

Environmental Health Referral Response - contaminated lands

Application Number:	DA2024/0374
Proposed Development:	Demolition works and construction of shop top housing
Date:	01/05/2024
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 28 DP 394337 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099 Lot 29 DP 394337 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099 Lot 30 DP 394337 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099 Lot 262 DP 1028346 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099

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

This application is seeking consent for demolition of existing structures and construction of a shop top housing development. The proposed development has residential properties in close proximity to the north, south and east of the site.

The proposed development is to comprise of a basement level. The basement level provides parking for twenty-two (22) cars (including two accessible spaces & two visitor spaces) and sixteen (16) bicycles. A bulky waste storage, sewer pump out emergency storage, grease arrestor, hot water plant room and elec/coms cupboard are also provided at this level.

A Preliminary Site Investigation and a Detailed Site Investigation have been undertaken on the site to assess land contamination and the sites suitability for the proposed development. The PSI and the DSI concluded that uncontrolled fill soils had been imported to the site and used for vehicle movement/parking, asbestos containing cement debris was observed on the surface of the ground. Several underground services//storage tanks were identified in the rear of the property. Friable and bonded asbestos was identified in several building materials onsite. The DSI has stated the site can be made suitable for its intended use provided the Remediation Action Plan and Validation is undertaken.

A Remediation Action Plan (RAP) has been prepared.

Environmental Health does not support the recommendation of Option 4 - Consolidation and isolation of impacted soil by cap and containment. Council does not support the implementation of a Long-Term Environmental Management Plan given its ongoing maintenance and monitoring of land ownership and compliance. Such options should be considered only where other preferred approaches from the remediation hierarchy, set out in s.6(16) Assessment of Site Contamination Policy Framework of Schedules A and B of the NEPM, are not applicable.

As per the National Environment Protection (Assessment of Site Contamination) Measure 1999,

To achieve the desired environmental outcome, the process of the assessment of site contamination should be placed within the context of the broader site assessment and management process. In particular, in assessing the contamination, the site assessor and others should take into account the preferred hierarchy of options for site clean-up and/or management which is outlined as follows:

- on-site treatment of the contamination so that it is destroyed or the associated risk is reduced to an acceptable level; and*
- off-site treatment of excavated soil, so that the contamination is destroyed or the associated risk is reduced to an acceptable level, after which soil is returned to the site; or,*

if the above are not practicable,

- consolidation and isolation of the soil on site by containment with a properly designed barrier; and*
- removal of contaminated material to an approved site or facility, followed, where necessary, by replacement with appropriate material;*

Based on an assessment of the options provided within the RAP and considering the proposed land-uses and development, the remediation option which should be adopted for the site is Excavation of contaminated soil offsite. The sensitive nature of the potential inhabitants for the proposed are key to this remediation recommendation. Off-site disposal of contaminated soil is considered a suitable option for managing human health and environmental impacts from the contaminated materials. Offsite disposal harnesses the excavation of soil, classification of spoil, and disposal to a facility which can legally receive it.

Environmental Health supports the alternative remediation recommendation - Option 3 Excavation and off-site disposal of the contaminated material.

Environmental Health recommends approval 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

Remedial Action Plan

The Remediation Action Plan dated 23 November 2023, reference WEC121.RAP_v2.0 prepared by Waratah Environmental Consulting is to be adhered to ensuring compliance with Option 3 - Removal of Contaminated Material to an Appropriate Facility.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

Validation Report

A Remediation Validation report must be provided by a suitably qualified and experienced environmental consultant, or equivalent person, for the proposed development, documenting all remedial and validation works undertaken within the site in accordance with the approved Remediation Action Plan dated 23 November 2023, reference WEC121.RAP_v2.0 prepared by Waratah Environmental Consulting.

All remediation and validation work, imported fill material certification, waste classification and disposal documentation must be documented in the Remediation and Validation Report prepared for the site.

Details demonstrating compliance are to be provided to the Principal Certifier.

Reason: To ensure land contamination has been managed effectively.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Off-site Disposal of Contaminated Soil - Chain of Custody

'Chain of Custody' documentation shall be kept and submitted for the transport of the material from the site at 142-146 Pitt Road North Curl Curl to the licensed waste facility.

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

Management of Septic Tank

The identified Septic Tank onsite is to be demolished onsite or removed and relocated according to Advisory Note 3 dated January 2017 prepared by NSW Health.

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

Reason: To ensure compliance with standards.