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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 7/10/2024 5:40:56 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

07/10/2024

MR Ross Woodward  
12 Watkins RD  
Avalon Beach NSW 2107  
[REDACTED]

**RE: DA2024/1091 - 5 / 1 Careel Head Road AVALON BEACH NSW 2107**

This submission is an objection to the Development Application 2024/1091 to construct and operate a Dan Murphy alcohol outlet at Avalon Beach in conjunction with a childcare centre.

Comments on adverse impacts

The application is for an alcohol outlet and a childcare centre. This is a tragic reflection on a society that normalises the excessive consumption of alcohol and the incredible amount of personal tragedy and financial cost that is picked up by the public health and law enforcement systems. It is unacceptable that an alcohol retailer should share the same site as a childcare centre for many reasons including child safety, normalization of alcohol consumption [the earlier we get them the better], and increased likelihood of traffic accidents. It is bad enough seeing the alcohol affected drivers pulling into the existing alcohol outlet at North Avalon without having another outlet adjacent to a childcare centre just up the road.

Avalon Beach already has a variety of licensed premises, including three dedicated retail alcohol outlets, a brewery, numerous wine and cocktail bars, licensed restaurants, and cafes. As of the latest data, there are approximately 20 licensed premises in Avalon Beach. These establishments contribute to the problems associated with the excessive consumption of alcohol and the consequential adverse social impacts.

In 2023, the Northern Beaches area recorded 455 drink driving incidents, making it the fourth-highest in New South Wales (NSW) for drink driving offences -behind only four other areas - Central Coast, Sydney CBD, Blacktown, and Tweed Shire.

The Northern Beaches area has a notable number of alcohol-related domestic violence incidents. In 2023, there were approximately 320 reported cases involving alcohol - alcohol is a contributing factor in nearly half of all domestic violence cases.

The proposed alcohol outlet at North Avalon will only exacerbate these numbers leaving society to pick up the costs.

The community does not need another retail outlet selling alcohol in Avalon!

Comments on Preliminary Site Investigation and SEE

The Statement of Environmental Effects (SEE) and the Preliminary Site Investigation (PSI)

are both inadequate and deficient documents for assessing the potential risk of petroleum hydrocarbon contamination on the site.

Contamination from existing and previous service station sites is now a major issue throughout NSW as a result of corroding and leaking Underground Storage Tanks (USTs). When the site was originally sold and the land use changed from service station to shops, contamination and remediation of such sites was not considered as an issue of concern. The regulatory and risk assessment regime has advanced significantly since that time.

The site was a petrol station with underground storage tanks in a salt water environment and so is highly likely to be contaminated with petroleum hydrocarbons (BTEX) and other chemicals of concern (PAH and VOC).

Petroleum hydrocarbons are injurious to human health and the environment. To place a childcare centre on a site contaminated with BTEX without adequate soil and groundwater testing is risking the health of all future children who use the centre as well as employees of the alcohol outlet. The vapours of these compounds can move through concrete and bitumen and be present at levels exceeding health guidelines in the interior air of the buildings.

I recall that petroleum contamination was identified when the adjacent site was developed for residential apartments around 15 years ago and this site required extensive remediation. The contamination could only have come from one source - the subject site previously being a service station. This contamination could be spreading under the adjacent residences to the south-east and unless the source is cleaned up now, it will continue to contaminate a wider residential area over time as it moves with the groundwater.

At the very least, a site validation report should be required by Council prior to assessing the development application and because of the likelihood of off-site impacts a Site Audit Statement should also be sought.

The NSW EPA states "Service stations make up the single largest sector of contaminated sites in NSW, and proper assessment of service station sites is crucial to making sure human health and the environment are protected from potential impacts of contamination."

Some of the deficiencies in the PSI report (and the dependent SEE) are -

- The report makes no mention of the NSW EPA document "Contamination Assessment of Service Station Sites" that establishes minimum sampling requirements.
- The report makes no mention of other associated EPA documents including -
- Environment Protection Authority (EPA) 2020a, Consultants reporting on contaminated land: contaminated land guidelines, EPA 2020/P2233.
- Environment Protection Authority (EPA) 2020b, Guidelines for implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019, EPA 2020/P2700.
- Environment Protection Authority (EPA) 2022, Contaminated land guidelines: Sampling Design EPA 2022/P3915.
- Two so called "boreholes" to 0.5m and 1.5m for soil contaminant testing is totally inadequate for a former service station site.
- Groundwater was not investigated or sampled, so it is not possible to say the site is not contaminated.
- Soil type was not investigated and is inadequately described since the site was a former estuarine floodplain and the ovals opposite were originally mangrove.

- To suggest that the site is not contaminated (section 4.3) because Council Planning Certificate states it is not contaminated "as part of the Contaminated Land Management Act " is disingenuous.
- The report is simply a "cut and paste" from other reports that the consultant has produced and has undergone no rigorous internal or external quality review as evidenced by references to contacting Liverpool City Council for information (section 4.4) and no PFAS site was located in Bargo (section 3.8.3)!
- Table 6 of the PSI identifies that "the risk of contamination associated with a hydrocarbon on the site was assessed and may present" - yet no follow up sampling or investigations are recommended.
- Site Geology in Table 6 assumes soils to be podzolic from a regional scale map not appropriate for this site, yet the conclusion is made that migration of contamination would be limited into groundwater. The soils are likely to comprise high proportions of sands and so likely to be quite permeable to contaminants and therefore likely to affect adjacent properties such as the development to the east that showed hydrocarbon contamination and existing residences to the south-east.
- Groundwater depth, movement and quality was not investigated nor are there any recommendations for such investigation, so how can it be concluded there are no off-site impacts.
- The two so called "borehole" soil samples were shallow and taken along the western site boundary and close to each other (Figure 7) - hardly representative of a site used as a service station, more likely representative of fill used when the site was redeveloped last time.
- A failing of the report is that it does not recommend a detailed site investigation be undertaken - a decision based on the inadequate and flimsy PSI report.
- Section 8 Conditions of the Recommendation contains a statement limiting any liability by the consultant - "The assessment may not identify contamination occurring in all areas of the site, or there may be special conditions pertaining to the site which have not been revealed during the investigation and not documented in the report. Subsurface conditions may vary considerably away from the sample locations where information has been obtained. Moreover, CEC Geotechnical will not be liable to revise the report to account for any changes in site characteristics, regulatory requirements, assessment criteria or the availability of additional information, subsequent to the issue date of this report." In other words, the site may be contaminated but it wasn't our job to determine that.
- The report is not adequate and should be rejected.
- A detailed site investigation should be undertaken in accordance with NSW EPA Guidelines for service station sites.