

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2022/0550
<b>Date:</b>	22/06/2022
<b>Responsible Officer</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 7 DP 1251955 , 121 Dove Lane 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

Application is for the construction of two dwelling houses.

SEE advises that Preliminary (phase 1) and detailed (phase 2) contamination investigations were undertaken for the previous subdivision application DA2018/1044 with a RAP prepared by GeoEnviro Consultancy.

The applicant has provided a copy of the Remedial Action Plan (RAP) by GeoEnviro Consultancy Pty Ltd dated 8 May 2018 (reference: JE17655A-r2).

The SEE advises the following re DA2018/1044 and remediation:

*A Remediation Action Plan (RAP) has been prepared and is required to be implemented in accordance with the development consent for DA2018/1044. The proposed development will occur after this approval and Council can be satisfied that the site will be suitable for the proposed development.*

As such, a deferred commencement condition will need to be imposed that evidence is submitted to Council that the land has been remediated and is suitable for the intended use as residential as per SEPP 55 compliance (Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021).

### 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:

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## DEFERRED COMMENCEMENT CONDITIONS

### **Proof of Remediation**

Evidence is to be submitted to the satisfaction of Council's Environmental Health Team and the Principal Certifying Authority that the land has been remediated as per requirements of the Remedial Action Plan (RAP) by GeoEnviro Consultancy Pty Ltd dated 8 May 2018 (reference: JE17655A-r2) and that the land is suitable for the intended use as residential as per SEPP 55 compliance (Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021). Evidence is to include a validation report prepared by suitably qualified and experienced consultant that is in accordance with:

- State Environmental Planning Policy No 55—Remediation of Land (Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021);
- Contaminated Land Management Act 1997; and
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines.

Reason: SEPP 55 (State Environmental Planning Policy (Resilience and Hazards) 2021) compliance and to ensure that the land is suitable for the intended use as residential.

## 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.