

Environmental Health Referral Response - contaminated lands

Application Number:	DA2021/2559
Date:	20/01/2022
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 1 DP 599064 , 8 Grosvenor Place BROOKVALE NSW 2100

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

Proposal to demolish a concrete batching facility of 40 years and construct an auto show room and motor vehicle workshop. Investigations of the site, including intrusive subsurface testing, found low levels of contamination in the form of heavy metals (Chromium, Nickel, Copper) and Benzo(a)pyrene, no asbestos, a disused underground storage tank and potential fuel contamination of fill material around the tank.

Subsequently, a Remedial Action Plan (RAP) was made, providing methods of making the site suitable for the proposed use.

We recommend compliance with the RAP in accordance with Contaminated Land Management Act (1997), SEPP55, National Environmental Protection Measure (2013), and the relevant guidelines for remediation and validation by certified consultant/s.

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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Hazardous Building 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, to provide recommendations for the safe management/removal of any hazardous building material.

Reason: To protect human health.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Remediation Action Plan

The Remediation Action Plan prepared by JK Environments Pty Ltd, referenced as E34430BTcpt2, and dated 10 December 2021, is to be implemented and complied with during works.

Reason: Protect environment and human health, SEPP 55 and Contaminated Land Management 1997 Act requirements.

On-site Encapsulation of Contaminated Material

No on-site encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.

Compliance with Recommendations within Hazardous Building Materials Register

Any recommendations within the Hazardous Building Materials Register are to be implemented during works.

Reason: To protect human health.

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

Validation for Remediation

At the completion of any required remediation works, a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

The Validation Report must be in accordance with the requirements of the following:

- State Environmental Planning Policy No 55—Remediation of Land;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines, including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020.

The report shall document the following:

1. The extent of validation sampling, and the results of the validation testing; and
2. That the remediation and validation of the site has been undertaken in accordance with the Remediation Action Plan.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Protection of the environment, SEPP 55 compliance.