

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2019/0263
<b>Responsible Officer</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 3 DP 1115877 , 53 B Warriewood Road WARRIEWOOD NSW 2102 Lot 3 DP 942319 , 53 Warriewood Road WARRIEWOOD NSW 2102

### 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 build infrastructure on three connected lots to be used for residential dwellings. History of site use of market gardens and geography triggered a contamination report including Acid Sulphate Soils assessment. Phase 1 and 2 assessments revealed a need for further assessment prior to demolition/construction/earthworks to identify the extent of contamination of various hazards including "elevated cadmium and PAH concentrations and detection of friable asbestos and bonded asbestos containing material".

Environmental Health recommends approval once the site has been remediated of hazardous contaminants. No issues in regards to Acid Sulfate Soils. Furthermore, noise conditions can be added to this referral to cover construction and demolition works.

N.B. Conditions associated with "Prior to Construction Certificate" should instead be placed under the category of "Prior to Subdivision Certificate" - which Environmental Health do not have the option of doing in ASSESS.

### Recommendation

APPROVAL - subject to conditions

### Recommended Environmental Investigations Conditions:

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

### Noise of earthworks, demolition and construction.

Prior to the issue of any Construction Certificate a Plan of Noise Management is to be prepared for the site/s to the satisfaction of the Certifying Authority. The Plan can be part of an overarching construction plan and shall include hours of operation and detail ways to manage potential noise nuisances caused by the proposed demolition and construction works.

### Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan -prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of Council's Environmental Health Approvals Team. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Reports entitled "Job No: 14396/2", prepared by Geotechnique Pty Ptd and 19 March 2019 are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (during work times), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
  - (a) During construction in order to monitor water and soil quality the following is to be implemented:
    - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's (now Roads and Maritime Services) Guideline for Construction Water Quality Monitoring
    - ii) Soil Testing in order to detect contaminates is to occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
  - (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
    - i) Fortnightly during excavation works
    - ii) Monthly during building works
- e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment, Climate Change and Water (formerly Environment Protection Authority) discharge criteria.

**Note 1:** Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

- f) 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 2:** The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Contaminated Land Management Regulation 2013;
- iii) Contaminated Land Compliance Statement;
- iv) Managing Contaminated Land Contamination Guidelines SEPP 55 - Remediation of Land; and
- v) National Environmental Protection (Assessment of Site Contamination) Measure 1999.

g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:

- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site, to the subject premises.
- Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
- Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment, Climate Change and Water guidelines).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPC6)

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **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 Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)

### **Compliance with the Contamination Management Plan**

The requirements of the Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPEDW1)

### **Dust**

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: to prevent air pollution from dust and comply with legislation.

(DACHPEDW2)

### **Acid Sulfate Soil Management**

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil

Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed

(DACHPEDW5)

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

### **Compliance with Contamination Management Plan**

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been complied 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 Certifying Authority.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPFPOC5)