

Modification of Development Consent

Section 4.55 (1) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 21st September 2018

SCHEDULE 1

Development consent: **SSD 7503** granted by the Executive Director, Priority Project Assessments on 13 July 2018.

For the following:

- Construction of Ultimo Pyrmont Public school, comprising:
- Bulk earthworks, excavation, structural measures and foundation works
 - Construction of a new public school for up to 800 students (from Kindergarten to Year 6) including: 30 homebase classrooms; three special programs rooms; library; community hall; indoor and outdoor play spaces and landscaping; afterschool care facilities; and multi-function spaces for school use including rooftop sports court, and afterhours and weekend use by the wider community
 - Tree removal
 - Associated and ancillary infrastructure works (including new substation) and connections
 - Shell space for a 40-space child care centre
 - Relocation of light pole and parking spaces on Wattle Street and extension of drop-off and pick-up area on Jones Street.

Applicant: NSW Department of Education.

Consent Authority: Minister for Planning.

Land: 47-53 Jones Street, Ultimo (Lots 101 in DP1105527)

Modification: **SSD 7503 MOD 1:** modifications to conditions

SCHEDULE 2

The consent (SSD 7503) is modified as follows:

- (a) Schedule 2 Part B – Prior to Commencement of Works, Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Ecologically Sustainable Development

B5. Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction Certifying Authority demonstrating the proposal incorporates ecologically sustainable development initiatives as outlined in the *New Ultimo Pyrmont Public School - State Significant Development DA - ESD Services* report (Appendix N, EIS) prepared by JHA Consulting Engineers dated 20 October 2017 ~~to achieve the equivalent of a minimum 4 Star Green Star rating.~~

- (b) Schedule 2 Part B – Prior to Commencement of Works, Condition B11 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Aboriginal Heritage

B11. The Applicant must engage a suitably qualified and experienced Aboriginal heritage expert ~~throughout construction~~ to supervise **all construction excavation and civil** works in accordance with the Aboriginal Archaeological Management Plan to be prepared in accordance with Condition B13.

- (c) Schedule 2 Part B – Prior to Commencement of Works, Condition B13 and B16 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Archaeology

B13. All construction contractors, subcontractors and personnel **involved in excavation and civil works** are to be inducted and informed by the approved excavation director prior to commencing works at the Site, as to their obligations and requirements **under the Aboriginal Archaeological Management Plan and Heritage Impact Statement and Archaeological Assessment** in relation to historical archaeological sites and 'relics'.

B16. After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Planning Secretary. The Applicant shall also be required to nominate a repository for **any** relics salvaged from any historical archaeological excavations.

- ~~(d) Schedule 2 Part B – Prior to Commencement of Works, Condition B16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:~~

- ~~(e)~~(d) Schedule 2 Part B – Prior to Commencement of Works, Condition B42, B44 and B45 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Remediation

B42. ~~The Applicant must remediate the Subject Site in accordance with the **Environmental Site Assessment and Remediation Action Plan** prepared by **Environmental Investigation Services**, dated 31 May 2018, to the satisfaction of~~

~~EPA and the Planning Secretary. If any amendments are required to the RAP, the amendments must be agreed by an EPA accredited Site Auditor and be approved by EPA.~~

Remediation approved as part of this development consent must be carried out in accordance with the Environmental Site Assessment and Remediation Action Plan prepared by Environmental Investigation Services, dated 31 May 2018.

- B44. The Applicant must remediate the Subject Site to meet the remediation goals as agreed to in writing by an EPA accredited Site Auditor.
- B45. Prior to the commencement of site preparation works, the Applicant must demonstrate to the satisfaction of the Planning Secretary, that an EPA accredited Site Auditor has approved the amended RAP.

~~(f) Schedule 2 Part B – Prior to Commencement of Works, Condition B44 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struckout** words/numbers as follows:~~

~~(g) Schedule 2 Part B – Prior to Commencement of Works, Condition B45 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struckout** words/numbers as follows:~~

~~(h)~~(e) Schedule 2 Part B – Prior to Commencement of Works, Condition B46 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struckout** words/numbers as follows:

Validation Report

- B46. Following the remediation of the Subject Site, the Applicant must submit a Validation Report for the development. The Validation Report must:
- a) be **prepared reviewed** by an EPA accredited Site Auditor;
 - b) be submitted to ~~EPA and~~ the Planning Secretary for review at least one month prior to the commencement of operation;
 - c) be prepared in accordance with *Environmental Site Assessment and Remediation Action Plan* prepared by Environmental Investigation Services, dated 31 May 2018 and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
 - d) include, but not be limited to:
 - i) comment on the extent and nature of the remediation undertaken;
 - ii) where material is to remain in-situ and capped, undertake site surveys to demonstrate cap thickness and to confirm appropriate installation of the cap;
 - iii) describe the location, nature and extent of any remaining contamination on the Subject Site as well as any ongoing management requirements;
 - iv) provide the sampling and analysis plan and detail of the sampling methodology undertaken as part of the remediation;
 - v) results of any validation sampling, compared to relevant guidelines/criteria; and
 - vi) confirmation of the suitability of the Subject Site for its intended use (See Condition B43).

**End of modification
(SSD 7503 MOD 1)**