

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0988
<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 2 DP 542640, 58 Darley Street MONA VALE NSW 2103
<b>Proposed Development:</b>	Installation operation and maintenance of a Remediation System to remediate onsite and offsite hydrocarbon contaminated lands
<b>Zoning:</b>	IN2 Light Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Transport for NSW
<b>Applicant:</b>	State Transit Authority of NSW
<b>Application Lodged:</b>	21/09/2020
<b>Integrated Development:</b>	Yes
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	02/10/2020 to 01/11/2020
<b>Advertised:</b>	02/10/2020
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 608,000.00

### PROPOSED DEVELOPMENT IN DETAIL

The proposal is to install install a Total Liquids Remediation System, (TLRS) to remediate onsite and offsite hydrocarbon contaminations.

#### Background

Under the Contaminated Land Management Act (CLM Act), the Environmental Protection Authority (EPA) may declare that land is a remediation site if land has been found to be contaminated with a significant risk of harm to human health or to the environment.

The subject site in 2014 was declared as significantly contaminated land under the Contaminated Land Management Act 1997 (CLM Act) due to the presence of fuel-related contamination, which has

migrated to beneath off-site lands including a Council footpath and roadway (Declaration No. 20141101)

In 2015, the EPA approved a Voluntary Management Proposal (VMP) in which NSW State Transit Authority (STA) agreed to remediate the contamination in accordance with notice 20141707, and as amended in notices 20164409 and 20174407.

In January 2020, a "Phase 2" VMP was approved by the EPA under Section 17 of the CLM Act (Approval No. 20191731), in which STA is required to undertake further remediation and monitoring of this area of contamination. The remediation of these lands is subject to an audited remediation process in accordance with a Remediation Action Plan (revised 2020) and a Voluntary Management Proposal 2019-1731 with amendment 20204416.

### **The Proposal**

The proposed Total Liquids 'Pump and Treat' Remediation System is comprised of a network of recovery wells installed within the delineated boundaries of the hydrocarbon plume for pumping floating hydrocarbon product i.e. diesel and groundwater via a network of interconnected below and above ground piping and PVC conduit, to the adjacent Depot for separation of product and treatment of wastewaters for discharge to sewer under a Trade Waste agreement with Sydney Water.

The Total Liquids Pump and Treat System is proposed as a temporary installation to run for a period of up to two years or until light non-aqueous phase liquid (LNAPL) has been remediated to the extent practicable.

After two years the system will be removed and the wells, not required for monitoring, will be abandoned, and surfaces reinstated on completion of LNAPL recovery and site remediation.

### **Actual Works**

- 1 Twenty six (26) specialised 100mm Groundwater Recovery Wells to a depth of approximately 4 metres below ground level
- 1 The wells consist of a 100mm slotted PVC pipe, fitted with a well vault or housing to enable insertion, adjustment and removal of compressed air driven top loading pump, with a steel flush mounted trafficable plate lids.
- 1 A network of above and below ground PVC piping, feeding to and from the STA Bus Depo transition box is proposed. The buried portion of this network will, in the majority be offsite, with the above ground section to be located on the STA Bus Depo.
- 1 Onsite waste water treatment system near a sewer discharge point. The system will be approximately 3.5m x 8.5m, to a height of 2.2m protected by a barrier railing.
- 1 After two years the system will be removed and the wells, not required for monitoring, will be abandoned, and surfaces reinstated on completion of LNAPL recovery and site remediation.

### **Location of the Works with the STA site and the Ground Water Recovery Wells**

The waste water treatment system is proposed to be located within the north-west of the STA site.

Of the proposed 26 wells, some 12 Monitoring Wells (MW1 to MW12) will be located on Council Lands, 7 (MW13 to MW19) within No 10 Taronga Place, and 6 within the STA Depot site (MW20 to MW25),

see figure 1 and 2 below for a ariel photo view of the proposed works.



**Figure 1 :** The map of the proposed distribution of offsite and onsite wells for Taronga Place and the STA Depot site (Source: Submitted Statement of Environment Effects).



**Figure 2 :** The map of the onsite recovery system with the STA Depo site (Source: Submitted Statement of Environment Effects).

## Hours of Operation

The Total Liquids System is designed to operate 24/7.

The statement of environmental effects list the following details for the operation, "*compressed air driven system itself will intermittently switch on and off to allow for draw and rest phases, to enable groundwater to draw down and to recharge, to all wells for improved product recovery. The system will be designed with alarms and automatic pump cut-offs to prevent system overflows or spills, should tanks or system reach capacity or a component fail. The plant and equipment comprising the Total Liquids Remediation System will be subject to regular inspection to ensure efficient, effective and safe operation.*"

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- 1 An assessment report and recommendation has been prepared (the subject of this report)

taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- 1 A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- 1 Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- 1 A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- 1 A review and consideration of all documentation provided with the application (up to the time of determination);
- 1 A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Assessment - Integrated Development - WaterNSW (Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location)

Assessment - Nominated Integrated Development – EPA - Protection of the Environment Operations Act 1997 (Schedule 1 Scheduled activities)

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.3 Flood planning

Pittwater 21 Development Control Plan - A4.9 Mona Vale Locality

Pittwater 21 Development Control Plan - B3.6 Contaminated Land and Potentially Contaminated Land

Pittwater 21 Development Control Plan - C3.8 Building Facades

Pittwater 21 Development Control Plan - D9.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D9.3 Building colours and materials

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 542640 , 58 Darley Street MONA VALE NSW 2103
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Darley Street.</p> <p>The site is battle-axe in shape with a frontage of 25m along Darley Street and a depth of 200m. The site has a surveyed area of approximately 17,000m<sup>2</sup>. The site is located within the IN2 Light Industrial zone and accommodates an existing bus depot.</p> <p>The site is largely flat, with the survey plans demonstrating a slight fall in a north westerly direction from a high of 3 m AHD along the southern boundary towards a low of 2.5m AHD in the north western corner of the site.</p> <p>The site is almost entirely devoid of vegetation, with a small pocket of turf located within the southern corner.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p>



Adjoining and surrounding development is characterised by varying light industrial uses with the remediation works also proposed for Number 9 and 10 Taronga Place Mona Vale, 56A Darley Street Mona Vale, and within the road, and road reserve of Taronga Place.

Map:



## SITE HISTORY

A search of Council records revealed the following relevant Development Applications:

- 1 Pre-Lodgement meeting **PLM2020/0036** was held on 10 March 2020 to discuss a proposal for the installation of a Total Liquids Remediation System. The system is to accelerate the remediation of the NAPL plume that extends from Mona Vale Bus Depot at 58 Darley Street Mona Vale to within Taronga Place, in accordance with the revised Remediation Action Plan dated 6 December 2019. It was advised that subject to the remediation work satisfying Clause 19 (3) of SEPP 55, the works could be considered as Category 2 by virtue of the applicant being able to demonstrate that the works are able to satisfy Clause 14 (a) of SEPP 55. If the Applicant cannot satisfy Clause 14(a) of SEPP 55, then the works would be considered Category 1 and will require development consent via a Development Application.
- 1 Development Application **DA2018/0186** for the construction of a double decker bus workshop was withdrawn from Council on the 4 May 2015 due to a lack of detail in relation to flooding.
- 1 Pre-Lodgement meeting **PL0018/2017** was held on the 26 October 2017. A Prelodgment report prepared by Council for State Transit in relation to the construction of a double decker bus workshop. The report raised no issues over the design of the workshop, although identified that several environmental assessments (contaminated land, acoustic, acid sulphate soils, flooding) would need to be provided with the lodgement of any future development application.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for industrial purposes for a significant period of time with no prior land uses. In 2014 the subject site was declared as significantly contaminated land under the Contaminated Land Management Act 1997 (CLM Act) due to the presence of fuel-related contamination, which has migrated to beneath off-site lands including a Council footpath and roadway (Declaration No. 20141101). In 2015, the EPA approved a Voluntary Management Proposal (VMP) in which NSW State Transit Authority (STA) agreed to remediate the contamination in accordance with notice 20141707, and as amended in notices 20164409 and 20174407.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This</p>

Section 4.15 Matters for Consideration'	Comments
	matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 02/10/2020 to 01/11/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>Environmental Health have been requested to provide comment on the Mona Vale Bus Depo development application for the total liquid extraction and treatment system which is proposed to remediate onsite and offsite hydrocarbon contamination.</p> <p>As part of this referral Environmental Health has assessed the remediation proposal, Acid sulphate soils, Noise, trade waste</p>

Internal Referral Body	Comments
	<p>agreement and disposal and the proposals compliance with the voluntary management proposal.</p> <p>ASS class 3 soils excavation required for wells and storage tanks. Based on the excavation being undertaken for wells and trenching for pipework a preliminary assessment of ASS has been undertaken by the applicant who determined based on the risk of encountering ASS based on the risk mapping has prepared an acid sulphate soils management plan. A condition is to be imposed requiring compliance with the management plan during works.</p> <p>The remediation action plan is sufficient for the scope of the works, conditions have been provided to ensure that it is imposed during construction and a validation report is received prior to OC.</p> <p>Noise is not anticipated to be an issue from the ongoing operation of the treatment plant as the area is within an industrial area with no direct residential receivers.</p> <p>Environmental Health are satisfied the proposal meets its objectives of compliance with the EPA Order and voluntary plan of management and recommends approval subject to conditions being imposed.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
NECC (Development Engineering)	No objections to the proposed liquid extraction treatment system subject to conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed temporary installation of plant, machinery, pits and pipework to decontaminate the subject site is not considered to increase flood risk.</p> <p>There is no objection to the proposed works subject to conditions to minimise the impact of flooding on the proposed plant and machinery.</p>
Road Reserve	<p>In relation to works within Council's road reserve, the Contractor engaged to undertake works shall submit an Application for Road Opening Permit.</p> <p>The Application shall show the proposed piping and well layouts within the road reserve, details of trenching, depths of piping and specifications of surface fittings.</p> <p>All trenching, backfilling and reinstatement of Council assets shall be done in accordance with Council's specifications. The trenching and surface fittings shall be maintained by the applicant until decommissioning. Any remaining monitoring wells not decommissioned shall be maintained by the applicant.</p> <p>The depth of piping systems in the road carriageway must be a minimum of 600mm in the carriageway and 450mm in the verge.</p>



Internal Referral Body	Comments
	All decommissioned wells shall be filled with non shrink grout and removed 400mm below the surface. Any decommissioned piping shall be removed from within the carriageway upon decommissioning. Details to be submitted to Council for approval prior to commencing decommissioning.
Traffic Engineer	The Traffic Report outlines measures to address Construction Traffic for the works including seeking all appropriate Council Approvals and Authorities for Works in Road Reserve and Partial Road Closures, plus the required 30 day notification of proposed civil works. The proposal is acceptable, subject to conditions as recommended.

External Referral Body	Comments
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## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses.

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated.

The subject site in 2014 was declared as significantly contaminated land under the Contaminated Land Management Act 1997 (CLM Act) due to the presence of fuel-related contamination, which has migrated to beneath off-site lands including a Council footpath and roadway (Declaration No. 20141101)

In 2015, the EPA approved a Voluntary Management Proposal (VMP) in which NSW State Transit Authority (STA) agreed to remediate the contamination in accordance with notice 20141707, and as amended in notices 20164409 and 20174407.

In January 2020, a "Phase 2" VMP was approved by the EPA under Section 17 of the CLM Act (Approval No. 20191731), in which STA is required to undertake further remediation and monitoring of this area of contamination.

Remediation work on a designated remediation site are categorised as either Category 1 works under the State Environmental Planning Policy No. 55 Remediation of Land.

The subject site proposal is to establish a Total Liquids Remediation System (TLRS) to remove hydrocarbon contaminated groundwater at the Site under management of the NSW EPA.

In response to the above requirements of the SEPP, the applicant has submitted a Acid Sulfate Management Plan (ASSMP) dated June 2020 and prepared by Environmental & Natural Resource Solutions. In its conclusion, the ASSMP states:

*"This ASSMP is required by the Northern Beaches Council for Development Approval of a category 1 remediation project under NSW Government SEPP55 planning guideline, given that the proposed remediation Wells and piping is to be installed within a potential acid sulfate zone.*

*The proposal is to construct a Total Liquids Remediation System (TLRS) which will comprise a series of interconnected on and offsite recovery Wells with pumps extracting contaminated groundwater and hydrocarbon product, to be transferred by under and above ground piping to an onsite Wastewater Treatment System (WTS), to be located at the rear of the existing Bus Depot workshop garage.*

*Measures for soil and water quality management during the project are outlined below:*

- *Implement the protocols outlined in this ASSMP;*
- *If works encounter groundwater contact an environmental professional to assess conditions and review procedures;*
- *Ensure an adequate supply of agricultural grade lime is stockpiled and available for use on Site; and*
- *Ensure project staff are made aware of this ASSMP in order to minimise any potential impact from disturbing ASS. Evidence of induction shall be maintained with project records."*

Therefore, as contaminants exist on the site, Clauses 7(1)(b) and 7(1)(c) of the SEPP must be considered.

Clause 7(1)(b) stipulates that *"if the land is contaminated, it [Council] 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"*.

Given the existing contamination on the site, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the Recommendation of this report.

Clause 7(1)(c) stipulates that *"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"*.

Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the Recommendation of this report.

## **Pittwater Local Environmental Plan 2014**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	

aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	up to 2.2m (Water Treatment Plant)	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes

#### Detailed Assessment

##### **7.1 Acid sulfate soils**

An Acid Sulfate Soils Management Report has been submitted, dated June 2020 by Environmental Contractors ENRS. The ASSMP provides the framework for the on-site monitoring, treatment and management of potential and actual acid sulfate soils that may be disturbed during the proposed works, and provide the procedures to be followed for soil waste classification and offsite disposal. As a result, Council considered submitted documentation is considered appropriate as per the referral comments previously within this report. Conditions have been included to ensure that this ASSMP is complied with at all times.

##### **7.2 Earthworks**

As a result of the existence of groundwater contamination, all excavation and earthworks will be undertaken in accordance with the submitted Acid Sulfate Soils Management Report dated June 2020 by Environmental Contractors ENRS, the recommendations of the Environmental Protection Agency, and the GTA's of the Natural Resource to ensure the impacts of the existing groundwater and acid sulfate soil contamination are contained during the development.

##### **7.3 Flood planning**

Council's Specialist Floodplain Officer has assessed the submitted Flood Report for Total Liquids Pump and Treatment Installation (Pitt & Sherry, dated 17 July 2020) and considers the recommendations in relation to the subject development to be acceptable. Comments have been provided within the referral section previously within this report. Conditions have been included to ensure compliance with the recommendations of the Flood Report at all times.

#### **Pittwater 21 Development Control Plan**

##### **Built Form Controls**

Built Form Control	Requirement	Proposed	% Variation*	Complies
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Front building line	6.5m	97m Transfer Line/Boxes 166m Water Treatment Plant	- -	Yes Yes
Rear building line	Nil	27m Water Treatment Plant	-	Yes
Side building line	Nil	26m Western Side Boundary	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.4 Relationship to plans, policies and other documents	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C3.2 Safety and Security	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.8 Building Facades	No	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	No	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.16 Character of the Public Domain - Mona Vale Commercial Centre	Yes	Yes

#### Detailed Assessment

##### **A4.9 Mona Vale Locality**

The Desired Character statement requires that "*Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas. A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land*".

The proposed Total Liquids Remediation System is comprised of a network of recovery wells installed within the delineated boundaries of the hydrocarbon plume for pumping floating hydrocarbon product i.e. diesel and groundwater via a network of interconnected below and above ground piping and PVC conduit, to the adjacent Depot for separation of product and treatment of wastewaters for discharge to sewer under a Trade Waste agreement with Sydney Water.

The recovery wells are to be installed mainly underground, with the only visual element being the steel flush mounted trafficable plate lids. The Total Liquids Pump and Treat System is proposed to be located



within the large State Transit Authority Bus Depot, and is of minimal height and dimensions. As a result, there is no visual impact to the neighbouring sites, nor does the location remove any existing landscaped areas.

As the works are to be temporary in nature i.e. estimated that the installation is to run for a period of up to two years or until light non-aqueous phase liquid (LNAPL) has been remediated to the extent practicable, these works will be removed and the wells, not required for monitoring, will be abandoned, and surfaces reinstated on completion of LNAPL recovery and site remediation.

As a result, any amenity or visual impact from the works is temporary in nature. Given these considerations, the proposal is considered to be generally acceptable with regard to the desired character of the locality.

### **B3.6 Contaminated Land and Potentially Contaminated Land**

In 2014 the subject site was declared as significantly contaminated land under the Contaminated Land Management Act 1997 (CLM Act) due to the presence of fuel-related contamination, which has migrated to beneath off-site lands including a Council footpath and roadway (Declaration No. 20141101). The proposed Total Liquids 'Pump and Treat' Remediation System is to remove this contamination.

The Total Liquids Pump and Treat System is proposed as a temporary installation to run for a period of up to two years or until light non-aqueous phase liquid (LNAPL) has been remediated to the extent practicable.

After two years the system will be removed and the wells, not required for monitoring, will be abandoned, and surfaces reinstated on completion of LNAPL recovery and site remediation.

### **C3.8 Building Facades**

The only visible element of the proposed remediation wells is the steel flush mounted trafficable plate lids, and the water treatment system is located well within the subject site such that it will not be visually seen from the surrounding streets of Darley Street and Perak Street. There are no schedule of finishes for the proposed external areas of the water treatment system, however it is recommended that the external finish be of a darker colour to minimise visual impact.

### **D9.1 Character as viewed from a public place**

The proposal is considered to be consistent with the existing character of the area. The proposal will not remove any landscaped area on the subject site, or on surrounding properties or within Councils Road Reserve. The proposed works, particularly the Waste Water Treatment System will not be visually identifiable from the street view or surrounding sites. As a result, the remediation works will maintain the existing industrial character of the area, and achieve the desired future character.

### **D9.3 Building colours and materials**

The only visible element of the proposed remediation wells is the steel flush mounted trafficable plate lids, and the water treatment system is located well within the subject site such that it will not be visually seen from the surrounding streets of Darley Street and Perak Street.

There is no schedule of finishes for the proposed external areas of the water treatment system, however it is recommended that the external finish be of a darker colour to minimise visual impact and to ensure consistency with Control D9.3 Building Colours and Materials.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$6,080 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$608,000.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- 1 Environmental Planning and Assessment Act 1979;
- 1 Environmental Planning and Assessment Regulation 2000;
- 1 All relevant and draft Environmental Planning Instruments;
- 1 Pittwater Local Environment Plan;
- 1 Pittwater Development Control Plan; and
- 1 Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- 1 Consistent with the objectives of the DCP
- 1 Consistent with the zone objectives of the LEP
- 1 Consistent with the aims of the LEP
- 1 Consistent with the objectives of the relevant EPIs
- 1 Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0988 for Installation

operation and maintenance of a Remediation System to remediate onsite and offsite hydrocarbon contaminated lands on land at Lot 2 DP 542640, 58 Darley Street, MONA VALE, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Master Plan S1.1	21/12/20	Enviro Pacific
Taronga Place Wells and Transfer lines S1.2	21/12/20	Enviro Pacific
Water Treatment Plant S1.4	21/12/20	Enviro Pacific
Water Treatment Plant Elevation S1.5	21/12/20	Enviro Pacific
Taronga Place Well and Transfer Line S2.1	21/12/20	Enviro Pacific
Wells to transfer pipe transition transfer layout on western STA Boundary S2.2	21/12/20	Enviro Pacific
Wells and Transfer Pipe Cover S2.3	21/12/20	Enviro Pacific
Reece carpark, public easement and STA S2.4	21/12/20	Enviro Pacific
Pipework under existing grating S2.5	21/12/20	Enviro Pacific
Pipework under kerb and gutter and footpath S2.6	21/12/20	Enviro Pacific
10 Taronga Place Transfer Lines and Junction Box S2.7	21/12/20	Enviro Pacific

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acid Sulfate Management Plan	June 2020	Environmental and Natural Resource Solutions
Environmental Management Plan	June 2020	WSP
Flood Report	17 July 2020	Pitt and Sherry
Ground Water Monitoring Report	July 2020	Environmental and Natrual Resource Solutions
Traffic Management	July 2020	Unauthored

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW EPA Response	Response NSW EPA Referral	29 October 2020
Natural Resource Access Regulator	Response NRAR Referral - GTA	20 January 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 3. Natural Resource Access Regulator Notification

If any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities to:

- (i) in the bed of any river, lake or estuary;
- (ii) on the banks of any river lake or estuary,
- (iii) on land within 40 metres of the highest bank of a river lake or estuary; or
- (iv) any excavation which interferes with an aquifer.

NRAR will need to be notified of any amended plans so to review and required amendments to the applied General Terms of Approval (GTA). This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

Reason: Legislative Requirement.

## 4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and



- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

## 5. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 1 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 1 8.00 am to 1.00 pm inclusive on Saturday,

- 1 No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 1 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out

- v) For any work/s that is to be demolished  
The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## **FEES / CHARGES / CONTRIBUTIONS**

### **6. Policy Controls**

#### **Northern Beaches 7.12 Contributions Plan 2019**

A monetary contribution of \$6,080.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$608,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### **7. Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

**8. Construction, Excavation and Associated Works (Security Bond)**

A bond of \$15000 as security against damage to Council's roads fronting the site caused by the decontamination works within the roadway and the transport and disposal of materials and equipment to and from the site.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

**9. Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed



- i The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- i The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- i The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- i Proposed protection for Council and adjoining properties
- i The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

#### 10. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council’s roadway. Engineering plans for the well to transfer pipes located within the Darley road reserve detailed within this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of Well to transfer pipe infrastructure.

The design plans must include the following information:

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

This Section 138 approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

#### **11. Trade waste requirements**

You must contact Sydney Water to determine what trade waste provisions you are required to provide to the Total Liquids Extraction and Treatment System. Details of any trade waste agreement is to be submitted to Council and the Principle certifying authority.

Reason: To ensure waste water generated as part of the Total Liquids Extraction and Treatment System is effectively disposed.

#### **12. Flooding**

In order to protect property and occupants from flood risk the following is required:

##### Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

##### Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 3.14m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

##### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.14m AHD.

##### Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.14m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**13. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards.

**14. External Finishes**

The external finish to the elements contained in the waste water treatment system shall have a medium to dark range (BCA classification M and D) where possible in order to minimise solar reflections to neighbouring properties.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**15. Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

**Reason:** To ensure compliance with the statutory requirements of Sydney Water.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**16. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.

**17. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work Zones are monitored and installed correctly (DACTRDPC2)

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**18. Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

**19. Decommissioned Wells**

All decommissioned wells shall be filled with non shrink grout and removed 400mm below the surface.

Any decommissioned piping shall be removed from within the carriageway upon decommissioning. Details to be submitted to Council for approval prior to commencing decommissioning.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

**20. Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

**21. Compliance with the Remediation Action Plan**

The requirements of the Remediation Action Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance.

**22. Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of



consent (DACTREDW1)

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 23. Validation for Remediation

A validation report, is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

If the site requires ongoing activities to control contamination, the validation report is to provide a list of ongoing measures to be undertaken to protect adjacent properties, the environment and the water table from further contamination.

Reason: To ensure environmental amenity is maintained.

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

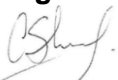
### 24. Compliance with recommendations in the validation report.

Any recommendations in the validation report are to imposed on the development for the life of the development.

Reason: To ensure that any contamination from the site is managed in perpetuity of the development.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Catriona Shirley, Planner**

The application is determined on 03/02/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**