

Environmental Health Referral Response - contaminated lands

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| Application Number: | DA2020/1425 |
| Date: | 13/04/2021 |
| Responsible Officer | Rebecca Englund |
| Land to be developed (Address): | Lot C DP 39108 , 1 Kenneth Road MANLY NSW 2095 Lot 3 DP 975160 , 265 Condamine Street MANLY VALE NSW 2093 |

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 demolition works and construction of a shop top housing development.

The applicant has provided a Preliminary Site Contamination Investigation by Alliance Geotechnical Pty Ltd dated 28 August 2020 (reference: 11416-ER-1-1 Rev 2).

The report concludes the following:

AG consider that soil contamination is likely to be present onsite given long-term historical use of the site for commercial-light industrial purposes. Possible groundwater contamination is also likely due possible use of solvent, inks and dyes, and PFAS containing compounds.

And Recommends:

- *A search of the SafeWork NSW dangerous goods database and Council records pertaining to relevant development approvals associated with historical commercial-light industrial activities.*
- *If not yet conducted, a Hazardous Materials Survey (HMS) should be completed by a suitably qualified and experienced consultant prior to commencement of any demolition works to identify any hazardous materials that may be present within existing structures.*
- *A Detailed Site Investigation (DSI) should be completed post-demolition to identify possible risks posed to end users of the site from any contamination that may be present. This investigation should include a program of soil sampling and groundwater assessment, and depending on findings, potential soil gas (vapour). The finding of this investigation can be utilised to derive a method of management should any risk to end users be identified.*
- *AG recommends that (if required) the HMS can be carried out post-DA approval, prior to demolition, and that the DSI be carried out post-DA approval and post-demolition. These items can be incorporated within any development consent conditions, to be executed prior to construction stage. Due to current access constraints associated with partial basement and building structures at the site, the collection of soil and groundwater data at pertinent locations is*

likely to be impeded by these current constraints. Demolition of existing structures prior to detailed investigation will aid characterisation of both soil and groundwater, and any subsequent contaminated land management (CLM) decision making required.

The Preliminary site Investigation has not undertaken a SafeWork NSW dangerous goods database and Council records search. This is an integral component of the Preliminary site Investigation and as per NSW EPA Guidelines (*The Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines*) and it also helps inform the Detailed Site Investigation and provide Council with better information if the site is safe or can be made safe through remediation.

The Preliminary site Investigation has also indicated that soil contamination is likely to be present onsite given the long-term historical use of the site and that there could be possible groundwater contamination and has recommended that a Detailed Site Investigation be undertaken.

If a Detailed Site Investigation Report is required this is typically required prior to Council proceeding with an assessment and determination of a DA. This is in order for Council to be satisfied that the land is suitable for the proposed use can be remediated. The consultant has advised that due to access restraints from the current structure they recommend the Detailed Site Investigation be undertaken post-DA approval and post-demolition.

Environmental Health will need to be satisfied that the site if required can be made safe through remediation. As such Environmental Health requests that the Preliminary site Investigation be updated to include SafeWork NSW dangerous goods database and Council records search and also either be prepared by, or reviewed and approved, by a certified consultant as per NSW EPA requirements.

As the consultant is requesting the Detailed Site Investigation to be conducted post-DA approval due to access constraints, to ensure site assessment and remediation meet environmental and planning standards Environmental Health will most likely condition that the Detailed Site Investigation and if required Remedial Action Plan and validation reports also be prepared, or reviewed and approved, by a certified consultant as per NSW EPA requirements.

Recommendation

REFUSAL

Additional Review 13.04.2021

No new information has been provided by the applicant regarding the above comments made by Environmental Health within the Contaminated Lands Environmental Health Referral Response on 3/12/2021.

In addition to the above, Environmental Health understands that the majority of the structures onsite have since been demolished removing any access constraints that would have prevented a Detailed Site Investigation from being undertaken.

As such Environmental Health recommends refusal pending a Detailed Site Investigation that has been prepared, or reviewed and approved, by a suitably qualified and experienced certified contaminated land consultant as per NSW EPA Contaminated Land Consultant Certification Policy. The Detailed Site Investigation is to be conducted in accordance with SEPP 55 and NSW EPA guidelines. The Detailed

Site Investigation is to include SafeWork NSW dangerous goods database and Council records search.

If the land is found to be contaminated and not suitable for the proposed development, a Remedial Action Plan (RAP) in accordance with SEPP 55 and NSW EPA guidelines will also be required for the remediation of the land. The RAP if required is to be prepared, or reviewed and approved by a suitably qualified and experienced certified contaminated land consultant as per NSW EPA Contaminated Land Consultant Certification Policy.

Recommendation

REFUSAL

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

Nil.