

DOC20/910897

3rd September 2020

Karen Harragon  
Director, Social and Other Infrastructure  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Attn: Jason Maslen

Dear Karen

**Wentworthville Public School (SSD 9273): Section 4.55(1A) Modification Application**

The Department of Education (DoE) is seeking to modify conditions B12, B13, D25 and D28 of the development consent for the Wentworthville Public School (SSD 9273) under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The proposed modification is required to amend the conditions as they relate to the implementation of the Remediation Action Plan (RAP) and the Site Audit Report (SAR).

The above conditions of SSD 9273 require modification as these do not currently speak to the approved staging of the project.

The proposed modifications to each condition are outlined below:

*B12. Remediation approved as part of this development consent must be carried out in accordance with the Remediation Action Plan dated September 2018 and prepared by WSP. **The RAP shall be revised to reflect the findings of any supplementary investigations undertaken, to capture any unexpected finds or the staged delivery of the development. The revised RAP must be reviewed and endorsed by a NSW EPA accredited Site Auditor.***

***Note: The amendments to the/endorsement of the RAP must be clearly documented, with revisions captured through appropriate document control, revision numbers and updated dates.***

It is proposed to delete condition B13:

~~*B13. Upon completion of the remedial works, the Applicant must submit a Site Audit Report and Section a Site Audit Statement for the relevant part of the site prepared by NSW EPA accredited Site Auditor. The Site Audit and Section A Audit Statement must*~~

~~verify the relevant part of the site is suitable for ongoing use as a school and be provided to the satisfaction of the Certifying Authority.~~

Condition B13 cannot be met prior to the commencement of construction as the remediation is being staged with the progressive construction of buildings. Part of the site will also comprise a containment cell for asbestos, which will be covered by the Long Term EMP (LTEMP) as required under Condition D28 (discussed below). Further, the requirement for Site Auditor sign off is already included in Part D (conditions D25 to D27) of the consent.

To complement the above, the following amendments to conditions D25 and D28 are also proposed:

*D25. Within one month of the completion of **each stage of remediation works** and prior to the commencement of operation, the Applicant must submit a Validation Report for the development to the EPA, the Planning Secretary and the Certifying Authority for Information. The Validation Report must:*

- a) Be prepared by an appropriately qualified environmental consultant and reviewed by an EPA accredited site auditor.*
- b) Be prepared in accordance with the RAP and the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites.*
- c) Include, but not be limited to:*
  - i. Comment on the extent and nature of the remediation undertaken*
  - ii. Describe the location, nature and extent of any contamination on-site*
  - iii. Discussion of the suitability of the remediated areas for the intended land use; and*
  - iv. Any other requirement relevant to the project*

The above amendment is required to reflect the high likelihood that the environmental consultant will issue a validation report for each stage of remediation.

*D28. Within one month of the completion of the remediation works or other timeframe agreed by the Planning Secretary, the Applicant must prepare a Long Term Environmental Management Plan (LTEMP) to the satisfaction of the Planning Secretary. The Plan must:*

- a) Be prepared by a suitably qualified person whose appointment has been endorsed by the Planning Secretary in consultation with EPA.*
- b) Be submitted to **the Site Auditor for review and endorsement and** EPA for review prior to submission to the Planning Secretary.*
- c) Include, but not be limited to:*
  - i. A description of the nature and location of any contamination remaining on site.*
  - ii. Provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell.*

- iii. *Triggers that would indicate if further remediation is required*
- iv. *Details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.*
- d) *Include any ongoing measures set out in the Asbestos Management Plan approved under condition B5.*

DOE looks forward to working with the Department to resolve the matters outlined above. Should you require any additional information or a meeting, please feel free to contact me on 0439 673 315, or via email at [Lincoln.Lawler@det.nsw.edu.au](mailto:Lincoln.Lawler@det.nsw.edu.au).

Yours sincerely



Lincoln Lawler  
**Principal Development Planner**  
**Schools Infrastructure NSW**

