

Environmental Health Referral Response - contaminated lands

Application Number:	DA2023/1224
Proposed Development:	Alterations and additions to the existing garden centre
Date:	18/10/2023
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 4 DP 737411 , 62 Myoora Road TERREY HILLS NSW 2084

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

This application is seeking consent for alterations and additions to the existing Flower Power Garden Centre to provide additional retail floor area and car parking.

In relation to site contamination, a Remediation Action Plan (RAP), Asbestos Management Plan and a Detailed Site Investigation has been provided. Further investigation is required as outlined in the RAP.

JKEvironments, who completed the RAP, has stated, *JKE is of the opinion that the site can be made suitable for the proposed development via remediation and the implementation of this RAP.*

Therefore, Environmental health recommend 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:

DEFERRED COMMENCEMENT CONDITIONS

Data Gap Investigation

Prior to commencement of remediation, a data gap investigation is to be undertaken by a suitably qualified person in accordance with Section 4 of the Remediation Action Plan dated 21 June 2023 prepared by JKEvironments. The outcome of the data gap investigation must be considered in the context of the remediation and an updated Remediation Action Plan must be prepared to outline any additional requirements relating to site remediation and validation.

Reason: To ensure the effective remediation of land contamination.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Asbestos Management Plan

The Asbestos Management Plan dated 6 April 2022 prepared by JKEvironments is to be implemented into the operation of the proposed development. A copy of the Plan is to be made available to owner and operator of the property and the owner/operator of the business onsite.

All recommendations within the report are to be adhered to during the operation and use of the property.

Reason: To ensure effective management of asbestos onsite

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Asbestos Management Plan

An Asbestos Management Plan is to be prepared by a suitably qualified person to detail the management of asbestos through the demolition and construction phase of the development. The management plan is to be implemented during any major works involving soil disturbance.

Details demonstrating compliance are to be submitted to the principal certifier.

Reason: Protection of the environment and effective management of asbestos.

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

Validation for Remediation

A site validation report is to be prepared on completion of Remediation Action plan and submitted to the consent authority to demonstrate that the site is suitable for the proposed development. A validation report is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 and must be submitted to the Council within one month from completion of the remediation work.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure environmental amenity is maintained.

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 from of any contaminants or for any works required by Northern Beaches Council or any State or Federal Department/Authority.

The positive covenant is to contain reference to the completed Long-term Environmental Management Plan for the site.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an

Occupation Certificate.

Reason: Environmental Protection.

Long Term Environmental Management Plan

Prior to the issue of an Occupation Certificate, a Long-Term Environmental Management Plan is to be prepared by an appropriately qualified environmental consultant to manage potential future disturbance of any retained asbestos-impacted soils for the ongoing use of the site.

Details demonstrating compliance are to be submitted to the Principal Certifier AND to Council.

Reason: Protection of the environment and effective management of ongoing contamination

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Asbestos Management Plan

The Asbestos Management Plan dated 6 April 2022 prepared by JKEnvironments is to be implemented into the operation of the proposed development. A copy of the Plan is to be made available to owner and operator of the property and the owner/operator of the business onsite.

All recommendations within the report are to be adhered to during the operation and use of the property.

Reason: To ensure effective management of asbestos onsite