

Panel Reference: PPSSCC-3

Development application: 2019/141

Address: 11-17 Joyner Street, Westmead

The subject site, 11 – 17 Joyner Street Westmead and immediate surrounds have historically been used for residential purposes and Council has no record of any known contamination on the subject site or immediate surroundings. During site inspections the officers did not notice any obvious evidence of any known contamination as well. In such circumstances Council does not require a formal preliminary investigation to find any contamination.

The applicant has not engaged any Environmental Scientist to provide statements on contamination. Their qualified town planner, in their statement of environmental effects noted as under:

State Environmental Planning Policy No. 55 – Contaminated Land

Clause 7 of SEPP 55 provides:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Given the historical use of the site for residential purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary as Clause 7 of SEPP 55 is not triggered.

If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.

The DA was referred to Council's Environmental Health Unit (EHU) for a review of all environmental factors including any known contamination. The EHU officer reviewed the above statement and provided the following comments:

Comment: That advice is not inconsistent with general expectations of residential development in that area. Standard condition (343) addresses this matter.

Condition No. 88 is included in the draft notice of determination and reads as under:

Contaminated Land Unexpected Finds

In the event that works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and

an appropriate response determined in consultation with the applicant, which is agreed to by the Manager Health and Environmental Protection, Cumberland Council.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

This in Council's view satisfies the requirements of Clause 7 of SEPP 55.