

Environmental Health Referral Response - contaminated lands

Application Number:	DA2025/0077
Proposed Development:	Demolition works and construction of shop top housing including strata subdivision
Date:	22/05/2025
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 1 DP 900061 , 28 Lawrence Street FRESHWATER NSW 2096 Lot 1 DP 100563 , 22 Lawrence Street FRESHWATER NSW 2096 Lot 1 DP 578401 , 20 Lawrence Street FRESHWATER NSW 2096 Lot 45 DP 974653 , 16 Lawrence Street FRESHWATER NSW 2096 Lot 1 DP 595422 , 10 Lawrence Street FRESHWATER NSW 2096

Reasons for referral

This application requires detailed consideration of Phase 1 and 2 contaminated land matters And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments

General Comments

The proposal is accompanied by a Preliminary Site Investigation report conducted by a specialist environmental consultancy company.

The report puts forward a number of conclusions and recommendations including the requirement for a Detailed Site Investigation (DSI) to undertaken.

Accordingly, Environmental Health does not support the proposal as consent cannot be granted in accordance with clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 until such time as a DSI is submitted and further information considered

Updated Comments - 22/05/2025

The applicant has provided updated information in the form of a Detailed Site Investigation (DSI) by an environmental consultant.

The DSI concludes that the site can be made suitable for the proposed development subject to the implementation of a number of recommendations.

Environmental Health supports the proposal and recommends a number of conditions of consent.

Recommendation

APPROVAL - Subject to conditions

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Hazardous Materials Survey

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Site Contamination

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: Protection of the Environment Operations Act 1997; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

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 Certifier.

Reason: To protect human health and the environment.

Compliance with Detailed Site Investigation Recommendations

The requirements and recommendations of the Detailed Site Investigation by EIAUSTRALIA reference number E2874.E02_Rev0 dated 5 ay 2025 are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

Off-site Disposal of Contaminated Soil - Chain of Custody

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill

material from the site to a lawful waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

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

Compliance with Contamination Management Plan

Prior to the issue of an Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements and recommendations of the Detailed Site Investigation by EIAUSTRALIA reference number E2874.E02_Rev0 dated 5 ay 2025 have been compliance with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report 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.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of 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 Principal Certifier.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.