

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0007
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Part Lot 2 DP 595174, 184 Garden Street WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent N0123/17 for a new residential aged care facility to amend condition 22 to require compliance with an Environmental Management Plan.
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	Yes
Owner:	Principal Healthcare Finance Pty Ltd
Applicant:	Principal Healthcare Finance Pty Ltd
Application Lodged:	10/01/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	11/02/2020 to 25/02/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	4.3 Height of buildings: The PLEP prescribes a 8m building height (above FPL). The approved development allowed for a 6.9% variation of the height limit at 8.55m. The proposal makes no change to the approved building height. %
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent to amend condition 22 which requires:

A detailed site investigation (including sampling, testing and remediation if necessary) is to be prepared by a suitably qualified independent consultant in accordance with the recommendations in the Preliminary Site Investigation Report, as referenced in this consent, and is to be carried out as per EPA guidelines and the requirements of SEPP 55 - Remediation of Land. This report is to be provided to the Certifying Authority prior to the release of the relevant Construction Certificate. The findings of the

detailed site investigation should be reported in accordance with EPA (2001) to provide the data to confirm that the site is suitable for the proposed land uses, or (should contamination be identified) to inform a remedial action plan to make the site suitable for the proposed development.

In response to this condition, a detailed site investigation was undertaken and a Remedial Action Plan prepared. In addition, a draft long term environmental management plan (EMP) has been prepared. The application seeks consent to modify condition 22 to require compliance with an Environmental Management Plan.

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:

- 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;
- 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;
- 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;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- 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

Environmental Planning and Assessment Act 1979 - Section 4.56 - Environmental Planning and Assessment Act 1979 - Section 4.56 - with S79C Assessment
Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

SITE DESCRIPTION

Property Description:	Part Lot 2 DP 595174 , 184 Garden Street WARRIEWOOD NSW 2102
Detailed Site Description:	The site is known as 184 Garden Street, Warriewood, and has a legal description of Lot 2 in Deposited Plan 595174. The site is irregular in shape, with a 131.55m wide frontage to Garden Street, a maximum depth of 98.9m and a total area of 11,675m². The site is slightly elevated above street level, but is generally flat. The site previously comprised an existing residential care facility with 55 high care beds and 50 assisted living beds, spread across two separate buildings. A single dwelling house was also located in the north-west corner of the site.

Vehicular and pedestrian access to the existing residential care facility is gained via a driveway to Garden Street, with a separate driveway access to the single residential dwelling. A number of established canopy trees are located within the front setback to Garden Street. Construction has since commenced on the site pursuant to N0123/17.

The site adjoins Irrawong Reserve and Mullet Creek to the south of the site, and residential development to the north, west and north-east. Warriewood Wetlands is located to the east of the site, on the opposite side of Garden Street. The site is identified as Sector 10C in the Warriewood Valley Release Area, as shown on the Warriewood Valley Release Area Map of PLEP 2014.

Map:



SITE HISTORY

A search of Council's records has revealed the following:

Application **N0123/17** for Demolition of an existing residential care facility and construction of a new 156-bed residential aged care facility was approved by the Sydney North Planning Panel on 08/11/2017.

On 6 December 2019, the applicant lodged a Class 1 Appeal with the NSW LEC against the deemed refusal of Development Application **N0123/17**, on the basis that the imposition of a condition requiring a monetary contribution of \$5,888,641.77 was unreasonably restrictive.

On 2 November 2018, Development Application **N0123/17** was approved by the NSW LEC by virtue of a S34 agreement between parties.

Application **N0366/08** for Alterations and additions to the existing nursing home was approved on 08/12/2008.

Application **Mod2019/0342** for Demolition of an existing residential care facility and construction of a new 148 bed residential aged care facility was approved on 15/10/2019. The modification relate to the following:

- conversion of six approved residential care rooms on the ground floor into an allied health facility,
- amendments to the design of the staff courtyard,
- incorporation of new terraces on the ground and first floors, and
- amendments to the staging plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Land and Environment Court consent for N0123/17, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.56 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.56- Other Modifications	Comments
(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under N123/17. The modification seeks consent for the approval of the Environmental Management Plan, as such the subject modification provides the mechanism to ensure contamination issues are properly managed. The modification will not involve any new building work or change to the works approved.

Section 4.56- Other Modifications	Comments
(b) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater 21 Local Environment Plan 2011 and Pittwater 21 Development Control Plan.
(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and	Written notices of this application have been sent to the last address known to Council of the objectors or other persons who made a submission in respect of N0123/17.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Assessment

In accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 79C '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	None applicable.
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	None applicable.

Section 79C 'Matters for Consideration'	Comments
planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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	(i) 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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.

Section 79C 'Matters for Consideration'	Comments
	(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 classified as bush fire prone land. The proposal does not seek to alter the building work already approved and undertaken. The modification seeks consent for the modification of condition 22 (detailed site investigation) to approval an Environmental Management Plan (EMP). As such, it is not necessary to refer the application to NSW Rural Fire Service.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Christopher Peet Hornsby	25 Utingu Place BAYVIEW NSW 2104

One submission was received from the Warriewood Residents Association which asked the following question and raised the following issues:

- Is there sediment control of the stormwater from the subject site to the wetlands?
- The plans on Council's website do not show the footpath which is required under the Warriewood Master Plan, and
- Concern that the modification will hide contaminants under the pavement.

Comment:

The application does not seek to change the building work already undertaken or sediment control of the stormwater. The application seeks consent to amend condition 22 which requires a detailed site

investigation.

In response to this condition, a detailed site investigation was undertaken and a Remedial Action Plan prepared, copies of these reports are available on Council's website. A draft long term environmental management plan (EMP) has also been prepared and the application now seeks consent to modify condition 22 to require compliance with an EMP.

Council's Environmental Health Team have reviewed the EMP and confirmed that the proposed remediation measures follow Australia's most (pertinent and) stringent guidelines and standards. Having no objections to the proposal, subject to the imposition of conditions, there are requirements for the applicant to have a qualified third party auditor to ensure those standards are met.

In response to the issue raised regarding the deletion of the public footway, a Council Officer has clarified with the objector that the footpath has been provided for in the Court approved consent and that there is no proposal to modify or remove the footpath. The objector has subsequently confirmed, by phone, that he has no issues relating to the footpath.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	General Comments The applicant has sought to add a condition to the consent that allows for the capping of remaining site fill materials impacted with bonded asbestos. A covenant and long-term Environmental Management Plan have been provided in accordance with the most appropriate management guidelines – <i>WA DOH (2009)</i>. Environmental Health have reviewed the documents submitted and find the proposal permissible. The remediation plan proposed for dealing with contaminated land in this instance is outlined in the Draft Environmental Management Plan as: 5.1 PREFERRED REMEDIAL STRATEGY <i>According to the RAP developed by JBS&G (2019), the preferred remedial strategy for this site is summarised as followed: Offsite disposal of material impacted with lead; Offsite disposal of material impacted with FA; and Cap/cover remedial strategy for remaining site fill materials impacted with bonded asbestos (ACM) and aesthetics (i.e., significant amount of construction/building rubbles).</i> Capping, according to the <i>WA DOH (2009)</i>, most practically must have a physical (geotextile fabric) layer and enough clean fill placed on top (located between the cap and either surface or any structure

Internal Referral Body	Comments
	above) to allow for services to be installed or maintained post-construction. The <i>remedial strategy</i> outlines a number of options for clean fill depths that are all acceptable. Environmental Health agree with the remediation process proposed, being approved by a Site Auditor, and recommend some conditions to reflect this. Recommendation APPROVAL - subject to conditions

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

The modification of condition 22 requiring a detailed site investigation will allow for the Environmental Management Plan (EMP) to be formally approved. Council's Environmental Health Team have reviewed the EMP and confirmed that the proposed remediation measures follow Australia's most (pertinent and) stringent guidelines and standards. Having no objections to the proposal, subject to the imposition of conditions, there are requirements for the applicant to have a qualified third party auditor to ensure those standards are met. As such, the modification provides a mechanism for adopting appropriate measures to avoid, minimise or mitigate the impacts of the development in relation to contamination in compliance with Clause 7 (1) (b) and (c) of SEPP 55 which requires the Consent Authority to consider whether the site poses is suitable for the residential land use.

SEPP (Housing for Seniors or People with a Disability) 2004

The proposed modifications have been considered with respect to the relevant provisions of SEPP HSPD, and have been found to remain consistent with standards and requirements of this policy.

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

The application seeks consent to modify condition 22 of the Court consent relating to contamination management. The proposal does not involve any change to the the development standards relating to height or density.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
Part 2 Permitted or prohibited development	Yes
4.3 Height of buildings	No
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.4 Floodplain risk management	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

There is no change to the height of the approved development which resulted in a 6.9% breach of the height of buildings development standard.

7.2 Earthworks

Council's Environmental Health Team have reviewed the EMP and confirmed that the proposed remediation measures follow Australia's most (pertinent and) stringent guidelines and standards. As such, the modification provides a mechanism for adopting appropriate measures to avoid, minimise or mitigate the impacts of the development in relation to contamination in compliance with the Clause 7.2 of the PLEP.

Pittwater 21 Development Control Plan

Built Form Controls

The application seeks consent to modify condition 22 of the Court consent relating to contamination management. The proposal does not involve any change to the the built form controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.16 Warriewood Valley Locality	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.21 Seniors Housing	Yes	Yes
C5.17 Pollution control	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.4 Water Management for individual allotments	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	Yes	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation

submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- 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:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- 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 approval to Modification Application No. Mod2020/0007 for Modification of Development Consent N0123/17 for a new residential aged care facility to amend condition 22 to require compliance with an Environmental Management Plan. on land at Part Lot 2 DP 595174,184 Garden Street, WARRIEWOOD, subject to the conditions printed below:

A. Modify Condition 22 (Detailed Site Investigation) to include the following:

(a) Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Reports entitled # numbered # prepared by # and dated are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any

contaminated land planning guidelines under the Contaminated Land Management Act 1997;

c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Warringah Council and the Principal Certifying Authority.

d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:

(a) During construction in order to monitor water and soil quality the following is to be implemented:

i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring

ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.

(b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:

i) Fortnightly during excavation works

ii) Monthly during building works

e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

i) Protection of the Environment Operations Act 1997; and

ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

Note: The following standards applied at the time of determination:

i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:

- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (*) site at (*), to the subject premises.

- Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.

- Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

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

Reason: Protection of the environment, SEPP 55 compliance.

(b) Review of RAP by a Site Auditor

The Remedial Action Plan (RAP) prepared by JBS&G Australia Pty Ltd (Ref: 55792/124336 (Rev 0)) and dated 3 September 2019 is to be submitted to a NSW Environmental Protection Authority accredited Site Auditor for review and approval prior to the issue of the Site Audit Statement.

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

Reason: Protection of the environment, SEPP 55 compliance.

(c) Site Remediation Works/ Remediation Action Plan

All remediation and validation works are to be carried out in accordance with the Remediation Action Plan (RAP) that has been reviewed and approved by the Site Auditor.

Reason: To ensure compliance with Contaminated Land Guidelines, protection of the environment and human health.

(d) Validation of Remediation

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must submitted to the Site Auditor for review and approval prior to the issue of the Site Audit Statement.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: Protection of the environment, SEPP 55 compliance.

(e) Long-term Environmental Management Plan (EMP)

A long-term Environmental Management Plan (EMP) is to be prepared by a suitably qualified Environmental Consultant for the long-term management of any residual contamination remaining onsite. The EMP must be approved by the Site Auditor prior to the issue of the Site Audit Statement.

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

Reason: Manage contaminated land in a way that minimises the impact of environment or human health.

(f) Positive Covenant for Encapsulated Contamination

A covenant must be registered on the title of the land, giving notice of the former use, level of site contamination and its former location on the land.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by Northern Beaches Council or any State or Federal Department/Authority.

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

Reason: Environmental Protection.

(g) Site Audit Statement / Validation Report

Upon completion of the works and validation a Site Audit Statement must be submitted to Council. The Site Audit Statement must be prepared by a Site Auditor registered with the NSW Department of Planning, Industry and Environment (DPIE) and must be in accordance with the EPA's Site Audit Scheme and the protocol outlined in the NSW EPA (1997) document entitled Guidelines for Consultants Reporting on Contaminated Sites, and the NSW EPA (2017) Guidelines for the NSW Site Auditor Scheme. The Site Audit Statement must state the following:

- That the remediation and validation has been completed in accordance with the Remediation Action Plan and that the site is suitable for its proposed use; and
- That the long-term Environmental Management Plan (EMP) prepared for the site is suitable for its proposed use.

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

Reason: To ensure compliance with Contaminated Land Guidelines and protection of environment and human health

(h) Compliance with Long Term Environmental Management Plan

The long-term Environmental Management Plan (EMP) for the management of the residual contamination remaining onsite is to be implemented and complied with at all times by the owner/occupier.

Reason: To ensure compliance with the EMP and to manage the encapsulated contamination in a way that minimises the impact of environment or human health.

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

Signed



Anne-Marie Young, Planner

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



Anna Williams, Manager Development Assessments