

Panel queries – July 2018

Matter 1 - Clarify the conditions of consent that are required prior to issue of occupation certificate.

Council has reviewed the conditions of consent and is satisfied that all the required conditions that require completion prior to the issue of an Occupation Certificate are included in the consent. Some of these are grouped under other headings which relevantly place all the conditions related to a specific issue in one place despite the fact that the condition must be complied with prior to occupation place e.g. Landscaping, Carparking and Access, Safer by Design. Specifically conditions 15, 24, 25, 29 and 31 should be completed prior to occupation. While they may not be listed under the heading "Prior to Occupation Certificate" Council believes it is either explicit (e.g. Condition 15) or implicit (e.g. Condition 24) that the works need to be completed prior to occupation despite the fact that the condition may not appear under that particular heading.

Matter 2 – Assessment against the draft Remediation of Land SEPP.

Draft SEPP – Explanation of Intended Effect and Remediation of Land SEPP – Draft Guidelines

Council has also assessed the application against the Remediation of Land SEPP – Explanation of Intended Effect and the Remediation of Land SEPP – Draft Guidelines. The overarching objective of the existing SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP.

The key operational framework of SEPP 55 will be maintained in the new SEPP, which will:

- require consent authorities to consider whether the site is, or is likely to be, contaminated; and
- permit a consent authority to require additional information to satisfy itself as to whether the land is contaminated.

While the documentation is only in its formative stages at this time, essentially the proposed SEPP will contain similar provisions to those contained in clause 7 of the existing SEPP 55 as they relate to this development application. Specifically, Council must be satisfied that, any previous uses of the site that may cause contamination or any actual contamination of the site, either has no impact on the proposed development or can be remediated to the extent that the land will be suitable for the proposed landuse.

As indicated in the assessment of the application against SEPP 55 above a Preliminary Site Investigation was carried out. The PSI concludes that:

- The site has been used continuously as a school since 1961 and a review of available aerial photographs and records do not indicate any previous potentially contaminating activities on the site.
- Safe Work NSW confirmed that no records indicate Storage of Hazardous Chemicals on the subject site.
- The potential for gross contamination to be present within the site is considered to be low and the site is generally suitable for the intended land use as a site for additional classrooms subject to the conditions previously mentioned in the assessment against SEPP 55 above.

As such the proposed development is considered to satisfy the requirements of the Draft Remediation of Land considerations.