

Environmental Health Referral Response - contaminated lands

Application Number:	Mod2020/0611
Date:	05/03/2021
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 1220196 , 4 - 10 Inman Road CROMER NSW 2099

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

The following comments and conditions have been provided by the NSW Environment Protection Authority (EPA) as this site has been declared 'significantly contaminated' as defined under the Contaminated Land Management Act 1997. The EPA have authority to regulate the management of contamination in the declared part of this site.

Contamination in non-declared parts of the site

Table 2: Development Images Comparison, contained in the modification application, shows the car park has been relocated to the north-east, presumably outside of the EPA declared area. The carpark is proposed to be replaced by self-storage units. The EPA notes that although only a portion of the overall site is declared as significantly contaminated land, other areas of the site may also contain residual contamination which would warrant further assessment and management. Contaminants could include asbestos, heavy metals, petroleum hydrocarbons, and chlorinated hydrocarbons.

Suitability of the Site for the Proposed Development

The EPA notes that the application includes a Site Audit Report dated 20 April 2018 for the "Part A Unregulated Area, 4-10 Inman Road, Dee Why, NSW". The Site Audit Statement concluded that the site was suitable for commercial/industrial purposes (and a range of other land uses), however that "should basement car parking and/or other excavations potentially requiring dewatering of Part A be considered, then reconsideration of the suitability of the Site may be required". Based on the approved development consent and proposed modification application, the EPA considers that the Auditor engaged for the development will need to reassess the suitability of the site based on the actual proposed land use, as described in the development application and modification documents.

Timing of Remediation and Development

The EPA understand that Roche's remediation schedule may be disrupted should the development interfere with their key monitoring and injection well network. If the well network is damaged, new monitoring wells may need to be installed which will lead to a longer time to remediate the site. The VMP agreement is currently between the EPA and Roche.

In addition, the recommended consent conditions provided by the EPA for DA2019/1346 continue to apply for this modification 2020/0611

Recommendation

APPROVAL - subject to conditions

The proposal is therefore unsupported.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Variations to the approved Remediation Action Plan

Any variations to the approved Remediation Action Plan must be approved in writing by a suitable qualified Site Auditor.

Reason: To ensure compliance with contaminated land requirements.

Interim Audit Advices/s

If work is to be completed in stages, a suitably qualified Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advices/s.

Reason: To ensure compliance with contaminated land requirements.

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

Site Audit Statement

The applicant must obtain a Section A1 Site Audit Statement - or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan - from a suitably qualified Site Auditor and submit it to the consent authority prior to commencement of occupation. The Site Audit Statement must certify the site is suitable for its use.

Reason: To ensure compliance with land contamination requirements.