

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2023/0153
<b>Proposed Development:</b>	Construction of a dwelling house on Proposed Lot 3
<b>Date:</b>	20/06/2023
<b>Responsible Officer</b>	Nick England
<b>Land to be developed (Address):</b>	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.

UPDATE 20.6.2023

The applicant has provided additional clarification further to the above comments and proposed conditions.

Report 29/3/2016 Detailed Site Investigation Australian Geotechnical states:

“Therefore the findings of this Detailed Site Investigation, and the results of the chemical analyses, does not indicate that the site poses a risk to human health or the environment and no further investigation is recommended.

Environmental Health supports the proposal 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 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

#### **Imported Fill**

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Planning and Environment guidelines, the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.