

Environmental Health Referral Response - contaminated lands

Application Number:	DA2021/2257
Date:	12/01/2022
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 100 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 101 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 102 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 1 DP 1034722 , 42 North Steyne MANLY NSW 2095

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

Applicant has submitted a Preliminary Site Investigation Report by Foundation Earth Sciences dated 26 October 2021 (reference: E2680 Manly).

The proposal involves demolition to parts of 75 The Corso (the Steyne Cafe building) and partial demolition at 42 North Steyne and construction of a basement level car park below 75 The Corso (the Steyne Cafe building section) connecting to the existing basement level car park at 42 North Steyne.

Given the excavation works for the basement level car park there is the potential for contamination. Applicant has submitted a Preliminary Site Investigation Report by Foundation Earth Sciences dated 26 October 2021 (reference: E2680 Manly).

The report concluded that the risks to human health and the environment associated with soil and groundwater contamination at the site are moderate and that the site can be made suitable subject to the following recommendations:

- Preparation of a Detailed Site Investigation;
- A hazardous materials assessment completed prior to demolition; and
- A Waste Classification conducted for the removal of any soil from the site.

Given the low to moderate risk of contamination and if any contamination is found it is likely to be excavated during the works for the basement level, Environmental Health is satisfied that the site can be remediated if required subject to conditions.

Recommendation

Supported - subject to 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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Detailed Site Investigation

Prior to the issue of any Construction Certificate a Detailed Site Investigation is to be undertaken as per recommendations within the Preliminary Site Investigation Report by Foundation Earth Sciences dated 26 October 2021 (reference: E2680 Manly).

The report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy.

The investigation is to be in accordance with relevant industry guidelines including SEPP 55 and NSW EPA guidelines.

Reason: Protection of the environment, SEPP 55 compliance.

Remedial Action Plan to be prepared if Required

A site-specific Remedial Action Plan (RAP) is to be prepared if the results of the Detailed Site Investigation identify that contaminated material is required to be remediated/removed from site. The RAP must be prepared in accordance with the relevant guidelines and legislation including Managing Land Contamination Planning Guidelines, SEPP 55–Remediation of Land and NSW EPA Guidelines including Guidelines for Consultants reporting on contaminated Land.

The RAP is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

Reason: Environmental Protections and SEPP 55 Compliance.

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 including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

Reason: To protect human health.

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 Certifying Authority.

Reason: To protect human health and the environment.

Asbestos

All removal, repair or disturbance of or to asbestos materials must comply with the relevant guidelines and legislation including the following:

- The Work Health and Safety Act 2011;
- The Work Health and Safety Regulation 2017;
- NSW SafeWork Code of Practice - How to Safely Remove Asbestos; and
- NSW SafeWork Code of Practice - How to Manage and Control Asbestos in the Workplace.

All asbestos waste must be disposed of at a lawful waste disposal facility that accepts asbestos waste.

Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Following the removal of asbestos containing materials an asbestos clearance certificate is to be issued by a suitably qualified and experienced professional such as an Occupational Hygienist or Licenced Asbestos Assessor before the recommencement of any work.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To protect human health.

Contamination management

Any Recommendations within the Contaminated Land Reports including the Detailed Site Investigation Report and the Remedial Action Plan (if required) must be followed during works.

Reason: Protection of the environment, SEPP 55 compliance.

Onsite Encapsulation of Contaminated Material

No onsite encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.

Compliance with Recommendations within Hazardous Building Materials Register

Any recommendations within the Hazardous Building Materials Register are to be implemented during works.

Reason: To protect human health.

Classification of waste & Off-site Disposal of Waste (fill and/or soil material)

Prior to the exportation of waste (fill and/or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

'Chain of Custody' documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within seven (7) days of transport and made available to Council upon request.

Reason: Appropriate disposal of waste and protection of environment.

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

Validation for Remediation

At the completion of any required remediation works (if the results of the Detailed Site Investigation identify that contaminated material is required to be remediated/removed from site) a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

The Validation Report must be in accordance with the requirements of the following:

- State Environmental Planning Policy No 55—Remediation of Land;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020

The report shall document the following:

1. The extent of validation sampling, and the results of the validation testing; and
2. That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Protection of the environment, SEPP 55 compliance.