



# **SUPPLEMENTARY BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 8 November 2017  
at 6:30PM**



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**ITEM 5 PL53/17 - Development Application - Construction of a Maintenance Building Ancillary to an Existing Educational Establishment - 28, 28A and 30 Unwin Road, Wahroonga**

*Additional information with **CHANGE** to Recommendation*

The proposed development involves drainage of inter-allotment stormwater over 5 downstream properties (No. 30A Unwin Road; No. 32 Unwin Road; No. 32A Unwin Road; No. 34 Unwin Road and No. 34A Unwin Road). A deferred commencement condition for the registration and creation of an easement to drain water from the site over these downstream properties is recommended in Schedule 1.

The applicant has submitted amended drainage plans proposing to connect the stormwater pipe to the Council pipe line within Unwin Road by constructing a new line to the nearest pit to negate the need to obtain an easement through downstream properties. Council’s engineering assessment raises no objection to the amended drainage proposal. Accordingly, it is recommended that condition No. 1 be deleted and condition Nos. 2 and 14 be amended as follows:

*Condition No. 2 to read:*

**2. Approved Plans and Supporting Documentation**

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by Council and/or other conditions of this consent:

<b>1. Plan No.</b>	<b>2. Plan Title</b>	<b>3. Drawn by</b>	<b>4. Dated</b>
5. 21627.0 1/A	6. Site Plan	7. Priestleys architects	8. 30 March 2017
9. 21627.0 2/C	10. Ground Floor Plan	11. Priestleys architects	12. 7 September 2017
13. 21627.0 3/A	14. First Floor Plan	15. Priestleys architects	16. 30 March 2017
17. 21627.0 4/B	18. Elevations 1	19. Priestleys architects	20. 28 August 2017
21. 21627.0 5/B	22. Elevations 2	23. Priestleys architects	24. 28 August 2017
25. 21627.0 6/A	26. Sections	27. Priestleys architects	28. 30 March 2017

29. 21627.0 7/A	30. Storage Shed Floor Plans	31. Priestleys architects	32. 30 March 2017
33. C1.01 Issue D	34. Cover Sheet, Notes and Legends	35. ACOR	36. 13 October 2017
37. C1.05 Issue D	38. Details Sheet 1	39. ACOR	40. 13 October 2017
41. C1.06 Issue D	42. Details Sheet 3	43. ACOR	44. 13 October 2017
45. C1.07 Issue A	46. Details Sheet 3	47. ACOR	48. 13 October 2017
49. C2.01 Issue D	50. Stormwater Management Plan	51. ACOR	52. 13 October 2017
53. C2.05 Issue B	54. Pavement Plan	55. ACOR	56. 13 October 2017
57. C3.01 Issue D	58. Erosion & Sediment Control Plan	59. ACOR	60. 13 October 2017
61. C3.02 Issue C	62. ESCP - Demolition Works	63. ACOR	64. 13 October 2017
65. H1.00 Issue DA01	66. Hydraulic Services Ground Floor Trade Waste Drainage Plan	67. ACOR	68. 8 June 2017

69. Document Title	70. Prepared by	71. Dated
72. Traffic and Parking Impact Report No. 17004 01	73. TEF Consulting	74. 23 March 2017
75. Arboricultural Impact Assessment	76. Arborsafe	77. 30 March 2017
78. Environmental Noise Impact Assessment Ref: TJ574-01F01	79. Renzo Tonin & Associates	80. 31 March 2017
81. Geotechnical Investigation Report Ref: 30175ZHRpt	82. JK Geotechnics	83. 31 March 2017
84. BCA Assessment Report Ref: 107932-BCA- r2	85. BCA Logic	86. 31 March 2017
87. Waste Management Plan	88. Barker College	89. 6 April 2017

Condition No. 14 to read:

**14. Stormwater Drainage**

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained via an on-site detention and water quality treatment facility in accordance with the following requirements:

- a) Connected directly to a Council's pipe line in Unwin Road by constructing a new line from the development site to the nearest Council pit;
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia; and
- c) An application is to be submitted to Council for construction of the drainage line within Unwin Road in accordance with section 138 of *Local Government Act 1993*.

*Note: Council is the only authority to approve construction of pipe line within Council road reserve.*

#### **RECOMMENDATION**

THAT Development Application No. DA/321/2017 for construction of a new maintenance building for use in conjunction with an existing educational establishment at Lot 1 DP 528800, Lot 2 DP 528800 and Lot 3 DP 564798, Nos. 28, 28A and 30 Unwin Road, Wahroonga be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL53/17 as amended by Memo LM7/17.

JAMES FARRINGTON  
Group Manager  
Planning Division

ROD PICKLES  
Manager - Development Assessment  
Planning Division

#### **Attachments:**

There are no attachments for this report.

File Reference: DA/321/2017  
Document Number: D07330370

**ITEM 6**      **PL44/17** - Development Application - Subdivision Six Allotments Into 13 Lots - 2A & 6 Judith Avenue and 589, 591, 591A & 593 Pacific Highway, Mount Colah

*Additional information with CHANGE to Recommendation*

Council has received a late submission which raises concerns that the submitted Preliminary Contamination Investigation Report does not address the full extent of contamination present on the subject site.

Although a review of the history of the site suggests that it has been predominantly used for residential purposes with some orchard activities noted on some of the properties, it is evident from the presence of areas of asbestos and fill that part of the site is contaminated. For that reason, the applicant has lodged a Preliminary Contamination Investigation Report which includes a detailed analysis of eleven borehole samples taken from the site.

The Report notes that part of the site is thickly overgrown with weeds and grass. This meant that the ground surface could not be fully examined to ascertain the full extent of the contamination. In particular, the Report notes states that:

- *The Subject Site is impacted buried fill containing asbestos, particular in the middle portion identified as Site Feature H noting that the full extent of fill was not identified from this preliminary investigation.*
- *The site was also found to be impacted by Asbestos sheetings and fragments in a number of locations (ie Site Feature B, E (previous house) and G (partially demolished building)).*
- *Some lead contamination was also encountered in the vicinity of the previous house (Site Feature E) and it is possible for this lead contamination to be confined to a localised area.*

The Report states that to ensure suitability of the subject site for the proposed development, the site should be remediated by excavation and removal of surface and buried rubbish fill and rubbish and asbestos impacted fill and disposal to a NSW EPA approved landfill.

State Environmental Planning Policy No. 55 (SEPP 55) requires the issue of contamination to be considered whenever a planning authority considers a development proposal where the new use may increase risk from contamination. Ultimately, Council needs to be satisfied that a site is suitable for its proposed use or can and will be made suitable, based on what it knows of the site.

The Preliminary Investigation Report discusses the possibility of alternative asbestos remediation works to reduce landfill disposal costs. It notes that this could involve management in situ, treatment on site and removal of site to a landfill. Assuming that the treatment of the contaminated soil from the site occurs on-site, it is possible that the remediation may constitute designated development if it involves the treating and storing of more than 30,000 cubic metres of contaminated soil. Alternatively,

should contaminated fill be intended to be removed from the site, the volume of the contaminated material and associated number of truck movements has not been ascertained. The finished ground levels for the proposed lots have not been determined.

Section 2.4 of Group Manager's Report PL44/17 notes that further detailed investigation is required to determine the full extent of contamination and recommends conditions of consent for further contamination assessment. However, it is acknowledged that until the extent of contamination is confirmed, it would not be possible for a Remediation Action Plan (RAP) to be prepared and this could only be ascertained by carrying out the detailed investigation. Further, if a RAP is not submitted as part of the development application process, it may be necessary for it to be the subject of separate development consent depending on the extent of works required.

Accordingly, it would be appropriate for Council to defer determination of the DA pending the applicant lodging further information in relation to contamination on the site, including a Detailed Site Investigation Report and if required a Remediation Action Plan. Once these documents are lodged, Council could then assess them and if required determine the DA by imposing a condition for the Remediation Action Plan to be implemented and appropriate validation carried out by a site audit.

#### **RECOMMENDATION**

THAT Development Application No. DA/633/2016 for demolition of existing structures and subdivision of six lots into 13 lots in three stages and including two Torrens title lots and 11 community title lots, at Lot 16 DP 608064, Lot 12 DP 236455, Lot 29 DP 587660, Lot 2A DP 354709, Lot A DP 356749, Lot 3 DP 531091, No. 2A and No. 6 Judith Avenue and Nos. 589, 591, 591A and 593 Pacific Highway, Mount Colah be deferred to enable the applicant to submit:

1. Further information in relation to contamination on the site, including a Detailed Site Investigation Report and if required a Remediation Act Plan.
2. The additional information should include, but not be limited to, confirmation of the extent and volume of contaminated material on the site, proposed method of management and remediation, confirmation of the finished landform after remediation and evaluation of the environmental impacts of the proposed method of remediation.

ROD PICKLES  
Manager - Development Assessment  
Planning Division

JAMES FARRINGTON  
Group Manager  
Planning Division

#### **Attachments:**

There are no attachments for this report.

File Reference: DA/633/2016  
Document Number: D07332653