

Environmental Health Referral Response - contaminated lands

Application Number:	DA2024/1362
Proposed Development:	Demolition works and construction of mixed use hospitality venue with supporting car parking, servicing and landscaping works
Date:	14/04/2025
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 180 DP 752017 , 40 Myoora Road TERREY HILLS NSW 2084

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

A Due Diligence Environmental Site Assessment supplied with the proposal documentation has concluded that the site is currently not suited to the development for reasons of contamination, mainly asbestos containing material (soil). In order to remediate the land and make it suitable for development, a remedial action plan has also been provided. The remedial action plan, if actioned as required, is intended to cause the site to be made suitable for the development.

Environmental Health supports the proposal and recommends a number of condition so of consent.

Updated comments - 14/04/2025

The applicant has provided a suite of amendments to the proposal, none of which alter Environmental Health's previous assessment of contaminated land matters and their proposed management for the development. The proposal is supported with no change to conditions previously recommended.

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 Materials Survey

Prior to the commencement of any demolition works, 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.

Compliance with Remedial Action Plan

The requirements of the Remedial Action Plan by Reditus Consulting, report number 21385RP02, dated 1 March 2022 as required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

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

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 premises to a lawful 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

Validation for Remediation

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be

prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: To ensure environmental amenity is maintained.