

Environmental Health Referral Response - contaminated lands

Application Number:	Mod2023/0617
Proposed Development:	Modification of Development Consent DA2021/0212 granted for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision.
Date:	07/12/2023
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 11 DP 1258355 , 5 Skyline Place FRENCHS FOREST NSW 2086

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

This application is seeking consent for modifications to DA2021/0212. As per the Statement of Environmental Effects, the proposed modification seeks to:

- relocate the communal area from the Ground Floor of the western building to the ground level of the central building;
- delete commercial uses at Level 1 of the eastern building and replace with 8 ILUs;
- revise design of pool and recreation facilities on Level 2;
- revise landscape design;
- minor changes to floor levels at each level to ensure floor to floor heights comply with the National Construction Code 2023 (NCC 2023) resulting in an increase in height to the western building of 0.5m;
- minor changes to layout of Independent Living Units to improve amenity;
- minor changes to basement levels, including minor changes to floor levels, location of mechanical plant rooms, the waste collection and storage areas and deletion of garbage lift;
- relocate lift shaft in the eastern building to improve entrance and circulation; and
- reallocation of a minor area of communal space at Level 7 to apartment floor area in the eastern tower.

A Detailed Site Investigation (DSI) was undertaken by Foundation Earth Sciences dated February 2021 for stage 1 & 2 - 5 Skyline Place, Frenchs Forest.

Samples were recovered from 15 boreholes locations across 5 Skyline Place including a sample of groundwater.

A number of soils samples exceeded levels relating to guidelines therefore the DSI concluded a Remedial Action Plan was required prior to any commencement. The RAP was required as a condition of DA2021/0212 - Condition No.38

A validation report was required prior to Occupation Certification, Condition 77 - Compliance with

Remediation Action Plan.

Environmental Health requires the submission of the RAP prior to further review to determine if the findings within the Detailed Site Investigation Report can be effectively remediated to allow for this proposed use on the land.

Therefore, the applicant is required to:

Provide a detailed Remediation Action Plan (RAP) prepared by a suitably qualified person in accordance with SEPP 55 - Remediation of Land, NSW EPA Consultants reporting on contaminated land: Contaminated Land Guidelines May 2020, and NSW EPA Sampling design guidelines.

The RAP must address the conclusion and recommendations in section 17.0 of the "Detailed Site Investigation" prepared by Foundation Earth Sciences in February 2021 - Job number E1100-4 and identify the extent and depth of all fill material.

Environmental Health recommends refusal at this time.

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.