

Environmental Health Referral Response - contaminated lands

Application Number:	DA2019/1190
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Responsible Officer	Daniel Milliken
Land to be developed (Address):	Lot 1 DP 651395 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 1 DP 784268 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot B DP 966128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 6 DP 785409 , 9999 Pittwater Road BROOKVALE NSW 2100

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

Contamination Report entitled Stage 1 and Stage 2 Environmental Site Assessment for Proposed Brookvale Oval Redevelopment (Ref: E32596BDrpt) prepared by JK Environments Pty Ltd and dated 10 October 2019. The report identified the following:

- Proposed car park extension site found to be suitable from a contamination view point.
- Asbestos including friable asbestos found to be above the above the human health Site Assessment Criteria at the location of the proposed Centre of Excellence and Grandstand site;
- Data gaps identified with an additional site area associated with a proposed realignment of an existing stormwater line located in the north and east of the site. These areas did not form part of the assessment the report recommends further assessment of these areas; and
- That based on the proposed method of earthworks the preferred remedial approach would include capping of the asbestos impacted soils across the entire development footprint

The report recommended that the proposed Centre of Excellence and grandstand site can be made suitable for the proposed development provided that the following is implemented:

- The data gaps are addressed;
- A Remedial Action Plan (RAP) and Asbestos Management Plan (AMP) are prepared;
- A Validation Report is prepared on completion of the remediation works; and
- In the event capping and containment method of remediation is adopted that long term Environmental Management Plan be prepared for the site.

Recommendation

APPROVAL - subject to conditions

Recommended Environmental Investigations Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and submitted to Council for review and approval. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Report entitled Stage 1 and Stage 2 Environmental Site Assessment for Proposed Brookvale Oval Redevelopment (Ref: E32596BDrpt) prepared by JK Environments Pty Ltd and dated 10 October 2019 are to be implemented including identified data gaps;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority.
- d) 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.
- e) 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.
- f) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
 - 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (*) site at (*), to the subject premises.
 - Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
 - Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

Reason: Protection of the environment, SEPP 55 compliance.

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.

Compliance with the Contamination Management Plan

The requirements of the Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Positive Covenant for encapsulated contamination

A covenant must be registered on the title of the land, giving notice of the former use, level of site contamination and its former location on the land.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by Council or any State or Federal Department/Authority.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Environmental Protection.

Compliance with Contamination Management Plan

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been complied with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report 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.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of 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 Council and the Principal Certifying Authority.

Reason: Protection of the environment, SEPP 55 compliance.