

Environmental Health Referral Response - contaminated lands

Application Number:	DA2022/0682
Date:	07/06/2022
Responsible Officer	Alex Keller
Land to be developed (Address):	Lot 2 DP 11320 , 293 Condamine Street MANLY VALE NSW 2093 Lot 1 DP 11320 , 291 Condamine Street MANLY VALE NSW 2093

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 demolition works and construction of shop top housing.

The applicant has provided a Preliminary (Stage 1) Site Investigation by JK Environments dated 21 January 2022 (Reference: E34549BDrpt). As part of the Preliminary Investigation two core hole tests were conducted however, the sampling was restricted due to the use of hand equipment and its limited ability to penetrate the fill.

The report concludes and recommends the following:

The JKE PSI included a review of site history information and sampling from two boreholes. The PSI identified AEC associated with the historical importation of fill to the site, historical agricultural use, presence of hazardous building material at the site, use of pesticides and off-site land uses including an Ampol service station and historical motor garages.

JKE are of the opinion that the historical land uses and primary AEC identified would not preclude the proposed development. JKE recommend a DSI should be undertaken to characterise the site contamination conditions and establish whether the site is suitable for the proposed development, or whether remediation is required. This would include further waste classification testing to classify material to be excavated for the proposed development.

A detailed Phase 2 typically should be conducted prior to consent or additional information provided that increases certainty that the site can be remediated if required. Given the current site constraints with hardstand and buildings present a full detailed Phase 2 may not be practical until hardstand and buildings are removed. The main concerns appear to be the potential for onsite fill material containing asbestos and migration from off-site land uses including the nearby Ampol service station and historical motor garages. However, from the information provided it appears that there will be minimal excavation other than cutting into the western hillside section and there are no basement levels. As such, any remediation if required is likely to be minimal.

Furthermore, adjoining residential developments have occurred at 295-297 Condamine Street & 289 Condamine Street MANLY VALE. There does not appear to have been any concerns raised at these

locations regarding contamination from surrounding land uses migrating onsite.

Additionally, JK Environments have also concluded that they are of the opinion that the historical land uses and would not preclude the proposed development. As such, a detailed site investigation will be required prior to CC to determine if the site is suitable in its current state or if remediation is required.

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

Remedial Action Plan to be prepared if Required

A site-specific Remedial Action Plan (RAP) is to be prepared if the results of the Detailed Site Investigation identify that contaminated material is required to be remediated/removed from site. The RAP must be prepared in accordance with the relevant guidelines and legislation including Managing Land Contamination Planning Guidelines, State Environmental Planning Policy (Resilience and Hazards) 2021 and NSW EPA Guidelines including Guidelines for Consultants reporting on contaminated Land.

The RAP is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

Reason: Reason: Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.

Detailed Site Investigation

Prior to the issue of any Construction Certificate a Detailed Site Investigation is to be undertaken as per recommendations within the Preliminary (Stage 1) Site Investigation by JK Environments dated 21 January 2022 (Reference: E34549BDrpt). The report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy.

The investigation is to be in accordance with relevant industry guidelines including State Environmental Planning Policy (Resilience and Hazards) 2021 compliance and NSW EPA guidelines.

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.

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.

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

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.

'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 the environment.

Contamination management

Any Recommendations within the Contaminated Land Reports including the Detailed Site Investigation Report and the Remedial Action Plan (if required) must be followed during works.

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.

Compliance with Recommendations within Hazardous Building Materials Survey

Any recommendations within the Hazardous Building Materials Survey by JK Environments dated 21 December 2021 (Reference: E34549BLrpt-HAZ) are to be implemented during works.

Reason: To protect human health.

Onsite Encapsulation of Contaminated Material

No onsite encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.

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

Validation for Remediation

At the completion of any required remediation works (if the results of the Detailed Site Investigation identify that contaminated material is required to be remediated/removed from site) a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA

Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

The Validation Report must be in accordance with the requirements of the following:

- State Environmental Planning Policy No 55—Remediation of Land;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020

The report shall document the following:

1. The extent of validation sampling, and the results of the validation testing; and
2. That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.