

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2022/0717
<b>Date:</b>	27/06/2022
<b>Responsible Officer</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 2 DP 402645 , 101 Old Pittwater Road BROOKVALE NSW 2100 Lot 3 DP 402645 , 101 Old Pittwater Road BROOKVALE NSW 2100 Lot 4 DP 402645 , 101 Old Pittwater Road BROOKVALE NSW 2100 Lot 1 DP 402645 , 99 Old Pittwater Road BROOKVALE NSW 2100

### 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

Proposal for demolition of existing structures, excavation, and construction of 24/7 self-storage units and miscellaneous industrial operations -7am to 6pm.

Redevelopment of the site will require demolition and excavation of contaminated land. A Preliminary Site Investigation (PSI) identified various contaminants, of particular concern to health is the potential significant contamination of subsurface fill with asbestos containing materials throughout the site. Unfortunately, a full suite of sampling was not able to be provided, thus the consultant's recommendation that the site can be made suitable for use subject to a full Detailed Site Investigation (DSI) and remediation via Remedial Action Plan (RAP).

In order for Council to fulfill our obligations under the SEPP, further information is required to reveal the extent of contamination on site and thus determine appropriate consent conditions. The applicant must decide the most appropriate course of action given the following scenarios, understanding that the cost of fully remediating an asbestos-laden site is high. Either:

- a) a DSI, and RAP are provided at development application stage; or
- b) DSI and RAP provided to Council prior to CC. In this instance, Council would implement a consent condition requiring a MOD / DA where it is determined that encapsulation of contaminated materials will occur. The reason being, a "positive covenant" and "long term remediation plan" will be required, as well as comprehensive analysis of any proposed encapsulation works to ensure that any contaminated material is effectively capped and managed long term.

In any case, the DSI and RAP must be done by a consultant certified under NSW EPA Contaminated Land Consultant Certification Policy, documentation must be prepared in accordance with the relevant guidelines and legislation including Managing Land Contamination Planning Guidelines, SEPP (Resilience and Hazards) 2021, and NSW EPA Guidelines including Guidelines for Consultants Reporting on Contaminated Land.

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:**

Nil.