be satisfied the measures for tree protection detailed in the construction site management plan are in place.

Condition reason: To protect and retain trees.

DURING REMEDIATION WORK

Condition

17. Approvals required under Roads Act or Local Government Act

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

These approvals must be obtained prior to the commencement of works, to the satisfaction of council, for the required development works and may include but are not limited to the following:

- frontage works including construction of a driveway, footpath, etc
- road openings and restoration to provide services to the development
- work zones and hoardings
- skip bins
- shoring / anchoring
- standing of cranes, concrete pumps, etc.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a principal certifier or by a private certifier.

Failure to obtain approval may result in fines or prosecution.

Condition reason: Ensure the protection of public assets.

18. Supervising environmental consultant - site management

The supervising environmental consultant must supervise all aspects of onsite environmental management to ensure compliance with the approved plans including, but not limited to:

- Douglas Partners, *Remediation Action Plan, 38-54 and 66 Eton Street, Sutherland*, report ref: 224456.00.R.004.Rev2, dated 28 February 2025 (RAP)

Condition reason: Ensure the protection of the environment

19. Discovery of relics and aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

1. the work in the area of the discovery must cease immediately;
2. the following must be notified
 - a. for a relic - the Heritage Council; or
 - b. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

1. for a relic - the Heritage Council; or
2. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

20. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between:

- Monday to Friday: From 7.00am to 6.00pm,
- Saturdays from 8.00am to 3.00pm,
- No deliveries permitted on Sundays and Public Holidays.

Condition reason: To protect the amenity of neighbouring properties.

21. Hours of work

Site work must only be carried out between the following times -

- Monday to Friday: From 7.00am to 6.00pm,
- Saturdays from 8.00am to 3.00pm,
- No work is permitted on Sundays and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Condition reason: To protect the amenity of the surrounding area.

22. Erosion and sediment controls in place

Before any site work commences, the Crown Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place.

These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

23. Management of site soil / fill material

Disposal of site soils

Any soils to be excavated below the finished surface level and disposed of from the site must be analysed and classified by the supervising environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

Excavated material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

Reused soils

Any soils excavated beyond 2 metres below the finished surface level to be reused on the site must be analysed and classified by the supervising environmental consultant, in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under the Contaminated Land Management Act 1997; to verify that the material is suitable for the intended land use, prior to reuse.

Any soils not suitable for the intended land use must be removed from site and disposed of in accordance with the above.

Importation of fill material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014.

Condition reason: Ensure the protection of the environment.

24. Toilet facilities

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

1. be a standard flushing toilet connected to a public sewer, or
2. have an on-site effluent disposal system approved under the Local Government Act 1993, or
3. be a temporary chemical closet approved under Local Government Act 1993.

Condition reason: To ensure appropriate amenities are made available during the construction process.

25. Implementation of the site management plans

While site work is being carried out: .

1. the measures required by the construction site management plan and the erosion and sediment control plan must be implemented at all times, and
2. a copy of these plans must be kept on site at all times and made available to council officers upon request.

Condition reason: To ensure site management measures are implemented during the carrying out of site work.

26. Containment of fill

Fill must not extend beyond the perimeter of the area the subject of the approved works.

Condition reason: To ensure the protection of the environment and the development doesn't divert water.

27. Tree protection during work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

1. the construction site management plan under this consent,
2. the relevant requirements of AS 4970 Protection of trees on development sites,

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Condition reason: To protect trees during the carrying out of site work.

ON COMPLETION OF REMEDIATION WORK

Condition

28. Removal of waste upon completion

Upon the completion of the remediation works,

1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and
2. written evidence of the waste removal must be provided to the satisfaction of the Crown Certifier.

Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

29. Certification requirement of levels

Survey Construction

Upon the completion of the remediation works, evidence must be provided demonstrating that the finished ground levels are match those approved by the Crown Certifier.

Condition reason: Ensure the structure complies with approved levels.

30. Remediation Validation Works

On completion of remedial works, a Validation Report must be prepared by the supervising environmental consultant verifying that the site has been remediated in accordance with the approved Remediation Action Plan and meets the validation criteria listed in Section 13 of the Remediation Action Plan. The Validation Report must also verify that the site is suitable for the Education land use.

The Validation Report must be prepared in accordance with relevant NSW EPA guidelines including, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

The validation report must be submitted to the satisfaction of Sutherland Shire Council, Environmental Science Assessment Officer.

Condition reason: To ensure the protection of the environment.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#) and listed below. The consent should be read together with the *Conditions of development consent: advisory notes* and the advisory matters listed below to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Sutherland Shire Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Sutherland Shire Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney South Planning Panel.