

Environmental Health Referral Response - industrial use

Application Number:	DA2018/1514
To:	Luke Perry
Land to be developed (Address):	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100

Reasons for referral

This application seeks consent for large/and or industrial development.

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments

General Comments

Approval subject to conditions for contamination (see notes below), noise and light spill.

Land Contamination

The Phase 2 Contamination Assessment Report prepared by Douglas Partners (Project 71015.18 August 2018) identified the following contamination concerns:

- PCB contamination that was above guideline levels within one of the bore holes
- Asbestos was identified at two bore hole locations in filling material.

The Phase 2 recommended the following:

- A Remedial Action Plan (RAP) be prepared.
- Conduct further assessment of the PCB soil contamination at Test Bore 763 to better define the extent of the contamination for remediation purposes.

Sediment/erosion controls and any dewatering

Consideration should be given to conditions for sediment/erosion controls and any dewatering that may be required during the works.

Recommendation

APPROVAL - subject to conditions

Recommended Environmental Investigations Conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Mechanical plant situated on the roof area of the premises must be acoustically treated to ensure noise emissions are not audible at the nearest residential premises. Details are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate. Council may require the owner or occupier of the premises to engage the services of a suitably qualified professional to undertake an acoustic assessment of the premises in the event concerns regarding the emission of 'offensive noise' are raised and/or justified by Council.

Reason: To protect the acoustic amenity of neighbouring properties. (DACHPBOC5)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Noise and Vibration Management Plan

Prior to the issue of the Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development. The management plan must be provided to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant legislation and Australian Standards. The report must itemise equipment to be used for excavation works which are likely to generate excessive noise and/or vibration. The Plan shall address, but is not limited to, the following matters:

- Identification of activities carried out and associated noise sources
- Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- A prediction as to the level of noise impact likely to affect the nearest noise sensitive receiver as well as determination of appropriate noise and vibration objectives for each receiver
- A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations
- Confirmation of noise and vibration monitoring, reporting and response procedures to be undertaken during the main stages of work
- Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles
- Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction
- Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration
- Contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.
- The activity of rock-breaking associated with the development of the site, must only occur between the hours of:

9.0 M – 5.00 PM on weekdays (Monday – Friday) only.

Rock-breaking activities must not occur on weekends or public holidays.

Adjoining properties must be notified in writing of the times and days in which rock-breaking activities will be carried out. Notices must be distributed at least seven (7) days before the activity is to occur.

Reason: To protect acoustic amenity of surrounding properties and the public. (DACHPCPC6)

Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Report prepared by Douglas Partners (Project 71015.18 August 2018) are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
- (a) During construction in order to monitor water and soil quality the following is to be implemented:
- i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
- ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
- (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
- i) Fortnightly during excavation works
- ii) Monthly during building works
- e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.
- Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.
- f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.
- Note: The following Acts and Guidelines applied at the time of determination:
- i) Protection of the Environment Operations Act 1997; and
- ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.
- Note: The following standards applied at the time of determination:
- i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (*) site at (*), to the subject premises.
 - Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
 - Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).
- Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the

Construction Certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPCC6)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997. (DACHPEDW1)

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. (DACHPEDW5)

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

Compliance with Contamination Management Plan

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been compliance with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report 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.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPFPOC5)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Illumination Intensity and design

The level of lighting intensity used is to be minimised on the site and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure lighting used for the development do not interfere with amenity of nearby properties. (DACHPGOG5)

Noise Impact on surrounding areas

Any noise from the premise shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

Reason: Reason: To ensure that noise generated from the premise does not create offensive noise.
(DACHPGOG5)