

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2023/0803
<b>Proposed Development:</b>	Alterations and additions to the existing Hills Flower Market site
<b>Date:</b>	12/07/2023
<b>Responsible Officer</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Part Lot 1 DP 845094 , 287 Mona Vale Road TERREY HILLS NSW 2084

### 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 development the subject of this DA involves alterations and additions to the existing Hills Marketplace development located at No. 287 Mona Vale Road, Terrey Hills. The two proposed new buildings will accommodate an expanded garden centre and rural supplies outlet and a new restaurant that will include a small area for ancillary brewing equipment.

In respect of the new restaurant, it is proposed that it includes a small area for ancillary brewing equipment where some craft beer will be produced on-site [quantities are discussed at page 22]. This type of community interaction in the production stage has become very popular with restaurants today. While a small area for ancillary brewing equipment is proposed within the new restaurant, the principal purpose of the new restaurant will remain as a licensed restaurant. The operation of the brewing equipment is to provide theatre/ambience within the restaurant that will be an ancillary feature of the overall operation of the new restaurant.

And

Development consent is also sought to undertake minor alterations and additions throughout the ground floor level of the existing building including to the area occupied by the existing Garden Centre, Taste Buds Café and the area formerly occupied by Piemonte Restaurant and to carry out minor reconfiguration and expansion of the existing flower shop.

The proposal seeks consent to demolish various existing structures and at-grade parking, to undertake preparatory bulk earthworks, to remove 28 site trees, to comprehensively upgrade the site landscaping including providing substantial compensatory planting, to provide additional atgrade parking and to install new business identification signage.

Development consent is sought to operate a mix of landuses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

Geo-Logix Pty Ltd (Detailed Site Investigation -Report reference: 2201064Rpt01FinalV02\_8Nov22 Date: 8 November 2022 ) was commissioned by Hills Marketplace Pty Ltd (Hills Marketplace) to conduct a Detailed

Site Investigation (DSI) of the property located at 287 Mona Vale Road, Terrey Hills NSW.

In 2021, Geo-Logix completed a Preliminary Site Investigation (PSI) for the property. The PSI identified numerous potential contaminating activities having occurred onsite including:

- Demolition of structures potentially containing asbestos and lead based paint;

- Historical market gardening;
- Importation of fill of unknown origin as part of the site redevelopment and to fill a former farm dam; and
- Minor mechanic repairs.

While lower levels of petroleum hydrocarbons, PAHs, OCPs and heavy metals were reported in soil, COPCs were not identified in soil at concentrations in excess of assessment criteria in all samples analysed. The risk that past site activities have contaminated on-site soils is considered low and acceptable.

As COPCs were not detected in on-site soil and all identified sources of potential contamination at the site

are 'top down' processes expected to first affect surficial soils, it is considered that the risk of contamination

to on-site groundwater and surface water is also low and acceptable.

Based on the results of investigation, the site is considered suitable for the proposed commercial development.

On this basis Environmental Health supports the proposal with 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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works or excavation 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.

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

#### **Hazardous Building Materials Survey**

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials related to structures to be modified or demolished as part of this consent including but not limited to asbestos, lead, SMF and PCBs. Following the survey where hazardous materials or found, a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.