

24 July 2019

Sutherland Shire Council  
General Manager  
Locked Bag 17  
SUTHERLAND NSW 1499

Attention: Mr Evan Phillips

Dear Mr Phillips

**Re: Proposed amendments to the draft conditions of consent of DA18/1345 - 551 President Avenue, Sutherland (St Patrick's College)**

This letter is written on behalf of Sydney Catholic Schools (**SCS**) (the applicant), in relation to Development Application (**DA**) DA18/1345 which proposes alterations and additions to St Patrick's College (**College**) at 551 President Avenue, Sutherland (the **site**). It sets out the applicant's proposed amendments to the draft conditions of consent which are to be considered by Sydney South Planning Panel on July 26th, 2019.

The proposed modifications are set out below (new words shown in **red bold** and deleted words in ~~strike through~~).

**13. Supervising Environmental Consultant**

**A. Before Commencement**

The applicant must engage an appropriately qualified, experienced and certified environmental consultant to supervise all aspects of site investigation, remediation, validation and environmental site management as required.

**B. Before Works and issue of any Construction Certificate**

The applicant must provide clear evidence of the appointment of the appropriately qualified, experienced and certified environmental consultant to the **Principal Certifying Authority** ~~satisfaction of Sutherland Shire Council, Manager Environmental Science~~, prior to the commencement of any works and the issue of any construction certificate.

**C. During Works**

The certified environmental consultant must supervise all aspects of site investigation, remediation and validation and onsite environmental management to ensure compliance with the approved plans.

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

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).
- **or demonstrated equivalent qualification to the satisfaction of Sutherland Shire Council.**

**REASON FOR MODIFICATION:** As advised by our Environmental Consultant, this level of qualification is very rare for the consultant to obtain this level of certification. No other Council, we have worked with requires this standard, as such we seek to amend the condition slightly to enable a suitably qualified person to oversee the work to the satisfaction of Council.

**Note** *In our recent demountables DA, Sutherland Council Environmental Sciences group reviewed the qualifications of our consultant and agreed that they were adequately qualified to provide the supervision and clearance certificates for the use of the land. We are seeking similar endorsement of qualifications.*

## 17. Tree Retention and Protection

The following condition applies to all trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

### A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below.

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturalists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

All trees not approved for removal must be protected by the following measures:

- I. To preserve the trees numbered 6,7,8,9,~~10~~ and ~~11~~, the footings of the proposed retaining walls and fences must be isolated pier and beam construction within a 9m radius of the trunks. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- II. Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Australian Standard AS - 4970 and as per the approved Arborist report prepared by Eco Logical. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- III. The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- IV. No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- V. Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- VI. Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone- install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970- Protection of Trees on Development Sites (Page 17).

**REASON FOR MODIFICATION:** Remove reference to Trees 10 & 11 as they are well outside of the project site and located in the centre of the site where the students will enjoy their lunch & recesses.

## 18. Management of Site Soil / Fill Material

### A. During Works

- I. Disposal of site soils Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified, skilled and experienced 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.

Note: With respect to fill material classified as special waste (asbestos); the waste facility must be licensed to accept asbestos waste.

- II. 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. Prior to placing any fill material on the site, appropriate waste classification/ certification documentation that verifies the material is VENM or complies with the requirements of the relevant Resource Recovery Exemption, including ENM, must be provided to the **Principal Certifying Authority** ~~satisfaction of Sutherland Shire Council, Manager Environmental Science the satisfaction of the Sutherland Shire Council, Manager Environmental Science.~~

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard acceptable to Sutherland Shire Council, Manager Environmental Science.

- EIANZ 'Certified Environmental Practitioner' - General or Site Contamination scheme (CEnvP or CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).
- **or demonstrated equivalent qualification to the satisfaction of Sutherland Shire Council.**

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## 22. Remedial Action Plan - if required

### A. Prior to Construction and Issue of Construction Certificate

If the supplementary detailed site contamination investigation concludes that remediation of the site is required to enable the land to be suitable for the proposed use, then a Remedial Action Plan must be prepared.

The Remedial Action Plan must set remediation goals to ensure the site will be made suitable for the proposed use and will not pose any unacceptable risk to human health or the environment. The plan must also be prepared by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA Guidelines including, but not limited to, "Guidelines for Consultants Reporting on Contaminated Sites 2011."

The Remedial Action Plan must be reviewed by a NSW EPA accredited site auditor. As part of the site audit review, the applicant must act in accordance with and comply with any requirements stipulated by the NSW EPA accredited site auditor. The applicant must also modify the amended Remedial Action Plan as and if required by the NSW EPA accredited site auditor.

The accredited site auditor must provide verification of the suitability of the Remedial Action plan in the form of an interim site audit advice or section B site audit statement.

The site audit verification and the Remedial Action Plan, must be submitted to the satisfaction of **Principal Certifying Authority** ~~Sutherland Shire Council, Environmental Science~~ prior to construction and issue of any construction certificate

Note: The environmental consultant must be certified by one of the following certification schemes.

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).
- **or demonstrated equivalent qualification to the satisfaction of Sutherland Shire Council.**

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## 25. Environmental Management Plan - if required

### A. Site Remediation Requirement

If an Environmental Management Plan is required by the Remedial Action Plan; the applicant must create and register a covenant on the title of the land under the provisions of the Conveyancing Act 1919. The covenant must stipulate that the use of the site is subject to the management and maintenance requirements provided in the site auditor endorsed environmental management plan.

The positive covenant/s must be binding upon the registered proprietors of the subject lots and successors in title. The instrument shall nominate Sutherland Shire Council as the only authority empowered to release, vary or modify the terms of the covenant.

### B. Prior to occupation and the issue of any occupation certificate

If required by 'A' above; evidence that the required covenant on the land title has been created, must be provided to the satisfaction of **the Principal Certifying Authority** ~~Sutherland Shire Council, Manager Environmental Science~~, prior to occupation and the issue of any occupation certificate.

Note: The environmental consultant must be certified by one of the following certification schemes.

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
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### INSERT NEW Condition - Maximum Number of Students

**A maximum enrolment of 1500 students is permitted for the School.**

**REASON FOR MODIFICATION:** To provide certainty within the development consent, in respect to the total number of students approved on the site.

We trust that Council will consider this submission in the assessment of DA18/1345.

Please do not hesitate to contact the undersigned (0419 249 467) should you require any additional information on the matters raised.

Yours sincerely



Kyeema Doyle  
Senior Planner