



Ms Rosie Majer
Senior Project Manager
TSA Management

17 October 2018

Dear Rosie,

**DA/2018/57 -ALTERATIONS AND ADDITIONS TO GREENWICH
PUBLIC SCHOOL (NORTH CAMPUS)- AT 30 -32
KINGSLANGLEY ROAD, GREENWICH**

I refer to the above development, and the email sent from Lane Coves Council, Mr Michael Stephens on 20 September 2018 that attached draft recommended conditions of consent for this development.

Clause 4.33 of the Environmental Planning and Assessment Act 1979 states that:

- (1) A consent authority (other than the Minister) must not:*
- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

In accordance with this clause, Council has provided draft conditions of consent for review.

As requested, I have reviewed the draft conditions of consent and provide comments on them in the following table.

PROPOSED CONDITION	COMMENT	POSSIBLE REVISED CONDITION
<i>Deferred Commencement condition</i> <i>This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that</i> <i>1. A Remediation Action Plan is to be prepared in order to address</i>	As outlined in the documentation submitted with the development application portions of the site are identified as being contaminated with either lead or asbestos. The proponent proposes to remove the soil identified as either containing asbestos or lead as part	<i>Contaminated soil identified in the Environmental Site Assessment, prepared by JBS&G dated 5 September 20148, Rev A, Plot no. 53033/110763 shall be removed from the site and</i>

<p><i>the contaminants identified in the Environmental Site Assessment, prepared by JBS&G dated 5 September 20146, Rev A, Ref no 53033/110763.</i></p> <p><i>Council reserves the right to require an EPA Accredited Site Auditor to review the Remediation Action Plan and Verification Report</i></p>	<p>of the construction works. Given that the contaminants are proposed to be removed, the development will satisfy the requirements of SEPP 55.</p> <p>A Remediation Action Plan is not warranted as the applicant proposes to remove all contaminated soil and dispose of it at a licensed EPA Waste disposal facility.</p> <p>If contaminated materials were proposed to be left on soil or treated on site etc then a RAP would be appropriate</p> <p>On this basis it would be appropriate to remove the deferred commencement condition and replace it with a condition that requires all contaminated soil to be disposed of at a licensed EPA waste Facility.</p> <p>In the alternate and to provide more flexibility for the project I would suggest shifting the existing condition to within the prior to issue of the Crown Certificate section of the consent notice. This allows demolition works and tree removal to occur, whilst also providing certainty that the contaminants have been removed. I also note that the level of contamination found is not of a scale to require an EPA accredited site auditor to be involved.</p>	<p><i>disposed of at an EPA licensed Waste facility.</i></p>
<p><i>Operational Condition 1 that contains a list of proposed plans and documents</i></p>	<p>It would be appropriate for GHD/TSA to confirm that the proposed documents are the most current versions of the plans/documents.</p>	<p><i>Update references if required</i></p>
<p><i>22 Bond on Council Infrastructure. The applicant shall lodge with Council a \$10,000 bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Completion Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is</i></p>	<p>Bonds are typically imposed to provide security and certainty that works or repairs can occur if a developer becomes insolvent etc during the development process.</p> <p>In this case as the proponent is the NSW Department of Education, that is a state government department there is not a risk of the proponent becoming insolvent.</p> <p>Accordingly it is considered more appropriate that either the condition Be modified to not require a bond or alternatively conditions be imposed requiring a dilapidation report to be prepared prior to works commencing</p>	<p><i>A dilapidation report is required to be prepared prior to any work commencing. The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontages bounding the site up to and including the centre of the road.</i></p> <p><i>Prior to the issue of a final Completion Certificate the applicant shall prepare a post construction dilapidation report. This report is to ascertain whether the construction works created</i></p>



<p>required prior to the issue of the Crown Certificate</p> <p>Reason: To maintain public infrastructure</p>	<p>and after works have been completed.</p>	<p>any damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontages bounding the site up to and including the centre of the road. If damage did occur, it is to be rectified by the proponent prior to the issue of the final completion certificate</p>
<p>27. Construction Traffic Management Plan: A Construction Traffic Management Plan is to be submitted to Council for approval prior to the issue of the Crown Certificate. The CTMP is to be prepared in accordance with Clause 7 of PART R - Traffic, Transport and Parking in the Lane Cove Development Control Plan 2009</p> <p>As a part of the preparation of the CTMP consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required.</p> <p>Reason: To ensure construction traffic does not adversely impact the safety and efficiency of traffic movements surrounding the site</p>	<p>The condition requires a Construction Management Plan to be approved by Council. It is considered that DOE in conjunction with the crown certifier is capable of ensuring that the plan is consistent with the DCP.</p>	<p>Construction Traffic Management Plan: A Construction Traffic Management Plan is to be prepared in accordance with Clause 7 of PART R - Traffic, Transport and Parking in the Lane Cove Development Control Plan 2009 to the satisfaction of the Principal Certifier.</p> <p>As part of the preparation of the CTMP consultation with, Lane Cove Council NSW Police, RMS and Transport for NSW / Sydney Buses is required.</p> <p>Reason: To ensure construction traffic does not adversely impact the safety and efficiency of traffic movements surrounding the site.</p>
<p>55. Site Remediation Verification Report: A final verification report to verify the effectiveness of the remedial works as outlined in the Remediation Action Plan and document the final site condition as being suitable for the proposed land use. The report is to be submitted to the Principal Certifier prior to the issue of the Completion Certificate</p> <p>Council reserves the right to require an EPA Accredited Site Auditor to review the Verification Report.</p>	<p>As outlined above a remediation action plan is not warranted as all identified contaminated soil is proposed to be removed from the site.</p> <p>On site remedial works are not proposed. The submitted report confirms that if the soil containing either lead or asbestos is removed that the site is suitable for its continued use as a school.</p>	<p>Condition requested to be deleted.</p>



Reason: Public Health and Safety		
<i>59. Replacement Tree Planting: Trees removed in order to facilitate the development must be replaced at a ratio of no less than 1:1 and all plantings/landscaping must comply with Part J Landscaping of the Lane Cove Development Control Plan 2010 and be installed prior to the issue of the Completion Certificate. All replacement trees are to be of a minimum height of 4 metres from ground level at the time of installation.</i> <i>Reason: to retain the landscaped amenity of the school and surrounding area</i>	The current landscaped plan provides for the planting of 25 trees on the site. Given that the development proposes the removal of only 26 trees, this condition is not necessary as the approved landscaping plan in condition 1 facilitates this.	This condition should be deleted.
<i>67 Final Inspection of Food Premises: A final site inspection relating to the works carried out on the premises shall be arranged by the proponent and shall be undertaken by Council's Environmental Health Officer prior to the issue of the Completion Certificate.</i> <i>Reason: Council Policy, Public Health.</i>	The principal certifying authority is capable of confirming that the Canteen has been completed in accordance with the legislative requirements of condition 66. A separate and additional inspection by Council's Health Officer is not warranted and is a duplication of the certification process.	This condition should be deleted.

The above review is based on my town planning expertise and it may be appropriate to seek advice on the proposed conditions from experts such as engineers, architects and landscapers to ascertain whether the proposed conditions are acceptable to these experts.

I also note that the draft conditions provided are the proposed Council staff conditions. There is a chance that this application is required to be determined by the Lane Cove Council Local Planning Panel or the regional planning panel. (I have sought advice on the proposed determination body and am currently awaiting advice from Council)

If the application is to be determined by either of these panels, they can seek to impose alternate or additional conditions to that recommended by Council staff. Although the alternate or additional conditions cannot be imposed without the applicant's agreement, it would be appropriate to have staff with appropriate expertise and delegation at any future local planning meeting to reduce the risk of the project being further delayed.



Should you require any further information, I can be contacted on 9687 8899 or 0405 530 095.

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