

Environmental Health Referral Response - contaminated lands

Application Number:	DA2021/2189
Date:	24/12/2021
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot X DP 405206 , 39 Frenchs Forest Road East 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

Application is for an Amending DA for the Stage 2 works that mainly involves the construction of a hotel/motel building.

The applicant has provided a Preliminary Site Contamination Investigation Report by Douglas Partners dated 26 September 2018 (reference: 86447.01.R.001.Rev0) that has included some sampling of potential contaminants.

Douglas Partners concluded the following:

Based on the findings of this preliminary contamination investigation, it is considered that the site can be made suitable for the proposed development, from a contamination perspective, subject to implementation of the aforementioned recommendations.

Douglas Partners have recommended that an unexpected finds protocol is prepared and implemented during site works to address any soils potentially impacted by contamination during excavation.

The applicant has also provided a letter titled Contamination Review of Proposed Stage 2 Works Parkway Hotel, 39 Frenchs Forest Road East, Frenchs Forest by Douglas Partners dated 26 November 2021 (reference: 86556.05.R.001.Rev0). The letter advises that Douglas Partners have reviewed the Amended DA and conducted a walkover of the Stage 2 area on 25 November 2021 and concluded that the Preliminary Site Contamination Investigation Report is still valid.

Recommendation

Supported - 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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Unexpected Finds Protocol

Prior to the issue of any Construction Certificate an Unexpected Finds Protocol for any contamination that could be encountered during site works is to be prepared as per the recommendation within the Preliminary Site Contamination Investigation Report by Douglas Partners dated 26 September 2018 (reference: 86447.01.R.001.Rev0).

The Unexpected Finds Protocol is to be prepared by an appropriately qualified and experienced Environmental Consultant and provided to the satisfaction of the Certifying Authority.

Reason: To manage any unexpected contamination encountered during works.

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.

Compliance with the Unexpected Finds Protocol

The requirements of the Unexpected Finds Protocol 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: To manage any unexpected contamination encountered during works.

Off-site Disposal of Waste (fill and/or soil material)

'Chain of Custody' documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within seven (7) days of transport and made available to Council upon request.

Reason: Appropriate disposal of waste and protection of environment.

Classification of waste

Prior to the exportation of waste (fill and/or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal in accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Reason: Appropriate disposal of waste and protection of environment.