

# Supplementary report to the Sydney Central City Planning Panel

Panel reference: 2018CCI001

## Development application

<b>DA number</b>	SPP-18-01549	<b>Date of lodgement</b>	16 August 2018
<b>Applicant</b>	Lippmann Partnership Pty Ltd		
<b>Owner</b>	Christian Education Ministries Ltd		
<b>Proposed development</b>	Construction of 3 storey classroom building at the Australian Christian College, new tarpark, landscaping and timber acoustic fencing on 3 property boundaries		
<b>Street address</b>	61-69 Farm Road, Riverstone (Lot 90 DP 1224210)		
<b>Notification period</b>	3 to 17 October 2018	<b>Number of submissions</b>	2

## Assessment

### Panel criteria

Section 7, SEPP  
(State and Regional  
Development) 2011

- Capital Investment Value (CIV) >\$5M (CIV is \$12,617,000)

### Relevant section 4.15(1)(a) matters

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - draft Marsden Park North Precinct controls
- Central City District Plan 2018
- Blacktown Local Environmental Plan 2015
- Blacktown Development Control Plan 2015
- Blacktown Local Strategic Planning Statement

**Original report date** 23 July 2019

### Panel meeting date and deferral

Panel meeting held on 29 August 2019. The Panel deferred the determination of the application until the Applicant provided a Site Contamination Phase 2 report, and informally raised other issues not reflected in the formal Panel decision.

**This report date** 31 March 2020

**Report prepared by** Luma Araim

**Recommendation** Approve, subject to the conditions listed in attachment 4

## Attachments

1. Stage 2 Detailed Site Investigation
2. Amended site and landscape plans
3. Information about the school's Flood Evacuation Management Plan
4. Draft conditions of consent (amended)

5. Original report to Panel

### Checklist

#### Summary of section 4.15 matters

Have recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Yes

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? N/A

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Yes

#### Conditions

Have draft conditions been provided to the applicant for comment? Yes

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## **1 Executive summary**

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- 1.1 This supplementary report is the second report on this proposal. This report considers additional information submitted by the applicant in response to the Panel's deferral of the Development Application on 29 August 2019.
- 1.2 The key issues that need to be considered by the Panel relate to the matters raised in its deferral and these are covered in Section 3 of this report.
- 1.3 Assessment of the additional documentation and amended plans against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.4 The application is therefore assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 4.

## **2 Previous Panel consideration of DA**

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- 2.1 The Sydney Central City Planning Panel met on 29 August 2019 to consider this Development Application and it made the following decision:

"Whilst the Panel would approve the development application for the following reasons .....  
the Panel will defer determination to allow the Site Contamination Phase 2 report to be prepared to show that the site is suitable for this development in accordance with SEPP 55. Upon receipt of the Council addendum report, the Panel will determine the matter electronically."
- 2.2 A copy of the original report to the Panel and the full decision of the Panel is at attachment 5 to this report.
- 2.3 The Panel informally raised 3 other issues that were not recorded in the formal decision and these are dealt with in this report.

## **3 Assessment of applicant's revised plans**

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### **3.1 Site Contamination Phase 2 Report**

- 3.1.1 The applicant has now provided a Stage 2 Detailed Site Investigation (OSI) which was prepared by Environment and Natural Resource Solutions (ENRS) dated February 2020. Refer to attachment 1 for a copy of this report. The purpose of the report was to provide comprehensive information on any issues raised in the Stage 1 Preliminary Site Investigation (PSI), to assess the potential for ground contamination and document if the site is suitable or can be made suitable for the proposed school use, in accordance with Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land.
- 3.1.2 The Stage 2 OSI documents the results of available site historical records, borehole investigations, soil sampling and NATA accredited laboratory analysis in general, in accordance with the National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1) and the guidelines made and approved under section 105 of the Contaminated Land Management Act 1997 (the Act), namely the Guidelines for Consultants Reporting on Contaminated Sites (OEH, 2011) and the Guidelines for the Assessment and Management of Groundwater Contamination (DEC, 2007).

3.1.3 The aims of the Stage 2 OSI report were to:

- provide comprehensive information on any issues raised in preliminary investigations
- characterise the type, extent and level of contamination by conducting intrusive ground investigations
- where applicable, identify any potential off-site impact on soil, sediment and biota
- review the project results to assess if the site will pose an unacceptable risk to human health or to the environment
- compile the project results and prepare recommendations for further investigations, if required
- provide a statement regarding the suitability of the site for the school use.

3.1.4 The scope of work included:

- a review of available site history records incorporating previous investigation reports, proposed development plans and Council records
- a review of publicly available data (including aerial photographs, geological maps, topographical maps and registered groundwater bore database)
- supervise borehole investigations and soil sampling in 32 locations and installation of 3 groundwater monitoring wells
- a submission of selected samples to a NATA accredited laboratory for analysis
- conduct Tier.1 screening of NATA analysis results against NSVV EPA endorsed Site Assessment Criteria
- document investigation results.

3.1.5 The original Stage 1 Preliminary Site Investigations (PSI) (July 2015) identified 3 Areas of Environmental Concern (AECs) and provided recommendations for remediation during the re-development works:

- AEC1 - soil and fill with elevated formaldehyde associated with the concrete slabs and pits in the centre of the site, impacted from former fellmonger or knackery use where preliminary tanning of hides may have taken place
- AEC2 - asbestos in soil in proximity to buildings across the centre and north of the site
- AEC3 - asbestos in buildings to be removed during demolition works.

3.1.6 Site inspections during the Stage 2 OSI observed that the AEC1 area and former dam in the south of the site had been levelled and filled. No records of these activities were available for review at the time of the assessment and the Australian Christian College was not aware of the works.

3.1.7 Supplementary review of the online aerial imagery indicates area of the site was filled between April and October 2016:

- the southern dam was filled between 6 April 2016 and 5 May 2016
- the central pit was levelled and filled between 16 August 2016 and 12 October 2016.

3.1.8 The areas of concern (AECs) identified in the Stage 2 OSI include:

- AEC01 - former pit area and uncontrolled fill (including fill with elevated formaldehyde levels

- AEC02 - asbestos in soil adjacent to former and current structures
- AEC03 - buildings and potential weathering of hazardous materials
- AEC04 - former southern dams and uncontrolled fill.

3.1.9 The Stage 2 OSI report recommends that, based on the findings, the following tasks need to be completed:

- remediation works must be carried out in accordance with a Stage 3 Remediation Action Plan (RAP) prepared by a suitably qualified environmental consultant and approved by the Regulator prior to commencement
- remediation of soil and fill with asbestos finds must be managed as friable asbestos under supervision of a Class A licenced removal contractor. Soil and fill with non-friable asbestos must be remediated under supervision of a minimum Class B licenced contractor. All asbestos works must be completed in accordance with the Code of Practice 'How to safely remove asbestos' (SafeWork NSW, 2019)
- material disposed off-site will need to be accompanied by a waste classification certificate prepared in accordance with NSW EPA Waste Classification Guidelines (2014)
- a clearance certificate is required from an appropriately licensed asbestos assessor (LAA) for asbestos removal areas prior to re-occupation and entry without asbestos specific PPE
- upon completion of remediation works, the site must be validated with results documented in a Stage 4 Validation report to confirm if the site is suitable for the proposed land use
- the buildings present in AEC03 must be the subject of a standalone Hazardous Materials survey, and may be managed separately to soil remediation works during any demolition or refurbishment
- should any change in site conditions or incident occur which causes a potential environmental impact, a suitable environmental professional should be engaged to further assess the site and consider requirements for any additional assessment.

3.1.10 This report was carefully considered by Council's Environmental Health Unit and was found to be satisfactory both in its methodology and recommendations and requires that these recommendations be included as conditions of consent.

3.1.11 It will also be necessary for the applicant to obtain a Site Audit Statement (SAS) prepared by a suitably qualified EPA accredited site auditor, to validate that the site is suitable for a school building with pedestrian access by school staff and students. This will be included with other associated conditions in the revised consent.

### **3.2 Amend the landscape plan to include 16 additional trees to be planted**

3.2.1 16 additional trees are proposed to be planted in addition to the originally proposed 25 new trees. This will bring the total number of new trees to 41, which is more than the trees proposed to be removed. The trees are shown on the amended landscape plans at attachment 2.

3.2.2 On this basis we are now satisfied that there will be sufficient compensatory planting done to address the intended loss of trees.

### **3.3 Amendment to the fence on the eastern boundary**



- 3.3.1 The design of the proposed fence on the eastern boundary has been amended to include 0.5 m louvers at the bottom of the fence to allow stormwater flows from the west to go through the fence without the stormwater being trapped.
- 3.3.2 Council's Drainage Engineer is satisfied that this fencing design will facilitate the flow of stormwater without any obstruction. This fencing detail will be included in the conditions of consent and is to be installed prior to the issue of the Occupation Certificate.

**3.4 Details about applicant's Flood Evacuation Management Plan for the site**

- 3.4.1 The applicant has submitted a copy of its Flood Evacuation Management Plan (FMP) dated 4 May 2018 - refer to attachment 3.
- 3.4.2 Council's Drainage Engineer is satisfied with the FMP and this will be conditioned to be kept in the school office as an operational condition.

## **4 Conclusion**


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- 4.1 The proposed development has been assessed against all relevant matters and is now considered to be satisfactory. The likely impacts of the development have been satisfactorily addressed and the proposal is considered to be in the public interest. The site is considered suitable for the proposed development subject to conditions.


## **5 Recommendation**

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- 1 Approve Development Application SPP-18-01549 for the reasons listed below and subject to the conditions listed in attachment 4.
  - a The Stage 2 Detailed Site Investigation Report concludes that the site can be made suitable for the proposed development in accordance with NSW State Environmental Planning Policy No. 55, subject to remediation occurring in accordance with the Stage 2 Detailed Site Investigation and Remediation Action Plan and validation of the site by an EPA accredited site auditor.
  - b The redevelopment and expansion of the adjacent Australian Christian College into the subject land is desirable as it will provide additional school infrastructure for the future Marsden Park North Precinct.
  - c The proposal will provide social infrastructure for the existing and growing community of Riverstone and Marsden Park and so is in the public interest.
- 2 Council officers notify the applicant and submitters of the Panel's decision.

  
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