

Environmental Health Referral Response - contaminated lands

Application Number:	DA2023/0153
Proposed Development:	Construction of a dwelling house on Proposed Lot 3
Date:	18/04/2023
Responsible Officer	Nick England
Land to be developed (Address):	Lot C DP 367229 , 6 Orchard Street WARRIEWOOD NSW 2102

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

As part of the original subdivision approval further detailed site investigation and potential remediation of the site was required as below :

Aargus Pty Ltd 27 February 2014

CONCLUSION AND RECOMMENDATIONS

The findings of the assessment indicated the following areas of potential environmental concern:

- Potential importation of uncontrolled fill that may contain various contaminants;
- Current or past use of pesticides;
- Car park areas where leaks and spills from cars may have occurred;
- Storage area where chemicals stored; and
- Asbestos / Fibro features within former or current building structures.

The contaminants that may be present in some of these areas were considered to be of low to moderate significance in terms of risk to the human and environmental receptors identified.

Therefore, a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development and to address the data gaps identified.

Based on the information collected during this investigation and in reference to Clause 7 of SEPP 55, the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed for the proposed subdivision.

This appears not have been carried out and is referred to in the SEE as :

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The application is made with respect to a yet to be created lot approved pursuant to N0013/15, as amended. N0013/15 was supported by a Preliminary Site Investigation that provided a series of recommendations to ensure that the site is suitable for residential development. In circumstances where the construction of the proposed dwelling is to be deferred until all works approved pursuant to N0013/15 are completed, Council can be reasonably satisfied that there is no contamination risk in relation to the proposal.

The proposed development is consistent with the relevant provisions of Chapter 4 of SEPP (Resilience

and Hazards)

Therefore Environmental Health can only support construction dependant on no contaminants being found or remediation of site. Conditions supplied.

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:

DEFERRED COMMENCEMENT CONDITIONS

Deferred commencement

Detailed site investigation, decontamination and remediation where required

Prior to commencement a detailed site investigation, based on the Preliminary Site Investigation by Aargus Pty Ltd 27 February 2014, such be carried out and any materials deemed as contamination shall be appropriately managed, treated, removed and the site remediated where required.

A clearance certificate then shall be issued to the Principal Certifying Authority(copy to Council) together with any documentation, such as chain of custody or materials, disposal receipts and the like of any removed contaminants.

Reason: To ensure the site is free of any contaminants before any work is carried out on site.

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

Compliance with any Contamination Management Plan

The requirements of any Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

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

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 at (*), to the subject premises.

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

Positive Covenant -Only for any encapsulated contamination

A covenant must be registered on the title of the land, giving notice of the former use, level of site

contamination and its former location on the land.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by Northern Beaches Council or any State or Federal Department/Authority.

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

Reason: Environmental Protection.