

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2022/0783
<b>Date:</b>	15/07/2022
<b>Responsible Officer</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 3 DP 1115877 , 53 B 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

SEE advises the following regarding Remediation of Land:

*DA2019/0263 was supported by Phase 1 and Phase 2 Contamination Assessment Reports that provided a series of recommendations to ensure that the site is suitable for residential development. In circumstances where the construction of the proposed dwelling is to be deferred until all works approved pursuant to DA2019/0263 are completed, Council can be reasonably satisfied that there is no contamination risk in relation to the proposal.*

As such, a deferred commencement condition will need to be imposed that evidence is submitted to Council that the land has been remediated and is suitable for the intended use as residential as per SEPP 55 compliance (Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021).

### 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:

## DEFERRED COMMENCEMENT CONDITIONS

### Proof of Remediation

Evidence is to be submitted to the satisfaction of Council's Environmental Health Team and the Principal Certifying Authority that the land has been remediated in accordance with the Remedial Action Plan (RAP) by Rise Projects Pty Ltd dated 13 April 2022 (reference: 22-1303) and that the land is suitable for the intended use as residential as per SEPP 55 compliance (Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021). Evidence is to include a

validation report prepared by suitably qualified and experienced consultant that is in accordance with:

- State Environmental Planning Policy No 55—Remediation of Land (Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021);
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines.

Reason: SEPP 55 (State Environmental Planning Policy (Resilience and Hazards) 2021) compliance and to ensure that the land is suitable for the intended use as residential.

## **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.