

## Environmental Health Referral Response - contaminated lands

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| <b>Application Number:</b>             | DA2024/1156  |
| <b>Proposed Development:</b>           | Demolition works and construction of a nine (9) berth residential marina, associated works and subdivision into eight (8) lots |
| <b>Date:</b>                           | 04/09/2024   |
| <b>Responsible Officer</b>             | Nick England   |
| <b>Land to be developed (Address):</b> | Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106<br>Lot 295 DP 820302 , 122 A Crescent Road NEWPORT NSW 2106             |

### 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 proposal includes the following:

- Demolition and removal of 46 existing piles and pontoons of the existing 43-berth marina and part of the existing concrete structure (remainder to be retained);
- Construction of 31 new piles, pontoons and gangways to create a 9-berth residential marina;
- Landscaping works;
- Building envelopes for 2 x boatsheds (subject to separate Development Applications); and
- Subdivision of the site.

In respect of the potential for the land contamination, a Detailed Site Investigation (DSI) has been provided with the proposal documentation.

The DSI concludes that:

"...it is considered that the risks to human health and the environment associated with soil contamination at the site are low within the context of the proposed use of the site for a nine-berth marina on the water side, plus a concrete sea wall, boatsheds and landscaping areas on the land side development.

The site is therefore considered to be rendered suitable for the proposed use....."

The report notes that the above statement is dependent upon in the preparation of a Remedial Action Plan (RAP) to address data gaps across the site including contaminated soil hot spots identified across the site.

Additionally, any soil removed from the site is to be appropriately classified for disposal.

### Recommendation

APPROVAL - 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**

A Remedial Action Plan is to be prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997.

The Remedial Action Plan is to address points detailed in section 15 CONCLUSION AND RECOMMENDATIONS, of report titled DETAILED SITE INVESTIGATION reference ES8722, dated 01/03/2023 by Aargus.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of the environment, SEPP (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 Certifier.

Reason: To protect human health and the environment.

**Soil Removal and Classification**

Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

Reason: To ensure appropriate and safe disposal of soil

**Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site to a lawful waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

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

### **Validation for Remediation**

A validation and site monitoring report, is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure environmental amenity is maintained.