

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2024/1091
<b>Proposed Development:</b>	Demolition works and construction of a mixed use development with basement parking comprising of retail uses and a childcare centre, including signage
<b>Date:</b>	17/10/2024
<b>Responsible Officer</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	<p>Lot 5 S/P 32656 , 5 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 5 S/P 32656 , 5 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot B DP 385973 , 3 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 3 S/P 32656 , 3 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 3 S/P 32656 , 3 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 7 S/P 32656 , 7 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 7 S/P 32656 , 7 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 1 S/P 32656 , 1 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 1 S/P 32656 , 1 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 4 S/P 32656 , 4 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 4 S/P 32656 , 4 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 6 S/P 32656 , 6 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 6 S/P 32656 , 6 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 2 S/P 32656 , 2 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 2 S/P 32656 , 2 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot CP SP 32656 , 1 Careel Head Road AVALON BEACH NSW 2107</p>

### 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

In consideration of this proposal the applicant has provided a Preliminary Site Investigation (PSI) to consider the possibility of previous land contamination and how it may affect the proposal.

With site sampling and laboratory testing, the PSI has concluded that the site is appropriate for the development and has provided a number of recommendations.

Environmental Health concurs with this conclusions of this report and recommends appropriate conditions of consent for the development.

### **Recommendation**

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

##### **Hazardous Building Materials Survey**

Prior to any demolition occurring, 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: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

#### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

##### **Site Contamination**

All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination: Protection of the Environment Operations Act 1997; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

##### **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 waste classification report is to be prepared in accordance with the NSW Environment Protection Authority Guidelines, the 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.

### **Compliance with Preliminary Site Investigation Report**

All works should be undertaken in compliance with the recommendations of the report entitled "PRELIMINARY SITE INVESTIGATION (PSI) REPORT", Project No. - ER24020, dated 09/07/2024 by CEC Geotechnical

Reason: To comply with legislation and ensure potential contaminants are appropriately managed.

### **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 to a lawful waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Any material to be removed off-site, ENM, MUST be classified for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines.

Reason: For protection of environment.