

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2019/0382
<b>Responsible Officer</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 100 DP 592389 , 312 Warringah Road FRENCHS FOREST NSW 2086

### 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

I refer to previous internal correspondence on this site including comments on :

Wednesday, 30 January 2019 4:31 PM

Environmental Health referred to a similar subdivision in June 2018.

Our comments remain the same and I am not aware how or if the applicant can satisfy our ongoing concerns both for proposed and future ongoing residential occupiers :

Environmental Health have no objections to the subdivision provided the future owners/builders and occupiers are made aware, ongoing, of the following comments by the EPA 6 Dec 2017 for the site and an environmental management plan prepared for the site including all development is prepared and managed.

This is critical to ensure that risks are not forgotten over time and I am not sure how this can be captured at subdivision stage.

“Based on the available information, the EPA has determined that regulation of residual petroleum hydrocarbon contamination at the site under the CLM Act is not required because:

- The primary source of contamination is historical in nature and no longer ongoing as the site has been decommissioned and remediated;
- Secondary sources of contamination (light non-aqueous phase liquid) have not been detected at the site since the site was remediated;
- Recent environmental investigations indicated concentrations of petroleum hydrocarbons in groundwater appear to be decreasing over time and are limited in extent; and

- As outlined in Site Audit Statement 0103 – 1202, an EPA-Accredited Site Auditor has certified that the site is suitable for the following land uses: residential with accessible soil, including garden (**minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry; residential with minimal opportunity for soil access**, including units; and commercial / industrial, subject to compliance with the environmental management plan prepared for the site.

Potential exposure pathways for subsurface workers can be managed through appropriate work health and safety (WH&S) practices, as guided by WH&S legislation”

And

The EPA notes that an Environmental Management Plan was prepared by the EPA-accredited Site Auditor, Marc Salmon as part of the Site Audit Report and Site Audit Statement 0103 -1202 (Easterly Point, November 2016), **and provides requirements for the ongoing management of the site by site owners including for re-development.**

Critically:

In the Site Audit Statement, the Auditor commented that “some residual soil and groundwater contamination exists on site, including potentially along the southern boundary, and a potential exists for fragments of ACMs to exist, predominately in the northern portion of the site along the boundaries. Although all identified UPSS infrastructure was removed, abandoned tanks were identified in close proximity to the southern boundary, and a potential exists that further historic infrastructure could exist offsite to the south within the public lands.”

Therefore we note :

**The application/ SEE does not propose any fail safe method of identifying and managing the potential risks that remain on site , and the limited site usage in regard to accessible soil, to future on going owners and/or occupiers of the land over time.**

This need to be addressed.

## **Recommendation**

REFUSAL at this time.

## **Recommended Environmental Investigations Conditions:**

Nil.