

Panel Reference: PPSSCC-14

Development Application: DA-171/2019

Address: 69 - 71 Pegler Avenue, SOUTH GRANVILLE NSW 2142 & 70 Gordon Avenue, SOUTH GRANVILLE NSW 2142

Proposed Development: Demolition of existing dwellings and construction of a 3 storey residential flat building comprising 18 units over one level of basement car parking for 11 vehicles, associated landscaping and land consolidation pursuant to SEPP (Affordable Rental Housing) 2009 on 69-71 Pegler Avenue, South Granville and associated stormwater works on 70 Gordon Avenue, South Granville

In assessing the development application, Council undertook an assessment of the development against the provisions of SEPP 55.

A review of Council's database indicated that there is no historical data available indicating that the site is contaminated. Further, a review of Land and Housing Corporation (LAHC) records identifies that the properties were developed for residential development circa 1948 and 1963 and have been in residential use, under LAHC (previously Housing Commission NSW) ownership, since that time.

Having regard to the provisions of Clause 7(2) of SEPP 55, the development does not involve a change in land use, i.e. the site is currently used for residential purposes and the development proposes a residential land use.

The development application, therefore does not trigger the requirement for the submission of a preliminary site investigation report.

In order to address any unexpected finds encountered during the demolition and construction phases of the development, condition number 60 (Discovery of additional information during demolition or construction) has been recommended. The condition requires any new information which comes to light during demolition or construction works, which has the potential to alter previous conclusions about site contamination, to be reported to Council.

Notwithstanding the above, acknowledging that the development involves excavation to facilitate the construction of the basement, the development application was accompanied by a Geotechnical Investigation prepared by STS GeoEnvironmental (dated May 2019).

The Geotechnical Investigation was prepared to assess subsurface conditions over the site, provide soil classification to AS2870, provide recommendations regarding the appropriate foundation system for the site, provide parameters for the temporary and permanent support of the excavation and comment on soil aggressiveness to buried steel and concrete. It is acknowledged that a contamination assessment was not included in the scope of works.

For the purpose of Clause 7(1) of SEPP 55, Council has considered whether the land is contaminated, having regard to Council records and the historic residential land use of the site. Council acknowledges that the development does not involve a change of land use and a Phase 1 Contamination Report pursuant to Clause 7(2) is not triggered. Should any unexpected finds be encountered during the demolition or construction phases of the development, a condition of development consent has been recommended to ensure that Council is made aware of the find/s.

From: Rennie Rounds

Sent: Monday, 9 December 2019 1:25 PM

To: Lisa Foley; Esra Calim

Cc: Rashika Rani; Karl Okorn; Michael Lawani

Subject: RE: SEPP 55 issues - 69-71 Pegler Ave, South Granville - DA-171/2019 - PPSSCC-14

Hi Lisa,

Thank you for your email, please see below response.

In undertaking an assessment of the development against the provisions of SEPP 55, Council considered the provisions of Cl. 7(2):

- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

Council determined that the development does not involve a change of use, i.e. the land use remains residential (albeit with a different built form, from the existing dwellings to the proposed residential flat building development).

As the land use is not changing, negating the applicability of Cl. 7(2) to the proposed development, Cl. 7(4) is therefore not applicable:

- (4) *The land concerned is—*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

We trust the above information is of assistance, if anything further is required, please advise.

Thank you,
Rennie